



Monthly data collection on the current migration situation in the EU

December 2015 monthly report

23 November–31 December 2015

Contents

Highlights	2
1. Austria	5
2. Bulgaria	13
3. Croatia	20
4. Germany	25
5. Greece	31
6. Hungary	39
7. Italy	49
8. Slovenia	56
9. Sweden	69
Relevant FRA references	79

DISCLAIMER: These reports were commissioned under contract by the European Union Agency for Fundamental Rights (FRA). The content was prepared by the Agency's contracted research network, [FRANET](#). The reports contain descriptive data that was based mainly on interviews, and do not include analysis or conclusions. They are made publicly available for information and transparency purposes only, and do not constitute legal advice or legal opinion. The reports do not necessarily reflect the views or official position of FRA.

Highlights: 23 November–31 December 2015

New arrivals

An increasing number of unaccompanied children arrive in Austria.

Slovenia continues to build a fence at the Croatian border and Austria installed barriers at the border in Spielfeld to facilitate orderly border crossings.

Some people are turned back at the border, either because they give inconsistent information (Austria), have false documents or do not want to seek asylum upon arrival (Germany, Sweden).

Criminal proceedings

In 2015, 1,064 people have been found guilty for unauthorised crossing of the border fence in Hungary.

In Germany, courts are confronted with a great number of human smuggling cases. It is, however, often unclear whether or not money was paid to facilitate irregular entry.

(See also FRA reference material on [criminalisation](#))

Initial registration and processing

Italy opens an additional hotspot in Trapani (Sicily). Lawyers are concerned about insufficient information given to new arrivals at hotspots in Sicily. Almost 200 persons receive an expulsion order after disembarkation in Palermo and are only given the opportunity to apply for asylum after negotiating for two days.

In 2015, a total of 190 people departed from Italy and 82 from Greece under the EU relocation programme.

Slovenia accelerates the registration process, whereas it continues to be slow in Berlin where people sometimes wait for hours in the cold to access the registration office.

NGOs no longer have access to registration facilities in Croatia where arriving persons receive little or no information on asylum or return.

Vulnerability screening takes place late (Germany) or is carried out summarily (Sweden), which limits the identification of vulnerable people.

In Austria, interpreters are involved in determining the country of origin of new arrivals without having all the necessary expertise to do so.

(See also FRA reference material on [provision of information](#), [asylum, borders and immigration](#) and [border checks at land borders](#))

Reception conditions

In Austria, some 4,000 asylum seekers, more than half of whom are children, are not yet cared for at the provincial level, which is blocking the capacities of transit facilities.

Médecins Sans Frontières (MSF) withdraws from the initial reception facility in Pozzallo, Italy, due to inadequate conditions.

Sanitary conditions are critical in some emergency shelters in Sweden. People at the Dobova train station in Slovenia (1,000 per train) do not have access to toilets for several hours as facilities are locked on non-running trains. Thousands of asylum seekers wait for weeks in the airport hall of Berlin-Tempelhof until showers are installed.

The hasty onward transfer of refugees in Croatia leaves no opportunity for persons to rest or for the authorities to identify vulnerabilities and provide support.

Child protection

According to the Swedish Police, about 25 % of unaccompanied children disappear from their accommodation.

Delays in appointing guardians to unaccompanied children are reported with respect to the situation in Austria, Slovenia and Sweden. In Austria, unaccompanied children have to sign documents on applicable procedures although they might not fully understand what they sign.

Children are spotted alone crying before being picked up by Red Cross interpreters in Croatia.

In Bulgaria, asylum seeking children continue to be outside the education system, and in Germany, children wait up to several months before accessing compulsory education.

(See also FRA reference material on [guardianship](#) and [separated children](#) as well as ENOC [report](#) on safety and fundamental rights at stake for children on the move, January 2016)

Legal, social and policy responses

Acceptance of refugees among the population is decreasing in Austria, Bulgaria, Germany, Hungary and Sweden.

Racist incidents and hate crimes increase in Germany and Sweden.

Several demonstrations against the razor wire fence take place in Slovenia.

Sweden introduces border checks at its land and sea borders to Denmark, and Germany, and asks transport companies to check if their passengers have valid identity documents.

Hate speech

The Hungarian government sponsored a campaign against refugees in early December which portrayed refugees as potential terrorists.

(See also the FRA Focus 01/2015 on [Embedding fundamental rights in the security agenda](#))

1. Austria

1.1. Stakeholders contacted

The interviews were conducted by phone with the following stakeholders:

- Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*);
- Red Cross Austria (*Rotes Kreuz Österreich*);
- Workers' Samaritan Federation (*Arbeiter-Samariterbund*);
- Caritas Styria (*Caritas Steiermark*);
- Child and Youth Ombud Styria (*Kinder- und Jugendanwaltschaft Steiermark*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*).

1.2. Overview of the situation

A total of about 670,000 persons arrived in Austria from 5 September 2015 to 31 December.¹ Among them, 153,803 people arrived between 20 November 2015 and 31 December 2015.² On average, 3,000 to 4,000 persons entered Austria every day.³ A decrease to around 1,000 new arrivals was noted on 23 and 24 December 2015.⁴

The main border crossing points used by the new arrivals were Spielfeld/Styria, Rosenbach/Carinthia and the Karawankentunnel.⁵ Arrival figures decreased massively at the border crossing point in Spielfeld due to the reconstruction work in Spielfeld. People were quickly transported further to other facilities.⁶

The new arrivals still come mainly from Afghanistan, Syria, and Iraq.⁷ Caritas Styria reported a rising number of people from Pakistan and Northern Africa (Maghreb).⁸

The number of unaccompanied children is increasing.⁹

On average, 250 to 350 asylum applications are filed in Austria every day.¹⁰ Persons applying for asylum mainly come from Afghanistan, Syria, Iraq and Iran.¹¹ In November the portion of those requesting asylum in Austria increased

¹ Workers' Samaritan Federation.

² UNHCR, Europe's Refugee Emergency Response Updates #12 to #16, in total covering the period from 20 November 2015 to 31 December 2015.

³ Red Cross Austria. Estimates by the Workers' Samaritan Federation and Caritas Styria vary between 2500 and 4500.

⁴ Red Cross Austria.

⁵ *Ibid.*

⁶ Caritas Styria.

⁸ *Ibid.*

⁸ *Ibid.*

⁹ Workers' Samaritan Federation.

¹⁰ Federal Ministry of the Interior, Department III/9.

¹¹ *Ibid.*

considerably with some 20 % of arrivals lodging an asylum claim in Salzburg – in particular, Iraqis, Iranians and Afghans.¹²

The total number of asylum applications filed in 2015 will be available to the Federal Ministry of the Interior at the end of January 2015.¹³ Generally, numbers have increased from some 3,000 applications in March and April 2015 to about 12,600 in November 2015.¹⁴

1.3. Criminal proceedings against migrants and people helping them

1.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

1.3.2 Criminal proceedings against people/organisations/ associations facilitating irregular entry or stay

Nothing new to report.

1.4. Fundamental rights issues in relation to registration and channelling into different procedures

1.4.1 Registration and identification

At border crossing points in Carinthia, interpreters were asked to support the authorities to determine whether the new arrivals really originate from the country they claimed to come from. As a result of this, some persons were not allowed to enter Austria. Caritas Styria regards this procedure as problematic.¹⁵

In reaction to warnings of a potential terrorist attack, the police have enforced more intensive border control mechanisms. "Since 25 December 2015, the police in the province of Carinthia (border crossing Jesenice-St. Jakob im Rosenthal) and later also in the province of Styria (border crossing Sentilj-Spielfeld) have started to check the identity of newly arriving refugees/migrants more thoroughly. With the assistance of interpreters, they now perform language checks and test the knowledge of migrants about their claimed country of origin. Persons who give misleading information about their nationality are rejected at the border and

¹² UNHCR, Europe's Refugee Emergency Response Update #12, covering the period from 20 to 26 November 2015.

¹³ Federal Ministry of the Interior, Department III/9.

¹⁴ Website of the Federal Ministry of the Interior, available at: www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=38515332424841532B46633D&page=0&view=1.

¹⁵ Caritas Styria.

returned to Slovenia. In the meantime, meetings between the Austrian and Slovenian authorities have taken place to find a joint approach." ¹⁶

On 26 December, 103 people were returned from Austria to Slovenia. UNHCR Slovenia was informed by the Slovenian police that the majority were returned because they gave false information about their nationality, name, and age. The nationalities of those returned included Iranians, Algerians, Moroccans and Pakistanis. They were re-interviewed by the Slovenian police and allowed to travel to Austria. However, 20 people were again returned to Slovenia. All were re-interviewed and returned to Austria.¹⁷ On 27 December, 187 persons were sent back to Slovenia from the border crossing point, as they e.g. provided counterfeit passports.¹⁸

At the border crossing point Spielfeld, there is a risk that unaccompanied children are not identified if they are transferred to other reception facilities without prior registration. Caritas Styria assumes that this will change once all persons are registered there.¹⁹

According to information available to the Child- and Youth Ombud Styria, unaccompanied children have to sign some documents already at the first interview, where they apply for asylum and their data is registered. This also includes an approval for conducting the age assessment procedure, although the unaccompanied children might not understand fully what exactly they are signing.²⁰ The question whether or not a guardian has to be appointed by the Austrian authorities is not assessed at the border crossing point in Spielfeld. Such an assessment is made later on in Traiskirchen or at other initial reception centres.²¹

1.4.2 Asylum procedure

The average stay of asylum seekers in basic care of the Federal State (*Grundversorgung*) cannot be determined, as it depends very much on the provinces' capacities to accept asylum seekers (unaccompanied children, families, or single men) from the Federal State.²² On average, unaccompanied children remain in the Federal State's basic care longer than other asylum seekers, because there are fewer places available for them in the provinces.²³

¹⁶ UNHCR, Europe's Refugee Emergency Response Update #16, covering the period from 18 to 31 December 2015.

¹⁷ *Ibid.*

¹⁸ Red Cross Austria.

¹⁹ Caritas Styria.

²⁰ Child and Youth Ombud Styria.

²¹ *Ibid.*

²² Federal Ministry of the Interior, Department III/9.

²³ *Ibid.*

There are no accelerated procedures for (unaccompanied) children.²⁴ Translation is provided by the asylum authorities. Caritas Welcome, providing quarters for unaccompanied children in Styria,²⁵ offers legal advice.²⁶

1.4.3 Return procedure

There are no persons detained pending removal in the detention centre in Vordernberg/Styria.²⁷ Only in the police detention centre in Vienna, around 30 to 40 persons are detained pending removal.²⁸

1.5. Challenges and developments concerning reception conditions of new arrivals, including detention

1.5.1 Reception conditions and capacity

The changed constitution, which entered into force on 1 October 2015, has allowed the federal state to set up 3,000 additional reception places without the permission of local mayors.²⁹ The federal government repeatedly made use of the new possibility to establish accommodation facilities in the municipalities (*Durchgriffsrecht*).³⁰ At the end of November, 1,138 of 2,100 Austrian municipalities were housing asylum seekers. This is a considerable increase compared to only 683 municipalities in June.³¹

Providing shelter to asylum seekers and people in transit continues to be the main challenge in Austria,³² with overstretched reception and accommodation facilities. There are not enough places for asylum seekers.³³ More than 4,000 asylum seekers are not taken over by the provinces – which are responsible for the reception of asylum seekers – and they are thus blocking the capacities in the transit quarters.³⁴ About 2,500 of these 4,000 asylum seekers are unaccompanied children.³⁵

As there are still a couple of thousand persons who already started an asylum procedure staying in emergency- and transit quarters,³⁶ persons with long term

²⁴ Child and Youth Ombud Styria.

²⁵ See www.caritas-steiermark.at/hilfe-angebote/migrantinnen-fluechtlinge/unterbringung/quartiere-fuer-unbegleitete-minderjaehrige-fluechtlinge-welcome/.

²⁶ Child and Youth Ombud Styria.

²⁷ Caritas Styria.

²⁸ *Ibid.*

²⁹ UNHCR, Europe's Refugee Emergency Response Update #13, covering the period from 27 November to 3 December 2015.

³⁰ Federal Ministry of the Interior, Department III/9.

³¹ UNHCR, Europe's Refugee Emergency Response Update #12, covering the period from 20 to 26 November 2015.

³² Federal Ministry of the Interior, Department III/9.

³³ UNHCR, Europe's Refugee Emergency Response Update #12, covering the period from 20 to 26 November 2015.

³⁴ Federal Ministry of the Interior, Department III/9.

³⁵ *Ibid.*

³⁶ Workers' Samaritan Federation.

stays are mixed with persons in transit.³⁷ Vienna carries the largest burden in this regard.³⁸ Efforts are made to establish new quarters.³⁹ The quarters of the Red Cross are winter proof and persons can stay in heated halls.⁴⁰

According to statements by the police all people were provided with food, health care and clothing during the reporting period.⁴¹ The distribution of clothing ended in Spielfeld in the beginning of December because the police concluded that it was not necessary anymore.⁴²

The border crossing point in Spielfeld was closed down at the beginning of December and is currently under construction. This is why the main travel route of new arrivals changed to the border crossing points in Carinthia.⁴³ 22 containers were set up in Spielfeld to allow for registration in a good, dry environment. After finalisation of the construction work, Spielfeld will act as main point of entry to Austria – at the latest starting at the end of January.⁴⁴ The construction of the new screening centre at the Slovenian-Austrian border in Spielfeld, where new arrivals will be channelled through as of January, was in full swing in December.⁴⁵ The authorities are conducting test runs to check the new systems in Spielfeld and optimise the procedures.⁴⁶ The police and the army will be the responsible authorities in Spielfeld, and the Red Cross will provide healthcare. It is still unclear who will offer food – it may be the army or other organisations.⁴⁷ Caritas Styria will provide “linguistically competent refugee aiders” to provide translation in the areas of provision of food, clothing or health care, but will not assist in the registration process.⁴⁸

1.5.2 Vulnerable persons

Nothing new to report.

1.5.3 Child protection

Many unaccompanied children are accommodated in the initial reception centre in Traiskirchen, which is a centre not specialised for unaccompanied children.⁴⁹

The Federal State carries out special training on child protection to ensure that due attention is given to the best interests of the child in basic care facilities (*Grundversorgung*).⁵⁰ Children hosted there have a structured day through

³⁷ Red Cross Austria.

³⁸ Workers’ Samaritan Federation.

³⁹ *Ibid.*

⁴⁰ Red Cross Austria.

⁴¹ Caritas Styria.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ UNHCR, Europe’s Refugee Emergency Response Update #15, covering the period from 11 to 17 December 2015, Caritas Styria.

⁴⁶ Caritas Styria.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Federal Ministry of the Interior, Department III/9.

⁵⁰ Federal Ministry of the Interior, Department III/9.

workshops (e.g., on how to manage pocket money, values of the Austrian society, painting, exercises) and language courses. Unaccompanied children are followed by one single reference social worker (*Bezugsbetreuer*).⁵¹

When providing basic care to children in Traiskirchen, the Federal State provides education by “bridge-classes” (*Brückenklassen*), for which the Federal Ministry of the Interior provides the rooms and the relevant local school authority provides the staff. The implementation of the concept of the bridge-classes is currently also in progress in other locations in Austria.⁵²

Unaccompanied children are often initially accommodated in non-adequate conditions, but efforts are made, e.g. by the Workers’ Samaritan Federation, to relocate them to special housing for unaccompanied children.⁵³

A number of specialised facilities for unaccompanied children were opened in Styria throughout 2015.⁵⁴ Furthermore, the Association of Foster Parents (*Pflegeelternverein*) offers priority training for future foster parents to allow for quicker transfer of unaccompanied children to foster parents families.⁵⁵

Language classes are provided for unaccompanied child refugees in some of the Caritas accommodations in Styria. They are now offered by a private association (ISOP).⁵⁶

The subsistence fee for unaccompanied children was under discussion in Styria. A raise of this daily allowance was discussed, but has not been implemented.⁵⁷

1.5.4 Healthcare

Asylum seekers receiving basic care (*Grundversorgung*) also have health insurance and may seek medical advice at any medical doctor or hospital.⁵⁸

During times of massive overcrowding, problems occurred in respect to healthcare in the initial reception centre in Traiskirchen. These problems were reported by unaccompanied children to Child and Youth Ombud Styria (*Kinder- und Jugendanwaltschaft Steiermark*).⁵⁹

1.5.5 Immigration detention

Nothing new to report.

51 *Ibid.*

52 *Ibid.*

53 Workers’ Samaritan Federation.

54 Child and Youth Ombud Styria.

55 *Ibid.*

56 *Ibid.*

57 *Ibid.*

58 Federal Ministry of the Interior, Department III/9.

59 Child and Youth Ombud Styria.

1.6. Responses in law, policy and/or practice

UNHCR and other institutions expressed concern on the proposed restrictions to the right to family reunion and the automatic review of positive decisions three years after recognition of refugee status proposed in draft Asylum Act amendment.⁶⁰

The construction of an approximately 4 km-long fence at the border crossing point in Spielfeld/Sentilj (Austrian/Slovenian border) started at the beginning of December and was still in progress at the end of the reporting period. According to Austrian authorities, the fence will not affect border crossings but only channel arrivals through the official border point.⁶¹ The construction of the fence was still in progress in December.⁶²

A decree was adopted, which allows the Federal State to use up to eight barracks as accommodation facilities at short notice. The Federal State may only make use of this possibility to establish and use facilities at the local level (*Durchgriffsrecht*), if the province has not fully met the quota.⁶³

1.7. Social response to the situation

The Ministry of the Interior received many negative messages after the incidents in Cologne on New Year's Eve. Many citizens also complain about the establishment of new accommodations without the permission of local mayors in the provinces at the Ministry of the Interior.⁶⁴

The Workers' Samaritan Federation receives an increasing number of emails⁶⁵ from persons living close to the quarters for refugees, where people raise their concerns and accusations. Solidarity among the population decreases.⁶⁶

Caritas Styria assumed that acceptance among the population will decrease, also due to the incidents in Cologne, mentioning larger facilities in Schwarzl (hosting 1,400 persons), or Andritz/Graz as an illustration of places where tensions may increase.⁶⁷

1.8. Hate crime incidents

There have been no attacks on reception and accommodation centres.⁶⁸

⁶⁰ UNHCR, Europe's Refugee Emergency Response Update #13, covering the period from 27 November to 3 December 2015.

⁶¹ UNHCR, Europe's Refugee Emergency Response Update #14, covering the period from 4 to 10 December 2015.

⁶² UNHCR, Europe's Refugee Emergency Response Update #15, covering the period from 11 to 17 December 2015.

⁶³ Website of the Federal Ministry of the Interior, available at: www.bmi.gv.at/cms/BMI_AsyI_Betreuung/news/BMI.aspx?id=7A2F4C64636A2F554E2F513D&page=0&view=1.

⁶⁴ Federal Ministry of the Interior, Department III/9.

⁶⁵ Workers' Samaritan Federation.

⁶⁶ *Ibid.*

⁶⁷ Caritas Styria (Caritas Steiermark).

⁶⁸ Federal Ministry of the Interior, Department III/9.

At the beginning of December, about 100 asylum seekers (mainly Afghans) were involved in a mass scuffle among asylum seekers in an accommodation centre in Leoben (Styria). Some 15 persons were arrested.⁶⁹

⁶⁹ Federal Ministry of the Interior, Department III/9.

2. Bulgaria

2.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (*Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП*);
- Ministry of the Interior, Directorate General Criminal Police (MoI – DGCP) (*Министерство на вътрешните работи, Главна дирекция „Криминална полиция“, МВР – ГДКП*);
- State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*);
- State Agency for Child Protection (SACP) (*Държавна агенция за закрила на детето, ДАЗД*);
- Foundation for Access to Rights FAR (*Фондация за достъп до права ФАР*);
- Refugee Support Group (RSG);
- Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*).

2.2. Overview of the situation

In December, a total of 690 new arrivals were apprehended at the border. Out of these, 575 persons were apprehended at the green border (189 men, 125 women and 261 children) and 115 persons at border checkpoints (78 men, 12 women and 25 children). The new arrivals were mainly from Iraq, Afghanistan, and Syria, as well as from Pakistan, Somalia, and other countries.⁷⁰

2.3. Criminal proceedings against migrants and people helping them

2.3.1 Criminal proceedings initiated against migrants and asylum seekers

Statistics on the number of criminal proceedings against migrants and asylum seekers for having crossed the border irregularly are not collected on monthly basis. Although the border police plans to start collecting data on a monthly basis, it is not yet clear if irregular crossings would be among the categories of crime to be added to the scope of monthly data collection.⁷¹

⁷⁰ Ministry of the Interior, Directorate General Border Police.

⁷¹ *Ibid.*

2.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

The border police collects monthly statistics on reported cases of smuggling of persons. In December, 31 persons were reported to have smuggled a total of 306 people.⁷²

On 6 January 2016, the Specialised Prosecutor's Office (SPO) (*Специализирана прокуратура*, СП) charged three persons for participation in an organised criminal group and for extortion of an Iraqi citizen. Two of the suspects are law enforcement officers: one from the State Agency for National Security (SANS) (*Държавна агенция „Национална сигурност“*, ДАНС) and one from the Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР), Chief Directorate "National Police" (*Главна дирекция „Национална полиция“*, ГДНП), Sector "Provision of places of detention" (*Сектор „Обезпечаване на местата за лишаване от свобода“*, СОМЛС). The third accused person is a civilian. The three persons kidnapped an Iraqi citizen in the street and threatened him that, unless he paid USD 30,000 within 10 days, he would be detained or expelled from the country.⁷³

A Bulgarian permanent resident of FYROM origin was detained for supporting foreigners to illegally pass through the country. In his trailer truck, he drove 119 foreigners, including children, of Syrian and Iraqi origin.⁷⁴ The driver was promised EUR 5,000 for driving them to Bulgaria and leaving them in the country.⁷⁵ A man from the town of Panagyurishte received a suspended sentence of two years of imprisonment for transporting in his minibus 37 persons of Syrian origin, including 10 children.⁷⁶

⁷² Ministry of the Interior, Directorate General Border Police.

⁷³ Bulgaria, Prosecutor's Office of the Republic of Bulgaria, 'Specialised Prosecutor's Office pressed charges against officials from the MoI and SANS for extortion', Press release, 7 January 2016, www.prb.bg/bg/news/aktualno/specializiranata-prokuratura-povdigna-obvineniya-z/.

⁷⁴ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2015), 'Upon request of the Regional Prosecutor's Office in Pazardzhik court imposed detention in custody on a person from FYROM for aiding 119 foreigners to illegally pass through the country', Press release, 30 December 2015, www.prb.bg/bg/news/aktualno/po-iskane-na-rajonna-prokuratura-pazardzhik-sdt-vz/.

⁷⁵ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2015), 'The Regional Prosecutor's Office in Pazardzhik instituted pre-trial proceedings against a FYROM citizen for aiding 119 foreigners to pass illegally through the country', Press release, 29 December 2015, www.prb.bg/bg/applodiv/news/pressobsheniya/rajonna-prokuratura-pazardzhik-obrazuva-dosdebno-1/.

⁷⁶ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2015), 'For 9 days the Regional Prosecutor's Office in Stara Zagora achieved a guilty sentence against a driver for aiding 37 Syrians to pass illegally through the country', press release, 28 December 2015, www.prb.bg/bg/news/aktualno/za-9-dni-rajonna-prokuratura-stara-zagora-postigna/.

2.4. Fundamental rights issues in relation to registration and channelling into different procedures

2.4.1 Registration and identification

Nothing new to report.

2.4.2 Asylum procedure

A lawyer reported that an asylum seeker whose application was handled within the Dublin procedure was still detained in one of the closed centres managed by the Ministry of Interior, instead of having been transferred to the reception and registration centres of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*).⁷⁷

2.4.3 Return procedure

Nothing new to report.

2.5. Challenges and developments concerning reception conditions of new arrivals, including detention

In December, the State Agency for Refugees (SAR) stopped publishing monthly statistics on asylum applications on its website, which had included figures disaggregated by gender and nationality. It also reduced the number of regular coordination meetings with NGOs from once a week to once a month. At one of these meetings, the management of the agency announced its intention to reconsider the rules for granting access to NGOs to its reception centres.⁷⁸

2.5.1 Reception conditions and capacity

The low occupancy rates at the reception centres of the State Agency for Refugees (SAR) resulted in better living conditions. As of 7 January 2015, the two reception centres based in Sofia (Ovcha Kupel and Voenna Rampa) host a total of 97 persons. The reception centre in Vrazhdebna is still closed as persons to be relocated from Greece and Italy are to be accommodated there. However, no persons were relocated in December 2015.⁷⁹ The State Agency for Refugees announced that some 80 persons will be relocated by mid-January 2016, but NGOs expressed doubts that people would be willing to do so.

The problems with the central heating system at the Ovcha Kupel centre, which occurred in November 2015 and left the people there without heating and hot water, was fixed.⁸⁰

⁷⁷ Foundation for Access to Rights FAR.

⁷⁸ Refugee Support Group.

⁷⁹ Bulgarian Red Cross.

⁸⁰ *Ibid.*

The living conditions at the seventh floor of the Ovcha Kupel centre are poor. This is the floor hosting predominantly single men from Afghanistan. They deliberately damaged the building. Volunteers and social workers assumed that stress and frustration were the reasons for such destructive behaviour, although, apparently, relatives in Germany had advised them that if they did damages and filmed these with their mobile phones, this would prove the bad conditions in Bulgaria and the German authorities would not apply the Dublin Regulation to them.⁸¹

The reception centre in Harmanli is being repaired. The works do not affect the living conditions of those accommodated there due to the low occupancy rate.⁸²

Although the inflow of newcomers has decreased in December, the food supply to all centres is delivered according to the forecasted daily inflow of 5,000 persons, possibly leading to waste of food due to poor planning.⁸³

The living conditions in the closed centres managed by the Ministry of the Interior are evaluated as good taking into account the conditions at the reception centres hosting asylum seekers.⁸⁴

2.5.2 Vulnerable persons

The only vulnerable case registered in December was a mother and her six children. A social worker was assigned to the family and the children's needs in terms of warm clothes and shoes were timely identified and met.⁸⁵ There is one full-time social worker in each centre, but there are no full-time psychologists; psychological and social assistance is provided upon request by NGOs.⁸⁶

2.5.3 Child protection

The State Agency for Child Protection (SACP) (*Държавна агенция за закрила на детето, ДАЗД*) worked on a case of a child to be returned from Sweden to Bulgaria. The child had received refugee status in Bulgaria and later gone to Sweden. In co-operation with the Swedish authorities and the Bulgarian General Directorate Border Police (GDBP) (*Главна дирекция „Гранична полиция“, ГДГП*) the agency looked into the living conditions the child had in Bulgaria, how the child got refugee status and went to Sweden. The agency explored where the child should be accommodated upon return to Bulgaria. It proposed accommodation in a social home until and possibly also after reaching adulthood. The final decision on the case is still pending.⁸⁷

The State Agency for Child Protection continues working on a co-ordination mechanism for unaccompanied children in need of international protection. This work has not yet resulted in a public draft. One of the controversial issue is which institution should cover transportation of unaccompanied children in need of

⁸¹ Refugee Support Group.

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ Bulgarian Red Cross and Refugee Support Group.

⁸⁵ Bulgarian Red Cross.

⁸⁶ Refugee Support Group.

⁸⁷ State Agency for Child Protection.

protection when they are found somewhere around the country. The Ministry of the Interior has regulated the long standing issue of the distribution of food to unaccompanied children when found by police authorities.⁸⁸

The asylum seeking children continue to be outside the education system and attend no language courses. The only exception are the activities organised by volunteers, such as art and/or language classes, discussions, events and excursions. These activities are available in all reception centres and are provided by volunteers and NGOs, such as Caritas Bulgaria (*Каритас България*) and CVS Bulgaria – Refugee Project (*Проект Бежанци*). The Harmanli Refugee Camp Play School, which is also run by volunteers, is presently not active as it is under reconstruction.⁸⁹

Since 18 December 2015, no unaccompanied child has arrived.⁹⁰ The social workers at the State Agency for Refugees and NGOs have not experienced any significant difficulties with unaccompanied children. The officials from the State Agency for Refugees often visit the unaccompanied children to check the conditions, the supply of food, etc. However, this is possible only during their working hours and is not done in the evenings and during the weekends.⁹¹

In December, NGOs have identified children's increasing needs of warm clothes, such as jackets and winter shoes. These needs are met through donations, mostly distributed by the Council of Refugee Women in Bulgaria (CRWB) (*Съвет на жените бежанки в България, СЖББ*).⁹²

2.5.4 Healthcare

Like in November, also in December 2015, the main health-related issues remained scabies and lice. There have not been any serious health issues or shortages in provision of healthcare during the reporting period.⁹³

2.5.5 Immigration detention

The closed centres managed by Ministry of the Interior offer relatively decent living conditions. The only alternative to detention for people in these centres is to fill in an asylum application after which they are accommodated in the reception centres of the State Agency for Refugees. However, many do not wish to apply for asylum believing that they will be fingerprinted and thus prevented from reaching their destination country. Under an informal agreement with the State Agency for Refugees, the applications of children and vulnerable persons are processed with priority so that they can leave the detention centres as soon as possible.

⁸⁸ State Agency for Child Protection.

⁸⁹ Refugee Support Group.

⁹⁰ Bulgarian Red Cross.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

The Ministry of the Interior rarely turns to NGOs for assistance. The Bulgarian Red Cross (*Български червен кръст*) is requested to finance expensive medications, when necessary.⁹⁴

NGOs who have filed applications for getting access to the closed centres complain that these applications are processed very slowly.⁹⁵

2.6. Responses in law, policy and/or practice

Amendments to the Bulgarian Asylum and Refugees Act (*Закон за убежището и бежанците*) were promulgated, transposing Directive 2013/32/EU into Bulgarian law.⁹⁶ The amendments align the grounds for concluding that the application is unfounded with the directive and prolong the time limits for taking decisions in accelerated procedures so that applications are reviewed thoroughly. The amendments also introduce grounds for the inadmissibility of repeat applications. The rights of persons to legal aid and information on the procedures for persons seeking protection are further regulated, as well as the access of UNHCR representatives, governmental and non-governmental organisations to those persons, irrespective of where they are.

2.7. Social response to the situation

On 2 December 2015, the Foundation for Access to Rights FAR (*Фондация за достъп до права ФАР*) organised a training on refugee law for volunteers and NGO activists. The training aimed at improving their knowledge on legal ways for improving asylum seekers' access to rights.⁹⁷

On 7 December 2015, the Council of Refugee Women in Bulgaria (CRWB) (*Съвет на жените бежанки в България, СЖББ*) initiated a campaign to collect items for cleaning the premises for the asylum seekers in the reception centres at Ovcha Kupel and Voenna Rampa in Sofia.

The Bulgarian Red Cross together with the Council of Refugee Women in Bulgaria organised a Christmas bazaar selling hand-made household items and traditional dishes from the Middle East.⁹⁸

The Refugee Project (*Проект Бежанци*) launched a fundraising campaign to finance the purchase of materials for the art classes, activities, events and excursions, which they offer to asylum seekers in the refugee centres in Sofia and for the coordination of about 90 volunteers who are engaged in these activities.⁹⁹

On 7 January 2016, a meeting was held between the Canadian organisation FCJ Refugee Centre and a number of Bulgarian NGOs supporting people in need of

⁹⁴ Bulgarian Red Cross.

⁹⁵ Foundation for Access to Rights FAR.

⁹⁶ Bulgaria, National Assembly of the Republic of Bulgaria (2015), 'Amendments and Supplements to the Asylum and Refugees Act', 11 December 2015, <http://parliament.bg/bg/laws/ID/15518>.

⁹⁷ For more information, please see: <http://refugees.farbg.eu/2-dec-15/>.

⁹⁸ Bulgarian Red Cross.

⁹⁹ For more information, please see: www.indiegogo.com/projects/give-refugees-a-chance-to-learn-create-and-play#.

international protection. Experience was shared as to the formation of networks of organisations and joint actions in support of refugees and migrants.

2.8. Hate crime incidents

The police did not register any hate crime incidents in December 2015.¹⁰⁰

On 20 December 2015, the residents of an apartment building in Ovcha kupel neighbourhood in Sofia, which is in a close proximity to the Ovcha Kupel reception centre, said in an open letter to the Minister of Interior that the police had not reacted to disturbances of the public order caused by people seeking protection. There are indications of human smugglers and their clients meeting up in this area. The open letter claims that the minister approves of the smugglers enjoying a "sense of impunity".¹⁰¹

¹⁰⁰ Ministry of the Interior, Directorate General Criminal Police.

¹⁰¹ Bulgaria, News.bg (2015), 'An apartment building residents in Sofia powerless to counter harassment of "refugees", they invite Buchvarova to pay a visit', 21 December 2015, <http://news.bg/crime/stolichen-blok-vdignal-ratse-ot-tormoza-na-bezhantsi-kani-bachvarova-na-gosti.html>.

3. Croatia

3.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of Interior, Department for Illegal Migration (*Ministarstvo unutarnjih poslova, Služba za nezakonite migracije, MUP*);
- Ministry of Social Policy and Youth, Minister's cabinet (*Ministarstvo socijalne politike i mladih, Kabinet ministrice, MSPM*);
- Ministry of Health (*Ministarstvo zdravlja*);
- International Organisation for Migrations (IOM) Croatia, based in Zagreb;
- Welcome Initiative (*Incijativa Dobrodošli*);
- Croatian Law Centre, NGO (*Hrvatski pravni centar*);
- African Society in Croatia, NGO (*Društvo Afrikanaca Hrvatske*);
- Society for Psychological Assistance, NGO (*Društvo za psihološku pomoć*);
- Jesuit Refugee Service, NGO (*Isusovačka služba za izbjeglice*);
- Centre for Peace Studies, NGO (*Centar za mirovne studije*).

3.2. Overview of the situation

Between 16 September and 31 December 2015, more than 555,000 people had entered Croatia. A great majority of new arrivals came from Syria, some from Afghanistan and Iran.¹⁰² Between 26 and 31 December 2015, it was noted that the share of elderly men, women and children increased compared to November 2015, when a great majority of arrivals were men between the ages of 18 and 30.¹⁰³

3.3. Criminal proceedings against migrants and people helping them

3.3.1 Criminal proceedings initiated against migrants and asylum seekers

The respondents provided no information on criminal proceedings initiated against migrants and asylum seekers during the reporting period.

¹⁰² Croatia, Ministry of Interior, Department for Illegal Migration.

¹⁰³ African Society in Croatia.

3.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

The respondents provided no information on criminal proceedings against people, organisations or associations facilitating irregular entry or stay. The possibility to smuggle a person into Croatia is practically diminished with the establishment of the collection centre in Šid, Serbia, and organised transport for all the new arrivals all through Croatian territory.¹⁰⁴

3.4. Fundamental rights issues in relation to registration and channelling into different procedures

3.4.1 Registration and identification

Access to registration facilities of the Slavonski Brod winter transit camp, where registration and identification of new arrivals take place, has been restricted since its opening. NGOs have not had access to it in the reporting period.

The NGO Croatian Law Centre reported that only some new arrivals provided their fingerprints.¹⁰⁵ According to media reports fingerprints were not sent to Eurodac. Overall conduct by the authorities towards the new arrivals was positive. The registration is carried out in a hasty manner with no major difficulties. However, there is a lack of interpreters.¹⁰⁶

3.4.2 Asylum procedure

UNHCR carries out activities, such as handing out leaflets, aimed at informing new arrivals about the asylum system in Croatia. A video wall, positioned at the entrance to the Slavonski Brod camp, displays basic information on the asylum system in Croatia.¹⁰⁷

The NGO African Society in Croatia is of the view that new arrivals do not seek asylum due to the fast manner in which their onward transfer is carried out, which in effect leaves no room for seeking asylum. The impression is that refugees are not wanted in Croatia by the authorities.¹⁰⁸

During the reporting period, the staff of the NGO Croatian Law Centre were handing out leaflets on the Croatian asylum procedure in English, Farsi and Arabic. Only one person showed interest in seeking asylum, a Syrian man who stated he would be interested in seeking asylum in Croatia should he not manage to get asylum in Germany.¹⁰⁹

¹⁰⁴ IOM Croatia.

¹⁰⁵ Croatian Law Centre.

¹⁰⁶ Jesuit Refugee Service.

¹⁰⁷ IOM Croatia.

¹⁰⁸ Croatia, African Society in Croatia.

¹⁰⁹ Croatian Law Centre.

3.4.3 Return procedure

The Ministry of Interior reported that no returns of new arrivals “who arrived as part of the refugee wave” took place during the reporting period.¹¹⁰ Some new arrivals expressed their wish to return to their country of origin, however none of them made an official request. Croatia does not have an Assisted Voluntary Return and Reintegration (AVRR) programme and new arrivals are not informed about return procedures.¹¹¹

3.5. Challenges and developments concerning reception conditions of new arrivals, including detention

3.5.1 Reception conditions and capacity

During the reporting period, refugees were transported by trains from the Serbian side of the border (Šid) directly to Slavonski Brod. Between 23 November and 6 December, the camp train station was out of order due to construction works, so refugees were brought to the nearest train station in Garčin and then transported to the camp by buses. Direct railway access to the camp was re-established on 6 December. The transport from the Slavonski Brod camp to the Slovenian border (Dobova) was carried out directly by trains.

Swift transport was considered a priority, so in regular circumstances, people would only go through the registration process and be directed to distribution tents where the Croatian Red Cross and NGOs handed out canned and dry food, water and clothes provided by the Croatian Red Cross, following which they would board a train to Slovenia. People were only accommodated in heated tents in the sectors in case of a delay caused by a technical problem with the train. This only occurred a few times during the reporting period and lasted no longer than two hours. Trains would arrive to and depart from the camp every 4–8 hours. The entire process in the camp would last between 2 and 2.5 hours, as each train would carry around 1,100 people. People had to wait outdoors to board the train for more than one hour on average, which was troublesome as temperatures were often around 0°C, especially during the night. In addition, it was reported on several occasions that the trains were not heated.

Toilets were available behind the registration area upon exiting the distribution tent, with no opportunity to take a shower. The people could not rest in the camp, as they needed to board the train to Slovenia straight away.¹¹²

The hasty manner in which the onward transfer was carried out left no opportunity to properly screen for new arrivals' essential needs with adequate individualised approach and diligence.¹¹³

¹¹⁰ Croatia, Ministry of Interior, Department for Illegal Migration.

¹¹¹ IOM Croatia.

¹¹² Croatia, Welcome Initiative.

¹¹³ African Society in Croatia.

3.5.2 Vulnerable persons

The Ministry of Interior found NGOs' presence during the registration process too chaotic, thus restricting their access to registration facilities where vulnerable groups could be identified. On occasions when people were placed in the sectors, it was difficult to monitor the risk of exploitation and abuse, as the tents were overcrowded. Children and mothers were placed together with adults, as people were kept in the sectors only to stay warm while they wait for the train. Most significantly, vulnerable persons and groups did not receive prioritised treatment in the transit procedure.¹¹⁴ The hasty manner in which the transition is carried out leaves no opportunity for psychosocial support, the screening for special needs or the risk of trafficking.¹¹⁵

3.5.3 Child protection

The consideration of the best interests of the child was subordinated to the expedient transit interest. UNICEF and Save the Children continued to provide specialised support for babies and children in terms of baby food and baby clothing. Child friendly spaces set up by UNICEF have not been used in the reporting period for the same reason.¹¹⁶

Between 26 and 30 December, children were spotted alone, crying, not being able to express themselves in any language. That would not last for long, as interpreters of the Croatian Red Cross and the Ministry of Interior would pick the children up and include them in groups of other new arrivals.¹¹⁷

The Ministry of Social Policy and Youth reported a case of an unaccompanied boy from Afghanistan. The boy was appointed a guardian and placed in a home for children. The Dublin III procedure was initiated with the view of reuniting the boy with his uncle in Norway.¹¹⁸

3.5.4 Healthcare

Persons in need of medical assistance were screened for in the registration area and taken to medical containers by the Croatian Red Cross.¹¹⁹ From 22 November 2015 to 31 December 2015, there were 88 emergency medical interventions, 2017 general practice interventions, 92 hospitalisations and 372 camp infirmary interventions.¹²⁰ NGOs have not had access to the facilities, but the hasty transition raises doubts about the quality of such screening and medical attendance. The NGO MAGNA continued to provide specialised medical healthcare for babies and children. On occasions when people were placed in the sectors waiting for the train, people in need of medical attention would only be able to reach a doctor through NGO volunteers who would escort them to the clinic.¹²¹

¹¹⁴ Welcome Initiative.

¹¹⁵ Society for Psychological Assistance.

¹¹⁶ Welcome Initiative.

¹¹⁷ African Society in Croatia.

¹¹⁸ Croatia, Ministry of Social Policy and Youth, Minister's Cabinet.

¹¹⁹ Welcome Initiative.

¹²⁰ Croatia, Ministry of Health.

¹²¹ Welcome Initiative.

3.5.5 Immigration detention

Nothing new to report.

3.6. Responses in law, policy and/or practice

The informal practice is that only migrants from Syria, Afghanistan and Iraq are allowed to enter the country.¹²² On 30 December 2015, the Croatian government approved an additional EUR 1 million for the Ministry of Interior, the State Office for Protection and Rescue and the Directorate for Commodity Reserves for the care and assistance of refugees and migrants.¹²³

3.7. Social response to the situation

On 18 December 2015, the International Migrants Day, the Welcome Initiative held a protest action and a press conference in front of the Croatian government building in Zagreb. On 19 December, around 300 people gathered on the Sveta Lucija – Brezovica Croatian-Slovenian border crossing to protest against the wire set up by the Slovenian authorities. The Welcome Initiative, as well as other NGOs continued with their voluntary activities in the camp.¹²⁴

3.8. Hate crime incidents

On 4 December 2015, Ladislav Ilčić, a Croatian right-wing Parliament member and head of a small conservative Christian values party *Hrast* (Oak) – Movement for Successful Croatia, made xenophobic statements against refugees in a talk show on the regional N1 TV channel. Mr Ilčić suggested, "we should ask ourselves if we want a million Muslims in Croatia, as they have a different mentality that would change our culture." He also added, "people from Africa and Asia will overrun Europe because they are biologically stronger than Europeans and, although equal by law, their children are not the same." The statements were widely condemned.¹²⁵

¹²² Welcome Initiative.

¹²³ UNHCR, "Europe's Refugee Emergency Response Update #16", 18–31 December 2015.

¹²⁴ Welcome Initiative.

¹²⁵ Centre for Peace Studies.

4. Germany

4.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF);
- Federal Police (*Bundespolizei*, BPOL);
- Federal Criminal Police Office (*Bundeskriminalamt*, BKA);
- German Children's Charity (*Deutsches Kinderhilfswerk e. V.*, DKHW);
- The "Conference of Legal Advisors" (*Rechtsberaterkonferenz*);
- Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst*);
- Diakonie Germany (*Diakonie Deutschland e. V.*);
- Initiative of Black People in Germany (*Initiative Schwarze Menschen in Deutschland*, ISD).

In addition, public announcements of stakeholders and media reports were used to fill in gaps due to the fact that some stakeholders could not be interviewed.

4.2. Overview of the situation

Some 127,000 new arrivals of people seeking international protection were registered in December 2015, among them mostly people from Syria, Iraq, Afghanistan, Iran and Morocco. In November, there were over 206,000 registrations.¹²⁶

Main third countries of origin	December 2015	November 2015
1. Syria	44,522	97,463
2. Iraq	28,319	24,678
3. Afghanistan	26,506	44,846
4. Iran	7,464	10,080
5. Morocco	7,464	2,690
Total number of registrations:	127,320	206,101

¹²⁶ Federal Ministry of the Interior, press releases from 4 December 2015 and 6 January, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2015/12/asylantraege-november-2015.html and www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/01/asylantraege-dezember-2015.html.

The registration figures can only give an indication of the overall number of new arrivals since they do not include the unknown number of non-registered persons who are either on their way to other (German federal) states or still waiting for their registration procedure. Secondly, an unknown number of double and incorrect registrations may be included and, thirdly, persons registered who immediately left Germany to reach another state (e.g. Sweden) may also be included in the system.¹²⁷

Some 46,730 asylum applications were submitted in the month of December 2015.¹²⁸ In November, 55,950 asylum applications were submitted. Approximately a third of all asylum applications in 2015 were submitted by children¹²⁹ and another third by women.¹³⁰ Some 14,439 unaccompanied children applied for asylum in 2015, amounting to about 3 %. The Federal Office for Migration and Refugees (BAMF) does not have data concerning the share of families or other vulnerable groups.¹³¹

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

Criminal proceedings initiated against migrants for offences related to crossing the border remained on a high level in November and December. Every person who enters Germany without a passport or residence permission commits an offence according to German law (para. 95 *Aufenthaltsgesetz*). The Federal Police and the *Länder* police forces therefore initiated “hundreds” of proceedings for irregular entry during the reporting period.¹³²

4.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

The federal police “worked hard” to proceed against smugglers.¹³³

As smuggling is punishable with a custodial sentence of up to ten years, those cases often come to court. Currently, Bavarian criminal courts are overloaded by hundreds of legal proceedings for smuggling of migrants (para. 96

¹²⁷ Federal Ministry of the Interior; press release 06 January 2015, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/01/asylantraege-dezember-2015.html

¹²⁸ Federal Office for Migration and Refugees.

¹²⁹ *Ibid.*, Aktuelle Zahlen zu Asyl, Dezember 2015, p. 7, available at: www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?__blob=publicationFile.

¹³⁰ Federal Office for Migration and Refugees, Aktuelle Zahlen zu Asyl, Dezember 2015, p. 7, available at: www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/statistik-anlage-teil-4-aktuelle-zahlen-zu-asyl.pdf?__blob=publicationFile.

¹³¹ Federal Office for Migration and Refugees.

¹³² Federal Border Police.

¹³³ *Ibid.*

Aufenthaltsgesetz). In many cases it is unclear whether or not money has been paid in return for facilitating irregular entry.¹³⁴

During the reporting period, many people who helped people in need of international protection crossing the border received penalty orders for facilitating irregular entry (*Beihilfe zur unerlaubten Einreise*, paras. 14, 95 *Aufenthaltsgesetz*, 13 *Strafgesetzbuch*). This was the case, in particular, when Syrians came from Germany to Austria to pick up relatives and friends and brought them to Germany by car. The persons concerned had to pay small fines.¹³⁵

4.4. Fundamental rights issues in relation to registration and channelling into different procedures

4.4.1 Registration and identification

The vast majority of people wants to stay in Germany. They have not been forced to be registered in Germany.¹³⁶ In Berlin, the registration can still take a couple of days. Persons concerned had to wait hours in the cold to get into the registration office.¹³⁷

The contacted stakeholders did not raise any human rights related issue regarding the identification of unaccompanied children. As soon as unaccompanied children are identified by the police they are taken into care and referred to child protection authorities (*Jugendamt*). These authorities are responsible for ensuring the child welfare, providing necessary maintenance and ensuring that children receive medical support. Moreover the child protection authorities represent the child throughout the asylum procedure.¹³⁸

The Federal Office for Migration and Refugees assigns specialised decision makers to traumatised people and victims of human trafficking. Traumatized people are, moreover, entitled to receive treatment from the beginning of the asylum procedure. In many cases the Federal Office for Migration and Refugees is nevertheless not informed about the fact that applicants are traumatised or victims of trafficking requiring special procedural safeguards. In those cases, the asylum interview is the first moment when the necessity of a special treatment and the need to assign specialised decision makers emerge.¹³⁹

In such cases, however, the concerned individuals often object to a new interview with a specialised decision maker as they have already been waiting for months for the "first" interview.¹⁴⁰

Even though the Federal Office for Migration and Refugees provides basic information on asylum procedures to persons in need of international protection, for the vast majority of asylum seekers the asylum procedure is inscrutable. Legal

¹³⁴ The Conference of Legal Advisors.

¹³⁵ *Ibid.*

¹³⁶ Federal Border Police.

¹³⁷ The Conference of Legal Advisors.

¹³⁸ Federal Border Police.

¹³⁹ Federal Office for Migration and Refugees.

¹⁴⁰ The Conference of Legal Advisors.

advice from a specialised lawyer is not available or affordable for the majority of asylum seekers. Such uncertainty leads to feelings of fear and insecurity.¹⁴¹

4.4.2 Asylum procedure

In general, all asylum seekers in Germany have access to the asylum procedure. The procedure for applicants from “safe countries of origin” makes it, however, nearly impossible to have a successful claim. The rejection rate of applications from “safe countries of origin” is approximately 99 %. The deadline for remedies against a negative decision in such cases is only one week. During this short period many persons concerned cannot organise the money for a lawyer.¹⁴²

4.4.3 Return procedure

At the end of December 2015, in total 170 persons were held in pre-removal detention in Germany. The approximate average length depends on the country of origin: In cases of “safe countries of origin” the average length is between 4–8 weeks. In Dublin III cases the average length is between four and six weeks. In pre-removal cases, in particular for North Africans, the duration of detention can last until two to three months.

The number of detained persons has been continuously increasing since the latest amendments concerning pre-removal detention (July 2015). These amendments broadened the grounds for pre-removal detention, such as paying a huge amount of money to a smuggler, or leaving a Dublin Member State even though the asylum procedure is still pending. As there are no high court decisions related to the new regulations so far, the exact legal requirements for pre-removal detention are unclear.¹⁴³

4.5. Challenges and developments concerning reception conditions of new arrivals, including detention

4.5.1 Reception conditions and capacity

The reception capacity varies from federal state to federal state. In north German states such as Schleswig-Holstein, Mecklenburg-Western Pomerania and Lower Saxony the situation improved during the reporting period. Emergency shelters are currently not needed as the decentralised accommodation of persons in need of international protection has been well organised. On the other hand, in Berlin, many new mass reception centres and emergency shelters (e.g. gyms) were established. In the airport hall of the former airport Berlin-Tempelhof thousands of asylum seekers had to wait for weeks until showers were installed.

Also the living conditions vary strongly from accommodation centre to accommodation centre. The bigger the accommodation centres are, the worse the

¹⁴¹ The Conference of Legal Advisors.

¹⁴² *Ibid.*

¹⁴³ Jesuit Refugee Service.

sanitary conditions as well as the kitchen conditions. In many large accommodation centres people refused to cook due to this reason.

In general, enough water and food can be provided to the inhabitants. Some problems occurred when asylum seekers refused to drink clean water from the pipe as they were not used to this, insisting on bottled water.

In some gyms and air halls, which were used as emergency shelters, heating systems temporarily failed. These problems, however, could quickly be solved.¹⁴⁴

4.5.2 Vulnerable persons

In order to prevent violence against women and children in accommodation centres, the Ministry for Family Affairs announced measures to support cities and municipalities. In addition to financial support, a cooperation with UNICEF and the strengthening of counselling centres for victims of torture, in particular women, are planned to be established.¹⁴⁵

4.5.3 Child protection

Even though more and more child-friendly spaces have been set up in accommodation centres, the general situation, in particular in mass accommodation centres, does not meet the criteria of children's welfare. Children do not have enough space to develop, not enough playgrounds are provided.¹⁴⁶ In most German states, compulsory education starts after having left the reception centre, thus, after up to 6 months. Taken into account that many children in need of international protection have not attended school since a long time, the further break of several months in Germany is an unnecessary lengthening of this period.¹⁴⁷

4.5.4 Healthcare

In many reception centres, it still takes too long until first medical examination takes place. A high risk of infection exists in many accommodation centres.

4.5.5 Immigration detention

Nothing new to report.

4.6. Responses in law, policy and/or practice

The coalition is continuing the negotiations on the so called "asylum package II" (*Asylpaket II*), which includes the establishment of special accommodation centres for people whose asylum applications are "manifestly ill-founded". The

¹⁴⁴ Diakonie Germany.

¹⁴⁵ Ministry of Family Affairs, press release, 14 December 2015, available at: www.bmfsfj.de/BMFSFJ/Presse/pressemitteilungen,did=222270.html.

¹⁴⁶ Germans Children Charity.

¹⁴⁷ *Ibid.*

intention to suspend family reunification requests by people granted subsidiary protection is disputed with regard to Syrians.¹⁴⁸

4.7. Social response to the situation

On 18 December 2015, Munich lawyers demonstrated against the new draft law on the implementation of an accelerated asylum procedure proposed by the Ministry of the Interior.¹⁴⁹ In particular the lawyers demonstrated against tighter regulations concerning the protection against return especially for seriously ill and suicidal persons.¹⁵⁰

Racism is on the rise in Germany. People of colour, black people or people with a different outer appearance are seen as asylum seekers and as people not belonging to the society. Those people became victims of hate crimes directed against asylum seekers and refugees. Moreover, the police increasingly carries out controls that are not based on a suspected criminal offence. People of colour are often targeted by such suspected independent controls.¹⁵¹

4.8. Hate crime incidents

The number of hate crimes against migrants has increased significantly. The Federal Criminal Police Office registered 906 offences against "accommodation centres for refugees" (violent crimes included) in 2015 – most of these were damage to property (329 cases) but 154 violent attacks were also registered (compared to "only" 28 in 2014).¹⁵²

Pro Asyl and Amadeo Antonio Foundation recorded:

- 19 arson attacks against reception and accommodation centres;
- 32 "other attacks" against reception and accommodation centres (e.g. damage of property);
- 10 hostile demonstrations against refugees;
- 14 violent attacks directed against asylum seekers.¹⁵³

¹⁴⁸ Das Parlament, 04 January 2015, available at: www.das-parlament.de/2016/1_2/themenausgaben/-/400790.

¹⁴⁹ Mentioned in the weekly data collection on the situation of persons in need of international protection, Germany, week from 16 to 22 November.

¹⁵⁰ Neues Deutschland, 18 December 2015, available at: www.neues-deutschland.de/artikel/995270.rechtsanwaelte-protestieren-gegen-asylrechtsverschaeerfung.html; *Die Welt*, 18 December 2015, available at: www.welt.de/regionales/bayern/article150116202/Rechtsanwaelte-protestieren-gegen-Asylrechtsverschaeerfung.html.

¹⁵¹ Initiative of Black People in Germany.

¹⁵² Federal Criminal Police.

¹⁵³ Amadeu Antonio Stiftung and Pro Asyl, Chronik flüchtlingsfeindlicher Vorfälle 2015, available at: <http://mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.

5. Greece

5.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry for Migration Policy (*Υπουργείο Μεταναστευτικής Πολιτικής*);
- Hellenic Police Headquarters (*Αρχηγείο Ελληνικής Αστυνομίας*);
- Attica Aliens Directorate (*Διεύθυνση Αλλοδαπών Αττικής*);
- The Hellenic Coastguard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Υπατη Αρχή του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Medecins Du Monde Greece (MDM Greece) (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΚΣΙΣ*);
- International Organization for Migration (IOM) (*Διεθνής Οργανισμός Μετανάστευσης*).

5.2. Overview of the situation

The total number of people who arrived in Greece by sea in November 2015 was around 151,000 with an average of 4,560 arrivals per day.¹⁵⁴ During this period, the Hellenic Coastguard had to take action in 497 cases, mostly because of ungovernable or waterlogged boats.¹⁵⁵ In December, the number of new arrivals by sea decreased compared to previous weeks, a fact attributed to adverse weather conditions.¹⁵⁶

The total number of people who arrived in Greece by sea in December 2015 was about 109,000. Lesbos was the main point of entry, followed by Chios, Samos, Leros, Kos, Rhodes, Symi, Lipsi, Kalymnos and Amorgos. New arrivals include mostly Syrians, followed by Afghan and Iraqi nationals.

During December 2015, 286 incidents were reported where the Hellenic Coastguard had to take action. These incidents involved missions in which 7,435 people were rescued. The majority of incidents were related either to ungovernable boats or to waterlogged boats.

The total number of children who arrived in Greece by sea in December 2015 was about 19,500. The majority were Syrian, Iraqi and Afghan nationals.¹⁵⁷ No further data was made available regarding the gender and age profiles of the new arrivals.

¹⁵⁴ Hellenic Coastguard.

¹⁵⁵ *Ibid.*

¹⁵⁶ UNHCR Greece.

¹⁵⁷ Hellenic Coastguard.

From 1 December 2015 to 31 December 2015, the First Reception Service¹⁵⁸ registered some 1,100 third-country nationals out of those arriving during that period; more than a third of whom (423) were children.¹⁵⁹ The majority were Syrian nationals, followed by Iraqi, Afghan, Moroccan, Pakistani and other nationalities.

The total number of asylum applications for November 2015 was 1171. The main region of registration was Attica, followed by Thessaloniki, Lesvos, South and North Evros, Rhodes, Amygdaleza and Patra. The majority of applicants were 18–34 years old. They originated from Syria, Iraq, Pakistan, Albania, Afghanistan, and other countries.

The total number of asylum applications for December 2015 was 1314, including 45 unaccompanied children.¹⁶⁰ The main region of registration was Attica, followed by Thessaloniki, Lesvos, South and North Evros, Rhodes, Amygdaleza and Patra.¹⁶¹ The majority of applicants were 18–34 years of age. They originated from Syria, Iraq, Pakistan, and other countries. 99.9 % of Syrians, 61.9 % of Afghans and 3 % of Pakistanis were given asylum in 2015.¹⁶²

In 2015, some 82 people were relocated to Finland (24), Germany (10), Lithuania (4), Luxemburg (30) and Portugal (14). From 12 October 2015 to 3 January 2015, Greece submitted 577 requests for relocation, including many children (217 between 0–13 years of age and 28 between 14–17 years).¹⁶³

5.3. Criminal proceedings against migrants and people helping them

5.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings were initiated against migrants and asylum seekers for irregular border crossing.

5.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

For the period of November 2015, the Greek authorities prosecuted 66 cases of suspects allegedly involved in smuggling. In December, this figure amounted to 55 cases.¹⁶⁴

¹⁵⁸ The First Reception Service cannot provide any data on a weekly basis regarding the status or the vulnerability of the cases recorded for the reporting period, however FRC's mandate is to give priority to vulnerable groups.

¹⁵⁹ First Reception Service.

¹⁶⁰ Asylum Service.

¹⁶¹ The Asylum Service did not provide information on whether these were new arrivals.

¹⁶² Asylum Service. The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 30 November 2015.

¹⁶³ Asylum Service.

¹⁶⁴ Hellenic Coast Guard.

5.4. Fundamental rights issues in relation to registration and channelling into different procedures

5.4.1 Registration and identification

The lack of human resources and equipment continues and results in registration backlogs in Chios, Samos and Lesvos.¹⁶⁵

In Chios, the UNHCR initiated the use of colour wristbands to track different arrival groups in order to enhance registration management and timely provision of protection and assistance.¹⁶⁶

At Moria, registration remains slow with long queues resulting in a backlog of two three days. Due to limited space, UNHCR is mobilising buses to take unregistered persons to Kara Tepe to spend the night and bring them back to Moria in the morning for registration.¹⁶⁷

In December 2015, the First Reception Service registered 143 unaccompanied children. The majority of them were male and under 12 years of age. Most of them were registered in the First Reception Service of Moria in Lesvos.¹⁶⁸

5.4.2 Asylum procedure

Between 20 and 26 November 2015, UNHCR distributed information materials (produced by the Asylum Service) to people remaining in Idomeni (at the border with FYROM) explaining how to apply for asylum in several languages and guides with information on available services mainly in Athens and Thessaloniki. UNHCR teams are complementing these efforts, by providing legal information on rights and obligations of refugees and on the asylum procedures in Greece to help people take an informed decision.¹⁶⁹

Individuals concerned have been informed to travel to Athens for notification of relocation decisions and pre-departure briefing by IOM. For those in need, UNHCR is facilitating transportation and accommodation in Athens until their departure.¹⁷⁰

5.4.3 Return procedure

None of the people interviewed raised any issue relating to forced returns.

Currently, the IOM contributes to migration management in Greece by implementing the Assisted Voluntary Return Project (AVRR) funded by the European Commission (Emergency Funds of the AMIF). In the framework of this project, the IOM deals with an unprecedentedly high number of third-country nationals who express their willingness to return to their country of origin. Almost

¹⁶⁵ NGO PRAKSIS.

¹⁶⁶ UNHCR, Europe's Emergency Response, Update #13.

¹⁶⁷ *Ibid.*, Update #16.

¹⁶⁸ First Reception Service.

¹⁶⁹ UNHCR, Europe's Emergency Response, Update #12.

¹⁷⁰ *Ibid.*

1,000 individuals have already registered to return to their countries with the assistance of IOM in a period of less than one month.¹⁷¹

IOM Greece operates the Open Centre for migrants registered for AVRR. This open reception facility can accommodate up to 110 migrants wishing to return, who have no place to stay until their departure. The centre is divided into sections in order to accommodate vulnerable migrants, including single parent families, pregnant women, unaccompanied children, elderly migrants and migrants with medical needs, and irregular migrants registered with IOM's AVRR program. IOM Greece staff has already started to refer vulnerable cases to the open facility where all beneficiaries can receive accommodation, psychological and medical services. This open facility is a pilot and innovative step for Greek reality.¹⁷²

On 31 December 2015, the total number of detainees in pre-removal facilities was 698 people, 82 of whom were asylum seekers.¹⁷³

5.5. Challenges and developments concerning reception conditions of new arrivals, including detention

5.5.1 Reception conditions and capacity

UNHCR and the EC have launched a programme to provide 20,000 additional reception places for asylum seekers in Greece through rent subsidies and host family programmes. The places provided under this scheme are an important part of the EU emergency relocation programme, providing temporary accommodation in Greece for applicants who are awaiting relocation to other EU Member States.¹⁷⁴

Islands

Winterisation of sites progressed in all sea locations with installation of inner lining and flooring of the rub halls and the refugee housing units.¹⁷⁵

Lepida on Leros island was declared to be an EU hotspot but there has not yet been any construction work since the visit of the Prime Minister, Alexis Tsipras, on 16 December 2015.¹⁷⁶ In Leros, UNHCR continues to receive reports of mistreatment and insufficient provision of food and water in Farmakonissi and on-board the boat that transfers people from this island to Leros.¹⁷⁷

Between the 24 and 25 November 2015, the NGO Samaritan's Purse installed additional water points in Samos and additional hand washing stations at Skala Sikaminias in Lesvos.¹⁷⁸

In Samos, due to lack of coordination among actors, there are often tensions among populations (e.g. during the distribution of food by MSF at the screening

¹⁷¹ IOM Greece.

¹⁷² *Ibid.*

¹⁷³ Hellenic Police Headquarters.

¹⁷⁴ UNHCR, Europe's Emergency Response, Update #15.

¹⁷⁵ Ministry for Migration Policy.

¹⁷⁶ NGO PRAKSIS.

¹⁷⁷ UNHCR, Europe's Emergency Response, Update #12.

¹⁷⁸ *Ibid.*

centre). UNHCR is working to overcome this challenge by concerning regular coordination meetings in Samos and at central level.¹⁷⁹

On 18 December 2015, Frontex withdrew its staff due to concerns of asbestos in the temporary shelter of Tabakika in Chios. On 30 December 2015 a report was published by the Greek authorities stating that there is no dangerous material in the shelter.¹⁸⁰

Mainland

The Tae Kwon Do stadium in Attica region reopened on 30 November 2015 in order to accommodate the people who were not allowed to cross the borders to FYROM and remained open until mid-December. On 15 December 2015, the Alternate Minister for Migration Policy and the Mayors of Southern Athens agreed to transfer the people staying at the temporary facility of Tae Kwon Do stadium to the hockey field in Elliniko, which has a capacity to host 850 people. The Tae Kwon Do stadium closed on 17 December 2015.¹⁸¹

Due to limited space at Elliniko and Elaionas in Athens, people are sent away if they do not comply with certain criteria: only nationalities qualifying for relocation and people who intend to apply for asylum as well as those who meet certain vulnerability criteria are allowed to stay there. Many people have gathered in the open air informal site at Victoria Square or are reportedly resorting to squatting in abandoned buildings.¹⁸²

On 9 December 2015, the police closed the informal camp in Idomeni which had capacity to accommodate 2,500 people. The provision of water and electricity was stopped. Since then, buses bringing people back to Athens are waiting in the gas station of EKO 5 km before reaching Polykastro.¹⁸³

5.5.2 Vulnerable persons

UNHCR continued to support bus transfers for people of different nationalities (Iraq, Iran, Somalia, Burkina Faso, Eritrea, Western Sahara, Ivory Coast) from Idomeni to Athens, including potential cases for relocation. Families and children were prioritised. In Idomeni cases of family separation were prevented.¹⁸⁴

In all islands and at Idomeni, UNHCR continued to identify and refer people with specific needs and medical cases to services, including cancer and disability cases, unaccompanied and separated children and sexual and gender-based violence survivors.¹⁸⁵

In Lesvos on 29 November 2015, UNHCR received reports of a shipwreck at the Eftalou shore and informed the Hellenic Coastguard. Survivors were referred to the appropriate services, including medical and psychological assistance.¹⁸⁶

¹⁷⁹ UNHCR, Europe's Emergency Response, Update #13.

¹⁸⁰ NGO PRAKSIS.

¹⁸¹ Ministry for Migration Policy.

¹⁸² UNHCR, Europe's Emergency Response, Update #16.

¹⁸³ MDM Greece.

¹⁸⁴ UNHCR, Europe's Emergency Response, Update #14.

¹⁸⁵ *Ibid.*, Update #13.

¹⁸⁶ *Ibid.*

On the southern shores of Lesbos, UNHCR continues to provide 24 hour presence and transportation services to ensure protection interventions for people with specific needs and priority access to registration.¹⁸⁷

5.5.3 Child protection

There is still a lack of appropriate shelters for children in almost all reception facilities on the islands. Children are kept in police custody before being transferred to open reception facilities in the mainland. In case relatives or next-to-kin are not identified as caregivers, unaccompanied children are registered, referred to the prosecutor and placed in existing reception facilities around Greece. This procedure delays the transfer to adequate child protection facilities around Greece. Therefore, many stay temporarily in the reception facility in Moria which is not equipped for longer term stay. NGO PRAKSIS has established a transit accommodation facility in Lesbos for unaccompanied children. The facility can accommodate especially survivors from shipwrecks. The local prosecutor gave permission for their referral. The established transit facility for unaccompanied children in Kos operating by PRAKSIS along with partner UNHCR can accommodate up to 34 children.¹⁸⁸

Save the Children has established child-friendly spaces at the temporary registration sites in Tabakika (Chios), in Moria (Lesvos), in Samos and at the registration camp of Leros.¹⁸⁹

In Samos, it was observed that unaccompanied children who arrive via Agathonisi are not properly referred to the relevant authorities.¹⁹⁰ Unaccompanied children in Samos are registered and remain at the same area with adults.¹⁹¹

In Leros, unaccompanied children pending their transfer to the UNHCR-PRAKSIS' established transit facility in Kos are kept under police custody resulting in a *de facto* detention condition which may imply staying in common spaces with others, until release orders are issued by the prosecutor. In this context, Save the Children started operating child protection activities in Leros on 10 December.¹⁹²

In Lesbos, there are 4 NGOs copying with the needs of unaccompanied children in the First Reception Centre where they are placed until their referral.¹⁹³

¹⁸⁷ UNHCR, Europe's Emergency Response, Update #16.

¹⁸⁸ NGO PRAKSIS. When relatives or next-to-kin are not identified as caregivers, unaccompanied children are registered, referred to the Prosecutor and placed in existing reception facilities around Greece. In this case, the local Prosecutor does not refer them to the transit facility in the island. The children remain in the First Reception Centre in Moria until their referral in reception facilities in mainland is completed.

¹⁸⁹ NGO PRAKSIS.

¹⁹⁰ UNHCR, Europe's Emergency Response, Update #15.

¹⁹¹ NGO PRAKSIS.

¹⁹² UNHCR, Europe's Emergency Response, Update #14.

¹⁹³ NGO PRAKSIS.

5.5.4 Healthcare

During the reporting period there was a notable number of people in poor health conditions due to exhaustion from the journey and the living conditions after arrival.¹⁹⁴

There are medical groups in all sea locations run by NGOs who provide consultations and medication, while difficult cases are referred to the hospital.¹⁹⁵

5.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 31 December 2015, the total number of detainees was 698 people, 82 of whom were asylum seekers. The total capacity for all pre-removal centres, screening centres and the First Reception Centre (Orestiada) is 5,856. On 31 December 2015, the total number of detainees was 1909 people, which means 33% occupancy rate.

In Samos the screening centre – formerly used as detention centre and presently as a registration area – was overcrowded during the whole month of December with numbers fluctuating from 450 to 800 up to 1026 at the end of the month, when its official capacity is limited to 285.

There are serious gaps regarding the provision of food in all pre-removal centres across the country. The quantity of meals is limited and the quality is not good. The authorities provide two meals per day, lunch and dinner.¹⁹⁶

In Korinthos where all the Maghreb nationals are detained, the army provides only one meal per day, while there is no sanitation nor hot water.¹⁹⁷

5.6. Responses in law, policy and/or practice

Between 2 and 3 December, tension in Idomeni led on several occasions to violence and closure of the border. On 9 December 2015, the police conducted an operation for the removal of people who were not allowed to cross the borders with FYROM. The police also prevented all the buses from reaching the borders by stopping them in the area of Polykastro. 45 buses carrying 2,250 people reached the reception facility of Tae Kwon Do stadium in Athens where they remained for several days.¹⁹⁸ Around 500 police officers were deployed to the region to disperse the people and take them away from the area of Idomeni. Earlier they distanced the media and photo reporters from the region. Only *Médecins du Monde* (MdM) were allowed to stay in safe distance because they had a night shift and were already in the area.¹⁹⁹ The police is now in charge of dispatching the people. No one is allowed to enter the camp and they go directly to the border crossing with FYROM. Buses are waiting at the gas station of EKO 5 km before reaching

¹⁹⁴ MDM Greece.

¹⁹⁵ NGO PRAKSIS.

¹⁹⁶ *Ibid.*

¹⁹⁷ *Ibid.*

¹⁹⁸ Ministry for Migration Policy.

¹⁹⁹ MDM Greece.

Polykastro.²⁰⁰ After this operation, it became clear that the priority of police was not to allow a massive and permanent presence of people in Idomeni; therefore, police officers are rushing people who are admitted to pass towards the border as soon as they get out of the buses.²⁰¹

For the reporting period, only Syrian, Iraqi and Afghan nationals were still allowed to cross the northern border to FYROM, while those who were rejected were sent back to Athens.²⁰²

Following a request of the Alternate Minister for Migration Policy, UNHCR is supporting the authorities in transferring, on a voluntary basis, people who are stranded at the border of Idomeni to the temporary accommodation site in Elliniko in Athens.²⁰³

In mid-December 2015, the authorities decided to enforce detention of third-country nationals from the Maghreb countries arriving on the Greek islands or detected by the police. They are immediately arrested, provided with the deportation decisions in the basis of suspicion of absconding and put in administrative detention in all sea locations. The majority of them have already been transferred to the detention centre of Korinthos. If there is not enough space for detention they are set free on the island without any legal permit, instructions on what to do, food provision or place to stay.²⁰⁴

5.7. Social response to the situation

During the reporting period, there was no demonstration in favour of migrants and refugees. However, voluntary work from self-organised movements who provide food and non-food items to the newcomers continued both in the entry points and on the mainland.²⁰⁵ Volunteers are also supporting the authorities in managing the queues for registration in Lesvos.²⁰⁶

5.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incident of racially motivated violence and hate crime, or any other related incident in the past month.²⁰⁷ In addition, no other incident was reported regarding attacks towards reception and accommodation centres.

On 9 December 2015, a demonstration took place in Kos regarding the establishment of the hotspot in the area of Linopoti with around 250 participants opposing its construction.²⁰⁸

²⁰⁰ MDM Greece.

²⁰¹ *Ibid.*

²⁰² Ministry for Migration Policy.

²⁰³ UNHCR, Europe's Emergency Response, Update #13.

²⁰⁴ NGO PRAKSIS.

²⁰⁵ Ministry for Migration Policy.

²⁰⁶ NGO PRAKSIS.

²⁰⁷ Racist Violence Recording Network.

²⁰⁸ UNHCR, Europe's Emergency Response, Update #13.

6. Hungary

6.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of Internal Affairs (*Belügyminisztérium*);
- Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma*);
- National Police Headquarters (*Országos Rendőr-főkapitányság*);
- General Attorney's Office (*Legfőbb Ügyészség*);
- Office of Immigration and Nationality (*Bevándorlási és Állampolgársági Hivatal*);
- County Court of Szeged (*Szegedi Törvényszék*);
- United Nations' High Commissioner for Refugees (UNHCR) Hungary;
- Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*);
- Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*);
- Migration Aid;
- Amnesty International Hungary;
- Hungarian Islamic Community (*Magyar Iszlám Közösség*).

6.2. Overview of the situation

Between 23 November and 31 December 2015, 561 people crossed the border into Hungary, mostly through the borders with Serbia. No one entered the country through the borders with Croatia. Of the 561 new arrivals 442 were men, 119 women. There were 43 persons under 18 years old, six of them were unaccompanied children.²⁰⁹

Between 1 January and 31 December 2015, the Police registered 391,384 new arrivals. Most of them came from Syria, Afghanistan, Pakistan and Iraq. In 2015, the Police also apprehended a large number of nationals from Kosovo and Albania. The vast majority of the new arrivals in 2015 came from the Serbian and the Croatian borders.²¹⁰

In relation to asylum applications, 287 people applied for asylum during the reporting period.²¹¹ Asylum seekers were from Afghanistan (103), Pakistan (31), Syria (23), Somalia (21), and other countries.²¹²

Some of the new claims lodged in the reporting period were not submitted by new arrivals. Some people issued an entry-ban after committing the crime of unauthorised crossing of the border fence, also filed claims for asylum. Their purpose was to avoid return as the applicant cannot be expelled from the country

²⁰⁹ National Police Headquarters.

²¹⁰ *Ibid.*

²¹¹ Office of Immigration and Nationality.

²¹² *Ibid.*

during the asylum procedure. This concerned altogether 158 persons (out of the 287 asylum seekers).²¹³

Between 23 November and 31 December 2015, the Office of Immigration and Nationality made 63 positive asylum decisions and 226 negative decisions (rejecting asylum claims). In 15,070 cases the Office terminated the process, as the applicants had left the country.²¹⁴

The total number of asylum applications filed in 2015 (between 1 January and 31 December) was 177,134. In 542 cases (0,3 %) the Office made a positive decision granting asylum status to the claimants. In 2,910 cases (1,6 %) the Office rejected the claims. The Office terminated the procedures in 145,117 cases (82 %), as the applicants had left the country. All other procedures are ongoing, however, it is likely that the majority of them will be terminated soon as the applicants had already left the country.²¹⁵

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

Around a third of the 561 new arrivals were charged with unauthorised crossing of the border fence installed at the Serbian-Hungarian borders. Criminal proceedings were initiated by the police against 105 of them.²¹⁶ It seems that those crossing the border with Serbia are often tricked by smugglers into crossing the fences.²¹⁷ The total number of criminal proceedings initiated between 15 September 2015 (the date when Hungary amended the Criminal Code to criminalise unauthorised crossing of the border fence) and 31 December 2015 was 1,064. In the reporting period, the prosecutor pressed charges against 79 people. All defendants admitted that they had committed the crime of unauthorised crossing of the border fence, therefore investigation did not take long and the alleged perpetrators were processed quickly.²¹⁸

The District Court of Szeged (*Szegedi Járásbíróság*) held 89 criminal trials in the reporting period. All 89 people were sentenced to be expelled. Defendants originated mainly from Kosovo, Syria, Albania and Turkey. 61 people received a one-year entry ban; 25 persons a two-year entry ban. It seems that the length of the entry-ban imposed by the Court mainly depends on the following

²¹³ National Police Headquarters.

²¹⁴ Office of Immigration and Nationality.

²¹⁵ *Ibid.*

²¹⁶ The provision of unauthorised border crossing as offence is set out in Article 352/A of Act C of 2012 on the Criminal Code, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place.

The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at:

njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006. Act CXL of 2015 entered into force on 15 September 2015.

²¹⁷ National Police Headquarters.

²¹⁸ General Attorney's Office.

circumstances: gender (women usually get a one-year entry ban) and age (people who are barely adults between the ages of 18–21 typically get a one-year entry ban) of the defendants. In two cases the Court ordered the imprisonment of the defendants, whose sentence was suspended for two years along with a two-year entry ban, as they were both recidivists (both defendants had been found guilty of unauthorised border crossing earlier). In one case the Court only reprimanded the defendant due to her young age. Most of the defendants made a statement right after the verdict that they would waive their right to appeal. Only five defendants appealed against the Court's decisions. Five defendants requested the translation of the Court's verdict in writing.²¹⁹

The European Union sent a request to the Hungarian government on 10 December 2015 claiming, among other things related to the handling of the migrant crisis, that the valid Hungarian laws on criminal procedure are violating Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings²²⁰ when they only provide a translated version of the Court's decision to the defendants upon request.²²¹

In the reporting period, the Police initiated criminal procedures against 37 people (beyond the new arrivals) who were suspected of having committed the crime of forging public documents when they tried to enter Hungary.²²²

6.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

In the reporting period the police initiated new criminal procedures against six men who were accused of committing the crime of human trafficking and smuggling. Investigations in three of these cases are still ongoing.²²³ In three other cases the police closed the investigation shortly after they had arrested the defendants, and the prosecutor had already pressed charges against them.²²⁴ In one case the authorities were exceptionally fast when they apprehended a French citizen who was transporting three irregular migrants coming from Sri Lanka on 9 December 2015. The prosecutor pressed charges against the French citizen on 11 December, and on the same day the District Court of Gyula (*Gyulai Járásbíróság*) found the defendant guilty. The Court ordered the imprisonment of the French citizen for two years but suspended its execution. The Court also imposed a two-year entry ban against him. The three nationals of Sri Lanka asked for asylum right after the police had arrested the French defendant. Therefore the police handed them over to the Office of Immigration and Nationality to decide on their asylum claims.²²⁵

²¹⁹ County Court of Szeged.

²²⁰ Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings.

²²¹ Article 9 para. 4 of Act XIX of 1998 on the criminal procedure, available at: net.jogtar.hu/jr/gen/getdoc2.cgi?docid=99800019.TV.

²²² National Police Headquarters.

²²³ *Ibid.*

²²⁴ General Attorney's Office.

²²⁵ National Police Headquarters.

There were seven other cases of human smuggling in which the prosecutor pressed charges against defendants in the reporting period. The police arrested these perpetrators before 23 November 2015. The defendants were nationals of Hungary, Kosovo, Romania and Serbia, and they all tried to smuggle irregular migrants in their own or rental cars across the country to Western Europe.²²⁶ One case got exceptional attention from the media. A Hungarian couple heard on the television and the radio that more and more people were offering transportation to refugees in return for money, and that this business paid well. While they knew it was a crime, they decided to rent a car and looked for potential clients in the area of the city of Rösztke at the Serbian borders. They picked up an Iraqi and two Syrian refugees on 6 September 2015 who had irregularly crossed the Hungarian-Serbian border. The police apprehended the vehicle on the M5 motorway on the way to Budapest. The investigation discovered that because the defendants could not speak English, they could not agree on the fee for the transportation. The only agreement made between the refugees and the defendants was based on two English words: 'Budapest, money'. The prosecutor proposed imprisonment and disqualification from public affairs against the perpetrators.²²⁷

6.4. Fundamental rights issues in relation to registration and channelling into different procedures

6.4.1 Registration and identification

Authorities registered and fingerprinted new arrivals systematically. They experienced resistance or objection by the migrants only in few cases. In case of resistance or objection, the authorities always provided information about the purpose and the legal background of the fingerprinting and registration. This typically solved the conflict.²²⁸

In the transit zones of Rösztke and Tompa (Serbian borders), the authorities systematically interviewed new arrivals in order to identify vulnerable people (children, disabled persons, pregnant women) and to channel them to the designated reception facilities or children's homes and identify their special needs in terms of accommodation, food and healthcare.²²⁹ Civil society organisations, however, experienced that age assessment was not carried out in all cases, and this practice resulted in the placement of some unaccompanied children in detention centres instead of being transferred to a children's home. Civil society organisations found these people in the detention centres weeks after their arrival, and made the authorities relocate them to children's homes. The intervention of civil society organisations was successful in most of the cases; however, in some cases the authorities challenged the statement of the detained persons as they looked older than 18 years.²³⁰

²²⁶ General Attorney's Office.

²²⁷ 'Budapest Money' – Charges in Kecskemét against a couple from Csongrád County who committed human smuggling, available at at: <http://mklu.hu/hnlp14/?p=24689>.

²²⁸ National Police Headquarters.

²²⁹ *Ibid.*

²³⁰ Hungarian Helsinki Committee.

The authorities respected the requests of the new arrivals to reunite with their families in case other family members had arrived earlier and were still in the country. The Office of Immigration and Nationality and the police tried to accommodate families together in the same reception centre or detention facility.²³¹ Civil society organisations, however, experienced that in a few cases the male adults who had committed the crime of unauthorised crossing of the border fence were put in a different detention centre than women and children of the same family.²³²

6.4.2 Asylum procedure

Civil society organisations are still concerned that any person who crosses the borders through Serbia and applies for asylum is automatically rejected on the grounds of inadmissibility as Serbia is considered a safe third country under Hungarian law. They believe that this practice made asylum inaccessible to all those people who came from Serbia.²³³

Civil society organisations found that most asylum seekers did not appeal against a negative decision as they got very little information about the appellate procedure. In fact, the only information they got was the short instruction in the text of the decision. The Hungarian Helsinki Committee and UNHCR Hungary successfully convinced around 80 asylum seekers to challenge the negative decisions of the Office of Immigration and Nationality in court.²³⁴

In the reporting period, 85 rejected applicants asked for their claims to be reviewed by the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) got 85 review claims in which the claimants asked for a judicial review of the Office's negative decisions. In 13 of these cases, the Court rejected the appeal and upheld the Office's decisions. In 32 cases the Court repealed the Office's decisions and sent the cases back to the Office of Immigration and Nationality to discover the facts more precisely and not to apply the safe third country rule automatically. It seems that the Court does not accept the automatic application of the safe third country rule, and orders the Office to individualise the procedures and explore the backgrounds and history of the claimants. In nine cases the Court had to terminate the process as the claimants had left the country. All other review claims have not been decided yet.²³⁵

6.4.3 Return procedure

In the reporting period, many of the new arrivals arrived from Serbia (197 people).²³⁶ With some exceptions, which were further reduced as of the beginning of December, Serbia tends to readmit its own nationals only, the majority having been in immigration detention waiting for the execution of the

²³¹ National Police Headquarters.

²³² Hungarian Helsinki Committee.

²³³ UNHCR Hungary.

²³⁴ Hungarian Helsinki Committee.

²³⁵ County Court of Szeged.

²³⁶ National Police Headquarters.

expulsion order for more than four months.²³⁷ In the reporting period, 312 people were readmitted by the following countries: Romania (135), Ukraine (68), Serbia (67), Kosovo (28), Albania (7), Turkey (4), Austria (1), Slovenia (1) and FYROM (1).²³⁸

Civil society associations fear that asylum seekers transferred to Hungary under the Dublin Regulation are at risk of being sent to Serbia. Based on the information they got from the Office of Immigration and Nationality, the designation of Serbia as a 'safe third country' may be applied to persons returning under the Dublin Regulation if they had entered Hungary after 1 August 2015.²³⁹

6.5. Challenges and developments concerning reception conditions of new arrivals, including detention

6.5.1 Reception conditions and capacity

The four transit zones along the Serbian and Croatian borders (Röszke, Tompa, Letenye, Beremend) were operational in the reporting period.

Civil society organisations experienced that refugees faced legal and physical obstacles in these transit zones. In Röszke and Tompa (Serbian border) the authorities were almost only willing to grant admission to families and vulnerable persons (children, persons with disabilities, pregnant women) to the transit zones.²⁴⁰ Civil society organisations believe that the transit zones along the Serbian borders serve more as an expulsion channel back to Serbia than effective protection sensitive shelters to asylum seekers.²⁴¹

The transit zones along the Croatian borders (Letenye and Beremend) did not host any refugees or asylum seekers in the reporting period. Civil society organisations believe that the main reason why these transit zones remained empty during the reporting period was that they were not visible to asylum seekers. Both transit zones are located at official checkpoints with Croatia, therefore asylum seekers could only access these transit zones if both the Croatian and the Hungarian border authorities agreed to their transfer.²⁴²

Around 330 asylum seekers were accommodated in the open reception centres of Vámoszabadi, Bicske and Nagyfa on 17 December 2015.²⁴³ This is well below the total capacity of the three reception centres (980 beds), therefore reception conditions are adequate, and asylum seekers have access to proper food, potable water and heating.²⁴⁴

The Office of Immigration and Nationality ordered detention against 178 persons in the reporting period. On 31 December 2015, 418 people were in the detention

²³⁷ Hungarian Helsinki Committee. UNHCR Hungary.

²³⁸ National Police Headquarters.

²³⁹ UNHCR Hungary.

²⁴⁰ Hungarian Helsinki Committee.

²⁴¹ UNHCR Hungary.

²⁴² *Ibid.*

²⁴³ Office of Immigration and Nationality.

²⁴⁴ Hungarian Association for Migrants, Hungarian Helsinki Committee.

facilities of the Office of Immigration and Nationality.²⁴⁵ Civil society organisations provide psychiatric care on a regular basis as they often find mental breakdown of the detained people due to the shock they experienced in their home countries or during their journey to Europe.²⁴⁶

6.5.2 Vulnerable persons

In the transit zones of Röszke and Tompa along the Serbian borders, the Hungarian authorities identify vulnerable persons among the new arrivals and they grant priority access to the transit zones to children, pregnant women, families and people living with disability.²⁴⁷

In case the person who committed the crime of unauthorised border fence crossing is a woman or a child (under 18 years old), alien police detention is executed in a detention facility of the Office of Immigration and Nationality and not in a penal institutions.²⁴⁸ However, civil society organisations registered three cases where people with disabilities were in alien police detention in penal institutions and the accommodation conditions were not suitable to their health needs (the cell was inadequate to wheelchair users).²⁴⁹

Several civil society organisations provide counselling and psychiatric care to the victims of human smuggling and trafficking, and the authorities notify these organisations about such cases.²⁵⁰

6.5.3 Child protection

There are two special institutions operating in the country to assist refugee children (Fót, Hódmezővásárhely). Both children's homes offer professional care, access to education and leisure activities. In the reporting period, these institutions accommodated around 30 children on average – about a third of their total capacity (88 beds).²⁵¹ Fluctuation is very high as most of the children leave after spending a few days in these institutions.²⁵²

In the reporting period, civil society organisations identified 35 underage asylum seekers in detention facilities who were kept there for long periods (up to a month) without age assessment. They brought this to the attention of the authorities and most of the underage asylum seekers were transferred to the children's homes in Fót and Hódmezővásárhely.²⁵³ See also Section 6.5.1.

²⁴⁵ Office of Immigration and Nationality.

²⁴⁶ Hungarian Association for Migrants, Hungarian Helsinki Committee.

²⁴⁷ Hungarian Police Headquarters.

²⁴⁸ Ministry of Internal Affairs.

²⁴⁹ Hungarian Helsinki Committee.

²⁵⁰ *Ibid.*

²⁵¹ Ministry of Human Capacities.

²⁵² Hungarian Helsinki Committee.

²⁵³ UNHCR Hungary, Hungarian Helsinki Committee.

6.5.4 Healthcare

In the open reception centres and closed detention facilities of the Office of Immigration and Nationality, the healthcare provided to people is satisfactory. There were no complaints about the availability of healthcare services and medication. Even more serious medical conditions are treated properly, either on site or in hospitals of the city nearby. People in alien police detention, however, get only basic medical care, and civil society organisations experienced that detention clinics could not provide professional medical assistance to those with more serious medical conditions.²⁵⁴

6.5.5 Immigration detention

The Office of Immigration and Nationality ordered alien police detention against 117 persons in the reporting period. On 31 December 2015, 288 foreigners were in alien police detention in penal institutions waiting for their expulsion after they were found guilty of committing the crime of unauthorised crossing of the border fence.²⁵⁵ As many of the detained people have been waiting for expulsion for about four months by now, tensions are high, and disobedience or minor forms of protests (throwing out food, hunger strikes) happen quite often.²⁵⁶ Civil society organisations found that while there were no complaints about food and water, people in alien police detention had access to basic medical care while some of them required more serious medical care than the detention clinics could provide.²⁵⁷

Around 700 people were in immigration detention (adding the numbers of people in both alien police detention and asylum detention) in the reporting period. Civil society organisations found that the detention facilities of the Office of Immigration and Nationality where people in asylum detention were accommodated had better conditions than the penal institutions where people were kept in alien police detention. Civil society organisations experienced that in some penal institutions the lack of communication resulted in some minor misunderstandings due to language barriers. Language was the main issue why the detained people got very little information from the authorities.²⁵⁸ Twelve colleagues of the Hungarian Association for Migrants started to visit the penal institutions in Vác, Martonvásár and Nagyfa regularly to offer social services to the detained people. They provide information and engage them in leisure activities.²⁵⁹

As the readmission procedures are still very slow, tensions remain high in the detention centres and penal institutions due to the uncertain date of the readmission. Civil society organisations registered a case in Nyírbátor in the first week of December when an asylum seeker was beaten up by a guard. The victim

²⁵⁴ Hungarian Helsinki Committee.

²⁵⁵ National Police Headquarters.

²⁵⁶ Hungarian Helsinki Committee.

²⁵⁷ UNHCR Hungary.

²⁵⁸ *Ibid.*

²⁵⁹ "New venues for social services", available at: <http://menedek.hu/hirek/szocialis-szolgalatasaink-uj-helyszineken>.

represented by an NGO initiated a criminal procedure based on ill-treatment in official proceedings. The criminal investigation is ongoing.²⁶⁰

A new asylum detention centre opened in Kiskunhalas on 30 November 2015 after the refugee camp in Debrecen had been closed. Internet and telephone connections are available to the detainees, and there is also a shop on site to serve them.²⁶¹

6.6. Responses in law, policy and/or practice

The Decree of the Minister of Internal Affairs no. 64/2015. (XII. 12.) on the duties of the police related to assistance to victims (*a rendőrség áldozatsegítő feladatairól*)²⁶² prescribes the duties of the police when they identify a victim of certain crimes, among them victims of human trafficking and smuggling. The police should give proper information to the person about the available victims support services (e.g. psychiatric services, counselling) and fill out a form about the basic condition of the victim and the requested services.

On 28 December 2015 the second contingent of Hungarian police officers arrived in Slovenia to assist the Slovenian police in guarding the Schengen borders under the cooperation between the two countries. The Hungarian police officers will return on 31 January 2016.²⁶³

On 21 December 2015 the Slovakian contingent of 50 officers returned to Slovakia after they had been guarding the green border at the Hungarian-Serbian borderline since 21 October 2015.²⁶⁴

6.7. Social response to the situation

The Artemisszió Foundation (*Artemisszió Alapítvány*), a foundation aiming to strengthen cross-cultural understanding, organised several workshops for Hungarian elementary school pupils in December where the students had the opportunity to experience the personal journey of a refugee and to reflect on their biases and prejudices. The Foundation's goal was to break down the walls of xenophobia and racism in the future generations.²⁶⁵

The Hungarian Association for Migrants started a programme titled 'Welcome Migrants – Looking for an apartment' (*Velkám májgrentsz – albérletet keresünk*) on 30 November 2015. Under the programme, famous Hungarian actors, sportsmen and other celebrities hosted migrants in their own home for a few days

²⁶⁰ Hungarian Helsinki Committee.

²⁶¹ *Ibid.*

²⁶² Decree of the Minister of Internal Affairs no. 64/2015. (XII. 12.) on the duties of the Police related to victim assistance (64/2015. (XII. 12.), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1500064.BM.

²⁶³ The second police contingent left for Slovenia, available at: <http://police.hu/hirek-es-informaciok/legfrissebb-hireink/szervezeti-hirek/elindult-a-masodik-rendorkontingens>.

²⁶⁴ Thanking for the cooperation, available at: <http://police.hu/hirek-es-informaciok/legfrissebb-hireink/hatarvadasz/koszonet-az-egyuttmukodesert-thanking-for-the-0>.

²⁶⁵ "We bring migration closer to the Hungarian pupils!", available at: http://artemisszio.blog.hu/2015/12/21/kozelebb_hozzuk_a_migraciot_a_magyar_kisiskolas_okhoz_378.

and made videos about their time together. The association made these videos available on its website and on YouTube to bring the lives of asylum seekers closer to the Hungarian people.²⁶⁶

6.8. Hate crime incidents

The Hungarian government sponsored a campaign against refugees in early December after the Paris attacks and the terrorist threats in other European cities. The central element of the campaign is to portray refugees as potential terrorists. The anti-refugee campaign is broadcasted on radio and TV channels and also appears in printed media. UNHCR, the Council of Europe and ODHIR criticised the campaign in a joint statement urging the Hungarian government to refrain from policies promoting hatred.²⁶⁷

The government launched a website to protest against the EU's relocation quota scheme listing the objections against the scheme. One of these objections is that the quota is increasing the threat of terrorism.²⁶⁸

There were no attacks and incidents reported against the refugee camps and the transit zones in the reporting period.²⁶⁹

²⁶⁶ 'Welcome Migrants – Looking for an apartment', available at: <http://menedek.hu/hirek/velkam-majgrentsz-alberletet-keresunk>.

²⁶⁷ UNHCR, press release, 21 December 2015, available at: <http://www.unhcr.org/5677cf666.html>.

²⁶⁸ The Hungarian government's Website against the EU's relocation quota scheme is available at: <http://kvota.kormany.hu>.

²⁶⁹ National Police Headquarters.

7. Italy

7.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of the Interior;
- NGO Doctors Without Borders Italy (*Medici Senza Frontiere Italia*) (MSF Italia);
- Association for Legal Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione*, ASGI);
- United Nations High Commissioner for Refugees (UNHCR);
- Organisation Askavusa;
- NGO Borderline Sicilia.

7.2. Overview of the situation

The overall number of arrivals in the considered period is 10,137 persons.²⁷⁰

Several rescue at sea operations took place in the Central Mediterranean. On 24 November, Italian Navy ship "Duilio" rescued 116 people.²⁷¹ On 5 December, MSF declared to have rescued about 4600 people in 31 rescue operations at sea in the previous three days.²⁷² On the same day, the Italian Navy ship "Cigala Fulgosi" rescued 301 immigrants and brought them to the port of Catania (Sicily).²⁷³ The MSF ship "Argos" disembarked 526 rescued persons in Pozzallo on 4 December.²⁷⁴ On the same day, the ship "Corsi" rescued 127 people.²⁷⁵ On 6 December the Norwegian ship "Siem Pilot" disembarked 906 people in Calabria.²⁷⁶ On the same day, 233 people have been rescued by ship "Diciotti".²⁷⁷

In the Ionian Sea on 7 December 2015, 603 migrants were rescued in Taranto (Apulia) by the Italian Navy ship "Aviere 603". Among them, there were 480 men, 105 women, and 18 children, some of them unaccompanied. According to data provided by the local Prefecture Office, 200 of them were hosted in local reception centres, while all the others were sent to reception centres located in other Italian regions (Emilia-Romagna, Tuscany, Lombardy, Veneto, Piedmont, Lazio, and Campania).²⁷⁸

²⁷⁰ Information provided by the Ministry of Interior on 7 January 2016. Disaggregated figures for the number of arrivals and the number of asylum seekers are not available.

²⁷¹ Italian Navy Twitter account.

²⁷² MSF Twitter account.

²⁷³ Italian Navy Twitter account.

²⁷⁴ MSF Twitter account.

²⁷⁵ Italian Coast Guard Twitter account.

²⁷⁶ Norwegian Police Twitter account.

²⁷⁷ Italian Coast Guard Twitter account.

²⁷⁸ Information available at: www.interno.gov.it/it/notizie/sbarco-migranti-taranto-prima-assistenza-603-persone.

Additional rescue operations took place around Christmas. On 24 December 2015, 661 migrants were rescued by the MSF ship “Bourbon Argos”, the Italian Navy ship “Cigala Fulgosi”, and the Italian Coast Guard (*Guardia Costiera*) ship “Dattilo”, and disembarked in Augusta (Sicily). Among them, there were 546 men, 103 women, and 12 children. One young man, who has not been identified yet, had died before reaching the Italian shores. Migrants came mostly from Pakistan, Afghanistan, and Sub-Saharan Africa.²⁷⁹

On 28 December 2015, 931 migrants were disembarked in Palermo by the Norwegian ship “Siem Pilot”. Among them, there were 841 men, 64 women (two of whom were pregnant), and 26 unaccompanied children. They were received at the docks by local police authorities, IRC, and Caritas. Healthcare was provided by the local hospital.²⁸⁰ On the same day, 114 migrants coming from New Guinea, Senegal, and Nigeria disembarked in Catania (Sicily) after being rescued by the Italian Navy ship “Dattilo”. They were immediately transferred to reception centres located in northern Italy.²⁸¹

Relocation procedures continued to be carried out during the reporting period, leading to a total of some 190 asylum seekers departing from Italy to other EU Member States.

7.3. Criminal proceedings against migrants and people helping them

7.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

7.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

Three migrants, who disembarked in Augusta on 24 December 2015, were accused of smuggling of human beings by Italian police authorities, and were transferred to a detention facility in Siracusa.²⁸²

Three migrants, who disembarked in Palermo on 28 December 2015 (two men from Gambia and one from Somalia) were accused of the same crime.²⁸³

²⁷⁹ Information available at: http://palermo.repubblica.it/cronaca/2015/12/24/news/oltre_500_migranti_sbarcati_ad_augusta_c_e_anche_un_morto-130097140/?ref=search.

²⁸⁰ Information available at: http://palermo.gds.it/2015/12/28/sbarcati-a-palermo-931-migranti-tra-loro-26-minori-identificati-scafisti-dalla-polizia_454766/.

²⁸¹ Information available at: <http://siciliamigranti.blogspot.it/2015/12/migranti-in-114-sbarcano-al-porto-di.html>.

²⁸² Information available at: http://palermo.repubblica.it/cronaca/2015/12/25/news/sbarchi_ad_augusta_fermati_tre_scafisti-130141425/?ref=search.

²⁸³ Information available at: http://palermo.gds.it/2015/12/28/sbarcati-a-palermo-931-migranti-tra-loro-26-minori-identificati-scafisti-dalla-polizia_454766/.

7.4. Fundamental rights issues in relation to registration and channelling into different procedures

7.4.1 Registration and identification

On 24 December 2015, the Ministry of the Interior officially announced the activation of the second hotspot facility on Italian soil, which is located in Trapani (Sicily). This hotspot will be able to host up to 400 migrants and carry out registration and identification procedures: the structure can guarantee the identification and fingerprinting of 150 people a day. The hotspot has been operating since 22 December 2015. The Ministry of the Interior reaffirmed that the hotspot system is aimed at:

- relocating asylum seekers of specific nationalities – such as Syrians and Eritreans – to other EU Member States;
- guaranteeing the application of the international protection procedure for migrants entitled thereto;
- identifying and expelling migrants who are not entitled thereto.

The hotspot in Trapani will be staffed with personnel from UNHCR, the International Organization for Migration (IOM), the European Asylum Support Office (EASO), and territorial commissions for the recognition of international protection.²⁸⁴

ASGI lawyers express serious concern about the hotspot system. One of the most critical elements is the so called “news sheet” (*foglio notizie*). The police provides this form to all persons arriving in Italy by sea in order to identify them and rapidly distinguish those who are entitled to international protection and those who are economic migrants. ASGI lawyers strongly maintain that this kind of procedure is carried out too fast without giving migrants proper information about the procedure of applying for international protection. Interpreters are very often not present and the form itself is far too generic and superficial. Besides personal data, the person is asked to declare the reason of his/her migration to Italy. The first given option is “work” and it is not possible to express a multiple choice. This procedure and the lack of information lead to most migrants choosing to tick the “work” option of the news sheet and they are automatically classified as economic migrants and given an expulsion order which often results in detention.

Italian police authorities tend to consider that only those persons qualify for international protection who come from countries that are awarded international protection in more than 75 % of the cases – such as Eritreans, Iraqis and Syrians.²⁸⁵ The President of the Department for Civil Freedom and Immigration of the Ministry of the Interior affirmed before the Parliament on 3 December that the international procedure should consider the personal history of each applicant and not just the nationality of origin: not all Syrians deserve international protection

²⁸⁴ Information available at: www.interno.gov.it/it/notizie/trapani-e-attivo-lhotspot-i-migranti.

²⁸⁵ ASGI lawyer, 15 and 21 December.

and there are other nationalities which could deserve it but are often not considered, such as Afghans.²⁸⁶

7.4.2 Asylum procedure

A serious incident concerning the access to the international protection procedure occurred in the reception centre in Milo (Sicily): 196 migrants – disembarked in Palermo on 28 December 2015 – were refused the chance to apply for asylum, and were sent away from the local reception centre.²⁸⁷ A deferred expulsion order was then issued against them. Migrants reported they had been given some forms to sign, without receiving translation or interpreting assistance in their own language; furthermore, they were reportedly not given sufficient information about how to apply for international protection. After a demonstration and a two-day negotiation with local authorities, the migrants were allowed to apply for international protection, and could go back to the local reception centre.²⁸⁸

7.4.3 Return procedure

The issuance of expulsion orders to new arrivals following only a superficial identification of people in need of international protection described above may result in channelling persons into non-admission or return procedures in contradiction with the principle of non-refoulement.

7.5. Challenges and developments concerning reception conditions of new arrivals, including detention

7.5.1 Reception conditions and capacity

MSF announced its decision to withdraw from the first reception centre (*centro di primo soccorso e accoglienza*, CPSA) in Pozzallo (Sicily) due to the critical reception conditions at the facility, which had already been reported in November 2015.²⁸⁹ MSF criticises the Ministry of Interior for not improving the conditions at the centre, which are detention-like and do not take into account the needs of vulnerable people arriving in Italy.²⁹⁰ The position of MSF was endorsed by a question to the government tabled in the senate on 10 December 2015. The document describes the detention-like conditions at the reception centre, where

²⁸⁶ Declarations of the President of the Department for civil freedom and immigration of the Ministry of the Interior available at: www.camera.it/leg17/1058?idLegislatura=17&tipologia=audiz2&sottotipologia=audizione&anno=2015&mese=12&giorno=03&idCommissione=69&numero=0032&file=indice_stenografico.

²⁸⁷ Information available at: www.tp24.it/2016/01/04/immigrazione/trapani-respinti-in-120-all-hotspot-ma-non-possiamo-tornare-nel-nostro-paese/96950.

²⁸⁸ Information available at: http://palermo.gds.it/2015/12/28/sbarcati-a-palermo-931-migranti-tra-loro-26-minori-identificati-scafisti-dalla-polizia_454766/.

²⁸⁹ MSF report on reception conditions at the reception centre in Pozzallo, available at: http://archivio.medicisenzafrontiere.it/pdf/Rapporto_CPI_CPSA_Pozzallo_final.pdf.

²⁹⁰ MSF press release, available at: www.medicisenzafrontiere.it/notizie/comunicato-stampa/pozzallo-msf-annuncia-l%E2%80%99uscita-dal-cpsa.

persons are not allowed to leave the facility even for a few hours and the police carries out thorough and systematic checks at the entrance; international protection procedures are not guaranteed since basic information is not provided and “economic migrants” are hastily distinguished from asylum seekers with no attention paid to their individual history and experience, thus infringing upon the right to international protection.²⁹¹ This question was submitted to Parliament by Luigi Manconi, president of the Senate Human Rights Commission, in cooperation with ASGI, Oxfam, MSF, and the association *A buon diritto*.²⁹²

The Lampedusa-based organisation Askavusa has launched a public call for the closure of the Lampedusa reception centre, following the demonstration against forced identification organised by Eritrean asylum seekers living in the centre.²⁹³ Along with the closure of this facility, the organisation points to the bad living conditions experienced in the centre, and asks for the possibility for every human being to travel across European borders without being forced to identification. The organisation also advocates for the demilitarisation of the island of Lampedusa, for the suspension of Italy’s participation in wars, and for a halt to the production and sale of weapons.²⁹⁴

7.5.2 Vulnerable persons

See 7.5.1 on the conditions in the first reception centre in Pozzallo.

7.5.3 Child protection

Nothing new to report.

7.5.4 Healthcare

Several associations, including ASGI, MSF, Italian Refugees Council (CIR), UNHCR, and Caritas, sent a letter to the Ministry of Health concerning the exemption from healthcare fees for asylum seekers. Considering that since 1 October 2015 asylum seekers in Italy are not allowed to work during the first two months after the application for international protection and that, after this period of time, they are considered able to pay healthcare fees, unless they demonstrate they are unemployed, the abovementioned associations have asked the Ministry of Health to clarify how this set of rules is consistent with the EU legislation concerning

²⁹¹ Question to the government available at: www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=Sindisp&leg=17&id=952797&utm_source=newsletter&utm_campaign=bbff150bd0-&utm_medium=email&utm_term=0_73ce74d02e-bbff150bd0-43503069.

²⁹² Information available on the ASGI website: www.asgi.it/allontamento-espulsione/oxfam-asgi-a-buon-diritto-hotspots-gravi-violazioni-diritti-migranti/?utm_source=newsletter&utm_campaign=bbff150bd0-&utm_medium=email&utm_term=0_73ce74d02e-bbff150bd0-43503069.

²⁹³ Information on the demonstration is available at: www.redattoresociale.it/Notiziario/Articolo/497011/Eritrei-cartelli-e-slogan-a-Lampedusa-Siamo-rifugiati-niente-impronte.

²⁹⁴ The text of the call is available at: <https://askavusa.wordpress.com/2015/12/17/appello-per-la-chiusura-dellhot-spot-di-lampedusa-e-la-smilitarizzazione-dellisola/>.

healthcare assistance for asylum seekers. In fact, Article 17, para. 4 of European Parliament and Council Directive 2013/33/EU of 26 June 2013 laying down standards for the reception of applicants for international protection,²⁹⁵ sets out that asylum seekers are exempted from healthcare fees unless they have sufficient financial resources.²⁹⁶

7.5.5 Immigration detention

Nothing new to report.

7.6. Responses in law, policy and/or practice

The Ministry of the Interior approved Circular No. 2255 of 2 December 2015 (*Circolare 2 dicembre 2015, n. 2255*) addressing local prefectures, police commissioners, and other institutional stakeholders in order to clarify the procedures introduced in the Italian legal system by Legislative Decree No. 142 of 18 August 2015, Implementation of Directive 2013/33/EU laying down standards for the reception of applicants for international protection, as well as of Directive 2013/32/EU on common procedures for granting and withdrawing international protection (*Decreto legislativo 18 agosto 2015, n. 142, Attuazione della direttiva 2013/33/UE recante norme relative all'accoglienza dei richiedenti protezione internazionale, nonché della direttiva 2013/32/UE, recante procedure comuni ai fini del riconoscimento e della revoca dello status di protezione internazionale*). The goal of this circular is to promote consistent enforcement of the abovementioned legislative decree on the whole Italian soil in relation to the procedures of first and second reception of asylum seekers.²⁹⁷

The European relocation scheme's implementations is slow: according to the declarations given to Parliament by the President of the Department for Civil Freedoms and Immigration of the Ministry of the Interior, Italy has sent more than 130 relocation requests to other Member States who have not given yet their approval. Especially after the Paris attacks, Member States appear very cautious in approving relocation requests which is slowing down the implementation of the relocation scheme.²⁹⁸

7.7. Social response to the situation

A number of Italian municipalities – e.g. Montesilvano (Abruzzi) and Portocannone and Rotello (Molise) – are entering into agreements with local prefectures and associations, with a view to engaging in voluntary activities with asylum seekers

²⁹⁵ Directive available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>.

²⁹⁶ The text of the letter is available at: www.asgi.it/wp-content/uploads/2016/01/Lettera-esenzione-ticket-richiedenti-asilo-Ministero-Salute_29.12.151.pdf.

²⁹⁷ The circular of the Ministry of the Interior is available at: www.asgi.it/wp-content/uploads/2015/12/Circolare-2255-del-30.10.15.pdf.

²⁹⁸ Declarations of the President of the Department for civil freedom and immigration of the Ministry of the Interior available at: www.camera.it/leg17/1058?idLegislatura=17&tipologia=audiz2&sottotipologia=audizione&anno=2015&mese=12&giorno=03&idCommissione=69&numero=0032&file=indice_stenografico.

who are living in reception centres located throughout the territory, and are waiting for the formal acceptance of their international protection application. The goal is to foster their integration in the local community.²⁹⁹

On 18 December 2015, the primary school 'Pisacane' organised a whole day of activities, concerts, and games aimed at raising awareness on the struggle against racism, on the reception of asylum seekers, and on the integration between migrants and Italians. This initiative is particularly relevant considering that the above-mentioned school is located in Torpignattara, the most multi-ethnic district of Rome.³⁰⁰

7.8. Hate crime incidents

The racist organisation *Veneto Fronte Skinhead* carried out several attacks on Caritas offices in different Italian regions in order to protest against the reception of migrants and the integration programmes implemented by Caritas, as well as to express its opposition to the proposed reform of the rules on nationality, aimed at introducing into the Italian legislation the *ius soli* principle for some specific cases.³⁰¹

On 3 January 2016, a migrant from Senegal, working as a day labourer in the countryside of Rosarno (Calabria), was attacked by 4–5 men on his way back from work. The assaulters were travelling by car when they stopped and assaulted the man seemingly for no reason but racism.³⁰²

²⁹⁹ Information available at: www.interno.gov.it/it/notizie/montesilvano-i-migranti-attesa-asilo-potranno-svolgere-attivita-volontariato and www.interno.gov.it/it/notizie/possibile-volontariato-tutti-i-richiedenti-asilo-provincia-campobasso.

³⁰⁰ Information available at: www.redattoresociale.it/Notiziario/Articolo/497062/Giornata-migranti-la-scuola-Pisacane-mostra-la-sua-ricetta-contro-il-razzismo.

³⁰¹ Information available at: <http://milano.repubblica.it/cronaca/2015/11/26/news/skinheads-128186914/>.

³⁰² Information available at: www.avvenire.it/Cronaca/Pagine/Alta-tensione-raid-contro-sei-migranti-.aspx.

8. Slovenia

8.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Red Cross Slovenia (*Rdeči križ Slovenije*);
- UNICEF Slovenia (*UNICEF Slovenija*);
- Crisis Centre Bežigrad (*Krizni center Bežigrad*);
- Centre for Social Work Postojna (*Center za socialno delo Postojna*);
- Centre for Social Work Brežice (*Center za socialno delo Brežice*);
- Centre for Social Work Ljubljana Vič-Rudnik (*Center za socialno delo Ljubljana Vič-Rudnik*);
- Centre for Social Work Maribor (*Center za socialno delo Maribor*);
- Ministry of Health (*Ministrstvo za zdravje*);
- Islamic Community in the Republic of Slovenia (*Islamska skupnost v Republiki Sloveniji*);
- Caritas Slovenia (*Slovenska karitas*);
- Slovenian Philanthropy (*Slovenska filantropija*);
- Legal Information Centre of NGOs (Pravno informacijski center nevladnih organizacij, PIC);
- Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (*Uprava Republike Slovenije za zaščito in reševanje*);
- Association for non-violent communication (*Društvo za nenasilno komunikacijo*);
- Directorate for Internal Administrative Affairs, Migration, and Naturalisation (*Direktorat za upravne notranje zadeve, migracije in naturalizacijo*) at the Ministry of the Interior (*Ministrstvo za notranje zadeve*);
- Migration Policy and Legislation Division (Sektor za migracijsko politiko in zakonodajo) of Internal Administrative Affairs, Migration and Naturalisation Directorate (Direktorat za upravne notranje zadeve, migracije in naturalizacijo) at the Ministry of Interior of RS (Ministrstvo za notranje zadeve RS);
- Asylum Home (*Azilni dom*);
- The police (*Policija*);
- The Office of the State Prosecutor General of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*);
- Centre for Foreigners (*Center za tujce*);
- Hotline for reporting hate speech on the internet "Web eye" (*Spletno oko*);
- The national TV news website MMC www.rtv slo.si, Editor-in-chief;
- Peace Institute (*Mirovni inštitut*).

8.2. Overview of the situation

Some 381,500 people entered the territory of Republic of Slovenia in 2015, about 377,000 of them during the period between 15 October and 31 December 2015.³⁰³ Some 300 of these persons requested international protection in Slovenia.³⁰⁴ The border police issued 584 decisions on voluntary return and 180 decisions on forced return in 2015.³⁰⁵

The police reports some 404,000 people having crossed the border into Slovenia from 23 November to 31 December.³⁰⁶ Some 391,000 persons left Slovenia and were transferred to Austrian law enforcement authorities during the same period of time. The Border Police Division provides lower numbers, indicating some 323,500 arrivals between 23 November and 31 December, originating mainly from Syria, Afghanistan and Iraq, including some 100,000 children. They entered Slovenia mainly from Croatia by train or bus.³⁰⁷ Only few of them applied for asylum in Slovenia.

8.3. Criminal proceedings against migrants and people helping them

8.3.1 Criminal proceedings initiated against migrants and asylum seekers

Prohibited crossing of state border or territory is a criminal offence under Article 308 of the Criminal Code.³⁰⁸ It is an offence:

- for an alien with no residence permit, to stay in the territory of the Republic of Slovenia or to resist legal removal therefrom, by force (Article 308(2) of the Criminal Code);
- for a person to engage in providing prohibited transit of aliens without entry or residence permit across the state border, their transit across Slovenian territory, or in concealing their whereabouts, or to secure transit across the state border or Slovenian territory of two or more aliens, in exchange for payment (Article 308(3) of the Criminal Code);

³⁰³ Border Police Division, press releases, 31 December 2015, available at: www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/82347-podatki-o-tevilu-migrantov-ki-so-vstopili-v-slovenijo-do-31-decembra-do-6-ure- and www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/82353-podatki-o-tevilu-migrantov-ki-so-vstopili-v-slovenijo-do-31-decembra-do-12-ure-.

³⁰⁴ Calculation based on the statistics published by the Ministry of Interior, available at www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/statistika/ and information from Asylum Home.

³⁰⁵ General Police Directorate, Uniformed Police Directorate, Border Police Division.

³⁰⁶ Police, Ministry of Interior.

³⁰⁷ Border Police Division, Ministry of Interior.

³⁰⁸ Slovenia, Criminal Code, 4 June 2008 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050.

- for an official to facilitate an alien illegal entry into the territory of the Republic of Slovenia or illegal residence therein (Article 308(4) of the Criminal Code);
- for a person to gain over or collect people with a view to illegal migration, to facilitate forged documents or transport, or to otherwise engage in organising illegal migration, or organise migration by deceiving competent authorities regarding the true nature of entering the territory of the Republic of Slovenia (Article 308(5) of the Criminal Code).

In the reporting period, no criminal proceedings have been initiated against migrants or asylum seekers related to prohibited crossing of the border.³⁰⁹

8.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

In the reporting period, no criminal proceedings have been initiated against people, organisations or associations facilitating irregular entry or stay.³¹⁰

8.4. Fundamental rights issues in relation to registration and channelling into different procedures

8.4.1 Registration and identification

According to the police (*Policija*), all new arrivals have been registered.³¹¹ Occasionally some backlogs occur, which require people to wait outside designated facilities for the purpose of registration, however, they are resolved in due course.³¹² Police divides individuals based on their status (persons requesting international protection, persons in the process of returns and foreigners that cannot be returned based on the principle of non-refoulement).³¹³

Some 77,780 persons were fingerprinted,³¹⁴ amongst them, all individuals requesting international protection that were over the age of 14.³¹⁵

The Police has developed an application for a more efficient registration of migrants, called eMigrant.³¹⁶ They upgraded the application TravelDoc with an

³⁰⁹ General State Prosecutor's Office.

³¹⁰ *Ibid.*

³¹¹ General Police Directorate, Uniformed Police Directorate, Border Police Division

³¹² Legal Information Centre of NGOs.

³¹³ General Police Directorate, Uniformed Police Directorate, Border Police Division.

³¹⁴ *Ibid.*

³¹⁵ Asylum Home.

³¹⁶ Article on the web news portal RTVSLO, 'The Police decreased to time to register refugees to a maximum of five minutes per person', 27 December 2015: www.rtvsllo.si/begunska-kriza/policija-skrajsala-postopek-popisa-prebeznikov-na-najvec-pet-minut-na-osebo/382079; Article on the web portal eRevija, 'Slovenian police a good example for the EU, it has developed the eMigrant software', 27 December 2015, available at: www.erevija.com/ogled/Slovenska-policija-za-zgled-EU-sami-razvili-aplikacijo-eMigrant/aHR0cDovL3d3dy5wbGFuZXQuc2kvbm92aWNIL3Nsb3ZlbmlqYS9zbG92ZW5za2EtcG9saWNpamEtYmktbW9yYWxhLWJpdGktmdsZWQtZXUtc2FtaS1yYXp2aWxpLWFwbGlrYWNPam8tZW1pZ3JhbnQuaHRtbA==.

optical reader of fingerprints, a web camera, and other features to enable swifter registration.³¹⁷ They have thus been able to reduce the duration of the registration procedure to approximately 5 minutes per person. Using this method the police is now also able to collect data on the destination country, spoken languages, on whether the person is travelling alone or with a family, the reason for migration etc.³¹⁸

Since 26 December, Austria imposes stricter border control and is using additional interpreters when interviewing foreigners.³¹⁹ In the period of 25 to 29 December, Austria rejected 413 migrants accordingly.³²⁰ According to the Ministry of the Interior, about 200 of them were subsequently handed over to the Austrian authorities.³²¹

The police did not detect any criminal activity related to human trafficking related to irregular migrants in the period from 23 November to 31 December.³²²

8.4.2 Asylum procedure

There were 56 requests for international protection filed during the reporting period according to Asylum Home, and 28 according to police statistics.

NGOs inform people about their rights and the asylum procedure upon entering Slovenia at the border.³²³ All asylum seekers are required by law to receive a brochure (in a language that they understand) with information about the asylum procedure, their rights and duties, possible consequences of not complying with the duties or not cooperating with the competent authority, due dates for filing legal remedies, and a list of and information about NGOs that offer assistance with requests for international protection.³²⁴

If the asylum seeker is an unaccompanied child, he or she has the right to priority treatment and to be appointed a representative.³²⁵ The official person in charge of the proceedings affecting unaccompanied children has to be properly trained in dealing with children to ensure effective enjoyment of his/her rights.³²⁶

³¹⁷ Tič, A., Kalin, T (2015), 'Registration of migrants – eMigrant', power-point presentation at the Congress Computerisation of public administration 2015 ('*Informatika v javni upravi*'), 15-16 December 2015 (unpublished).

³¹⁸ General Police Directorate, The IT and Telecommunications Office.

³¹⁹ Article on the web news portal 24UR, 'Austrians rejected three buses of refugees and returned them to Slovenia, 29 December 2015: www.24ur.com/novice/slovenija/avstrijci-zavrnilo-tri-avtobuse-prebeznikov-in-jih-vrnili-v-slovenijo.html.

³²⁰ Article on the web news portal SIOL, 'Austria returns 413 refugees to Slovenia for hiding their nationality', 29 December 2015: www.planet.si/novice/slovenija/avstrija-v-slovenijo-vrnili-413-beguncev-ker-so-prikrivali-svoje-drzavljanstvo.html.

³²¹ Article on the web news portal DELO, 'Austria rejected refugees who were supposedly lying about their citizenship', 29 December 2015: www.delo.si/novice/slovenija/avstrija-zavrnila-prebeznike-ki-naj-bi-lagali-o-drzavljanstvu.html.

³²² General Police Directorate, Uniformed Police Directorate, Border Police Division.

³²³ Legal Information Centre of NGOs.

³²⁴ Slovenia, Article 9 of the International Protection Act, 21 February 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³²⁵ Slovenia, Article 16/I of the International Protection Act, 21 February 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³²⁶ Slovenia, Article 16/II of the International Protection Act, 21 February 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

The stakeholders provided no information on accelerated procedures during the reporting period.

There were no rejections of requests for international protection based on the safe third country principle.³²⁷ 13 requests (8 persons from Afghanistan, 3 from Serbia, 1 from Algeria and 1 from Turkey) for international protections were rejected for being found manifestly unfounded.³²⁸

Under the Dublin III Regulation procedure, four persons were returned back to Slovenia.³²⁹

Asylum seekers can be detained on the grounds of an existing need to establish the identity of the applicant, suspicion of misleading and abuse of the procedure (especially for reasons mentioned in paras. 4, 5, 6, 7, 8, 9, 10, 12, 14 and 15 of Article 55 of the International Protection Act), substantiated reasons of endangering lives or property of other people or to ensure the transfer of the applicant to a safe third country, if substantiated reasons exist that the asylum seeker is likely to evade the transfer.³³⁰ Two asylum seekers were detained in the Centre for foreigners (*Center za tujce*) during the reporting period; one Pakistani citizen on 25 November and one Iraqi citizen on 15 December.

8.4.3 Return procedure

During the reporting period, 32 persons were forcibly returned, including Syrian and Afghan nationals as well as children.³³¹

The police reports that during the reporting period, 13 people (out of all those returned) were returned to law enforcement authorities of neighbouring countries based on a bilateral agreement: 10 to Croatia, 2 to Italy, and 1 to Hungary.³³² The police also reports persisting communication problems with the Republic of Croatia regarding the acceptance of returnees.³³³

8.5. Challenges and developments concerning reception conditions of new arrivals, including detention

8.5.1 Reception conditions and capacity

Reception capacities varied insignificantly throughout the reporting period, ranging between 9,415 to 9,113 places available between 23 November 2015 and 31 December 2015 respectively.³³⁴ With the exception of the first couple of days

³²⁷ Asylum Home.

³²⁸ *Ibid.*

³²⁹ *Ibid.*

³³⁰ Slovenia, Article 51 of the International Protection Act, 21 February 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³³¹ Centre for foreigners, senior police inspector.

³³² General Police Directorate, Uniformed Police Directorate, Border Police Division.

³³³ *Ibid.*

³³⁴ URSZR, Daily reports on protection, rescue and help activities, 23 November 2015–31 December 2015, not published, sent upon request.

of the reporting period, persons have largely been registered and accommodated at the reception centres in Brežice (entry point) and Šentilj (exit point).³³⁵

At no point during the relevant period were any of the reception or accommodation centres overcrowded,³³⁶ nor were asylum seekers generally accommodated with persons in return procedures.³³⁷ Except for one occasion when a group of people passed through Slovenia without receiving food or beverages due to miscommunication, food and water have been systematically and regularly provided at all the reception and accommodation centres.³³⁸

Even though all reception and registration centres are heated, some report that in Dobova, especially in the earlier stages of the reporting period, people were being registered outside in the cold at the train station.³³⁹ While generally reception and accommodation centres are reported to be sufficiently clean,³⁴⁰ Slovenian Philanthropy (*Slovenska filantropija*) and the Legal Information Centre of NGOs (*Pravno informacijski center nevladnih organizacij*, PIC) claim that blankets and sleeping pads in Šentilj accommodation centre are inadequately clean.³⁴¹ Furthermore, one instance of rat infestation occurred in Dobova.³⁴²

Additional problems with hygiene occurred at Dobova train station as toilets on incoming trains were locked due to sanitary reasons (toilet facilities cannot be used on a non-running train), resulting in groups of people (1,000 per train) being without access to a toilet, sometimes for over 3 hours,³⁴³ which resulted in some people urinating themselves while waiting for the registration.³⁴⁴ It has, however, also been reported that upon request, police officers were, on some occasions, willing to escort individuals off the train to the toilet.³⁴⁵

8.5.2 Vulnerable persons

Vulnerable persons are defined in the International Protection Act which follows Article 21 of the Reception Conditions Directive.³⁴⁶ The Police Tasks and Powers Act³⁴⁷ prevents the police from using force against children, persons with illnesses, the elderly, the disabled, and pregnant women.³⁴⁸ The Police Tasks and Powers

³³⁵ URSZR, Daily reports on protection, rescue and help activities, 23 November 2015–31 December 2015, not published, sent upon request.

³³⁶ *Ibid.*

³³⁷ Legal Information Centre of NGOs, Slovenian Philanthropy.

³³⁸ Legal Information Centre of NGOs, Slovenian Philanthropy, Caritas Slovenia.

³³⁹ Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁴⁰ *Ibid.*

³⁴¹ *Ibid.*

³⁴² Slovenian Philanthropy.

³⁴³ Legal Information Centre of NGOs, Association for nonviolent communication.

³⁴⁴ Association for nonviolent communication.

³⁴⁵ Legal Information Centre of NGOs.

³⁴⁶ Slovenia, Article 15(1) of the International Protection Act, 5 December 2007, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³⁴⁷ Slovenia, Police Tasks and Powers Act, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6314.

³⁴⁸ Slovenia, Article 76 of the Police Tasks and Powers Act, 18 February 2013 and subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6314.

Act also requires the police to act vigilantly when dealing with vulnerable persons and children.³⁴⁹

The police have not provided any information on the matter, however according to NGOs, there are no formal identification procedures or guidelines in place.³⁵⁰ In the view of some NGOs, this renders the identification of vulnerable persons, and consequently their treatment, arbitrary and subject to discretion of individuals working on the field.³⁵¹

In practice, amongst persons who entered Slovenia, those recognised as vulnerable persons are granted priority registration and transit.³⁵² The police recognises and grants priority to families and the elderly,³⁵³ while reports have been inconsistent regarding the treatment of pregnant women, persons with illnesses, children, unaccompanied children, and others.³⁵⁴ An international non-profit organisation is planning to establish separate spaces for breastfeeding at the reception centre Dobova.³⁵⁵ Additionally in Dobova, UNHCR is planning to ensure a separate space for single women.³⁵⁶

All people in return procedures can be detained and there are no explicit exemptions provided by law for a particular vulnerable group. There are no specific rules by law³⁵⁷ when alternative accommodation for this category could apply, so decisions are made by the police based on the circumstances of the specific case and availability of alternative accommodation.³⁵⁸ The Centre for foreigners (*Center za tujce*) provides separate accommodation for vulnerable groups that are detained.³⁵⁹

Unaccompanied children can be detained. However, those requesting international protection cannot be detained in the Centre for foreigners (*Center za tujce*); their movement is limited to the premises of the Asylum Home (*Azilni dom*).

³⁴⁹ Slovenia, articles 13(2) and 18 of the Police Tasks and Powers Act, 18 February 2013 and subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6314.

³⁵⁰ Slovenian Philanthropy; Legal Information Centre of NGOs.

³⁵¹ *Ibid.*

³⁵² *Ibid.*

³⁵³ Slovenian Philanthropy; Legal Information Centre of NGOs; Caritas Slovenia.

³⁵⁴ Caritas Slovenia reported that all vulnerable persons, as defined by the International Protection Act, are granted special treatment and that the authorities are being vigilant in ensuring their protection. On the other hand, the Legal Information Centre of NGOs (*PIC*) reports that pregnant women and persons with illnesses are only sometimes granted special treatment, while unaccompanied children are generally not granted priority registration and transit. Finally, Slovenian Philanthropy reports that children, unaccompanied children, women, pregnant women, the elderly and the disabled are generally always granted priority registration and transit.

³⁵⁵ Legal Information Centre of NGOs.

³⁵⁶ Slovenian Philanthropy.

³⁵⁷ Slovenia, Article 76(3) of Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761. The Article stipulates that vulnerable groups are accommodated separately (however, the Act does not contain any specific provisions).

³⁵⁸ Saša Zagorc, Institute for Legal Research, Education and Counselling (ILREC): Made Real Report – Alternatives to Detention for Asylum Seekers in the EU, National Report, p.22.

³⁵⁹ Slovenia, Article 4 of Rules on residing in the Aliens Centre, depositing own financial resources and on the form and content of the card stating permission to remain in the Republic of Slovenia, 7 March 2015, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV12237.

Unaccompanied children who are not asylum seekers can be accommodated in the Centre for foreigners (*Center za tujce*) in exceptional circumstances. These circumstances, according to the police, occur when no other adequate accommodation provided by the Social Work Centre (CSD) is available.³⁶⁰ However, unaccompanied children cannot be imposed stricter police surveillance (see Section 8.5.5).³⁶¹

8.5.3 Child protection

Pursuant to Article 5a of the Marriage and Family Relations Act, all public authorities are required to act in the best interests of the child in all activities and procedures at all times.³⁶² A similar provision is specifically included in the International Protection Act³⁶³ and the Aliens Act.³⁶⁴ To ensure that asylum and immigration systems operate in the best interests of the child, the International Protection Act and the Aliens Act require the appointment of a representative for unaccompanied children before an unaccompanied child becomes subject of a return procedure³⁶⁵ or after an unaccompanied child has requested asylum.³⁶⁶

Various NGOs have pointed to the fact, that these provisions are not being strictly enforced and representatives are not always appointed,³⁶⁷ with some tacitly supporting this practice because it enables unaccompanied children to continue their journey to their final destination.³⁶⁸ In light of the fact that Slovenia remains a transit country, UNICEF Slovenia, amongst others, reported as one of their objectives to enable unaccompanied children to safely reach their destination.³⁶⁹

During the reporting period, 13 unaccompanied children were detained at the Centre for Foreigners (*Center za tujce*) in Postojna. While these individuals have been appointed a representative and were accommodated separately from other detained individuals, some NGOs expressed doubts whether such detention is in the best interests of the child. They also claim that the police is acting in an arbitrary way and that there is no way of knowing who will be permitted to transit

³⁶⁰ Centre for foreigners in Postojna, senior police inspector.

³⁶¹ Slovenia, Article 28(6) of the Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁶² Slovenia, Article 5a (1) of the Marriage and Family Relations Act, 4 June 1976 and subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO40.

³⁶³ Slovenia, Article 16(1) of the International Protection Act, 21 February 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³⁶⁴ Slovenia, Article 82(1) of the Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁶⁵ *Ibid.*

³⁶⁶ Slovenia, Article 16(4) of the International Protection Act, 21 February 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³⁶⁷ Legal Information Centre of NGOs, Slovenian Philanthropy, undisclosed sources.

³⁶⁸ Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁶⁹ UNICEF Slovenia. In assessing the safety of unaccompanied children, according to Slovenian Philanthropy, NGOs are trying to determine whether individuals have planned their journey safely. They are also attempting to identify possible elements of human trafficking in some instances.

through Slovenia and who will be detained at the Centre for foreigners (*Center za tujce*).³⁷⁰

Inside the Centre for Foreigners (*Center za tujce*), everyone, including unaccompanied children, have 24 hour access to a social worker. Unaccompanied children aged 15 to 17 who request asylum are accommodated at the Asylum Home (*Azilni dom*), while younger unaccompanied children seeking asylum are accommodated at Crisis centres (*Krizni centri*) across the country.³⁷¹ While Crisis centres (*Krizni centri*) are institutions helping children in need, NGOs and some Centres for Social Work (*Centri za socialno delo*) report that they are ineffective with asylum seekers due to a lack of interpreters.³⁷²

In the beginning of the reporting period, UNICEF Slovenia was running “kids’ corners” at most of the registration and accommodation centres, where children (approximately 100 children per day) could play and were provided with toys.³⁷³ This practice, however, was discontinued towards the end of November as it increased the risk of families being separated.³⁷⁴ Throughout most of December, entertainment for children at registration and accommodation centres was provided on an *ad hoc* basis with various organisations (for instance Red Noses – *Rdeči noski*) making day trips to entertain children.³⁷⁵ On 22 December 2015, the Ministry of the Interior (MNZ) signed a letter of intent to express their support for the establishment of child friendly spaces by UNICEF Slovenia at the only remaining registration and accommodation centres Dobova and Šentilj. These efforts are planned to materialise on 8 January 2016.

While children who are legally on the territory of the Republic of Slovenia³⁷⁶ are *de iure* entitled to primary schooling (ages 5–14) and children who requested asylum are *de iure* entitled to all levels of schooling and education,³⁷⁷ in practice they are not included in the educational processes as Centres for Social Work (*Centri za socialno delo*, CSD) consider their length of stay in the Republic of Slovenia (maximum of one week) as insufficient to initiate the process of integration into the education system.³⁷⁸

8.5.4 Healthcare

A medical team is still present at the registration and accommodation centres Brežice and Šentilj. Medication is readily available at all times, and all costs of healthcare are covered by the state.³⁷⁹ From 1 to 31 December 2015,

³⁷⁰ UNICEF Slovenia, Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁷¹ Centre for Social Work Ljubljana Vič-Rudnik, Crisis Centre Bežigrad.

³⁷² Centre for Social Work Brežice, Slovenian Philanthropy.

³⁷³ UNICEF Slovenia.

³⁷⁴ UNICEF Slovenia.

³⁷⁵ *URSZR*, Daily reports on protection, rescue and help activities, 26 December 2015, not published, sent upon request.

³⁷⁶ Slovenia, Article 75(1) of the Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁷⁷ Slovenia, Article 86 of the International Protection Act, 21 February 2011 with subsequent amendments, available at www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³⁷⁸ Centre for Social Work Postojna.

³⁷⁹ Ministry of Health, Legal Information Centre of NGOs, Slovenian Philanthropy.

3,285 people were treated, including 1,092 children and 100 pregnant women.³⁸⁰ 56 people were hospitalised.³⁸¹

8.5.5 Immigration detention

Detention can be imposed if a foreigner who resides irregularly on the territory of Slovenia is suspected to abscond, did not leave the country within the set date and cannot be removed right away or if his/hers identity is unknown.³⁸² Such individuals are accommodated in the Centre for foreigners (*Center za tujce*) and can be placed under stricter police surveillance, which means further restrictions of movement within the premises of the Centre for foreigners (*Center za tujce*).³⁸³

Accommodation in the Centre for foreigners (*Center za tujce*) and stricter police surveillance are ordered by a police decision. An individual has the right to file a lawsuit against the decision regarding the accommodation and the decision on imposing stricter police surveillance to the Administrative Court (*Upravno sodišče*).³⁸⁴

Persons requesting international protection can be detained either by being accommodated in the Centre for foreigners (*Center za tujce*), a closed police facility,³⁸⁵ or by limiting their movement to the premises of the Asylum Home (*Azilni dom*).³⁸⁶

During the reporting period, 255 people, including some 100 Afghan nationals, were detained at the Centre for foreigner for the purpose of removal or establishing their identity, including 29 children – 11 of them unaccompanied.³⁸⁷

The Centre for Foreigners (*Center za tujce*) can accommodate up to 350 people, there have been no problems with overcrowding so far.³⁸⁸

As an alternative to detention, the police may order the foreigner to reside at a location outside the Centre for foreigners (*Center za tujce*) while under duty to report to the nearest police station.³⁸⁹

³⁸⁰ Ministry of Health, Daily reports on healthcare offered to migrants and refugees, not published, sent upon request.

³⁸¹ *Ibid.*

³⁸² Slovenia, Articles 76(1) and 76(2) of the Aliens Act, 27 June 2011, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁸³ Slovenia, Articles 77(4) of the Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761; see also Article 44 of Rules on residing in the Aliens Centre, depositing own financial resources and on the form and content of the permit stating permission to remain in the Republic of Slovenia, 7 March 2015, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV12237.

³⁸⁴ Slovenia, Article 78 of the Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁸⁵ Saša Zagorc, Institute for Legal Research, Education and Counselling (ILREC): Made Real Report – Alternatives to Detention for Asylum Seekers in the EU, National Report, p.19.

³⁸⁶ Slovenia, Article 51(2) of the International Protection Act, 21 February 2011 with subsequent amendments, available at www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911.

³⁸⁷ Centre for Foreigners in Postojna, senior police inspector.

³⁸⁸ URSZR, Daily reports on protection, rescue and help activities, 23 November 2015–31 December 2015, not published, sent upon request.

³⁸⁹ Slovenia, Article 81 of the Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

Previous accounts note that the limitation of movement to the premises of the Asylum Home (*Azilni dom*) is more of a “*quasi-alternative to detention*”, as those under this measure have exactly the same rights and duties as others accommodated in the same facility, except the right to leave the Asylum Home (*Azilni dom*). However, in practice, the control of detention in the Asylum Home (*Azilni dom*) is not very strict.³⁹⁰

8.6. Responses in law, policy and/or practice

The largest opposition party, Slovenian Democratic Party (*Slovenska demokratska stranka*, SDS), proposed a bill that would ban the wearing of the burqa and the niqab in public, limit the possibility of obtaining asylum in the Republic of Slovenia and limit rights of asylum seekers and refugees. The bill, however, did not pass in the parliament.³⁹¹ The government proposed an amendment to the International Protection Act, largely concerning the asylum procedure; the bill has not yet been voted on in the parliament.³⁹²

No discriminatory practices in allowing people to cross the border and enter the country have been reported.

Throughout the reporting period, Slovenia has continued erecting a razor wire on the border with Croatia, which covered a total of 137 km of the border by 15 December 2015.³⁹³ Plans to erect the razor wire along the entirety of the border with Croatia have been announced by the Ministry of the Interior (MNZ) on 16 December 2015.³⁹⁴

In mid-December, reserve forces of the Slovenian Army (141 soldiers) completed their training to help dealing with the situation at the border and are due to begin their work in early January.³⁹⁵

³⁹⁰ Saša Zagorc, Institute for Legal Research, Education and Counselling (ILREC): *Made Real Report – Alternatives to Detention for Asylum Seekers in the EU*, National Report, pp.18–19.

³⁹¹ Article on the web news portal 24UR, ‘SDS would ban the wearing of the burqa and niqab and tighten the conditions to be granted asylum in Slovenia’, 23 November 2015: www.24ur.com/novice/slovenija/janseva-sds-zahteva-prepoved-nosenja-burke-in-nikaba.html.

³⁹² Article on the web news portal RTVSLO, ‘Limitations of rights of those seeking international protection of Slovenia is on the horizon’, 10 December 2015: www.rtvlo.si/slovenija/napoveduje-se-krcenje-pravic-tistim-ki-bi-se-v-slovenijo-zatekli-po-mednarodno-zascito/380763.

³⁹³ Article on the web news portal RTVSLO, ‘Šefic: We are erecting the fence on the entire border with Croatia’, 16 December 2015: www.rtvlo.si/slovenija/sefic-ograja-bo-na-celotni-meji-s-hrvasko/381231.

³⁹⁴ *Ibid.*

³⁹⁵ Article on the web news portal RTVSLO, ‘First day of work ahead of the military reserves’, 4 January 2016: www.rtvlo.si/slovenija/pred-vojaskimi-rezervisti-prvi-delovni-dan/382540.

8.7. Social response to the situation

Volunteers are continuing to assist in managing all the aspects of the current situation, including registration, transport, healthcare, feeding and accommodating people, and integration.³⁹⁶

In the past month, the public's attention has shifted from the plights of the people crossing Slovenia to the razor wire. A number of demonstrations and protests against the razor wire were held across the country, including those on 9, 10, 12, 19, 20, 27, and 29 December 2015.³⁹⁷

There were several responses of intellectuals and writers condemning hate speech directed to migrants. The Alternative Academy (*Alternativna akademija*) and The Committee for a Fair Society and Solidarity (*Odbor za pravično in solidarno družbo*) called upon the Prime Minister and the President of the Republic of Slovenia to condemn hate speech directed to migrants.³⁹⁸ The Slovene Writers' Association (*Društvo pisateljev Slovenije*, DPS) made a similar appeal to the government.³⁹⁹ The Slovenian Academy of Sciences and Arts (*Slovenska akademija znanosti in umetnosti*, SAZU) organised a "Symposium on the ethics of public speech and hate speech" (*Javni posvet o etiki javne besede in sovražnem govoru*)⁴⁰⁰ with academics and legal experts that unanimously condemned hate speech stemming from the highest representatives of the state. The interlocutors proposed several changes to the Criminal Code (*Kazenski zakonik*, KZ-1) related

³⁹⁶ Daily reports on protection, rescue and help activities, 23 November–31 December 2015, not published, sent upon request; UNICEF Slovenia; Legal Information Centre of NGOs; Slovenian Philanthropy; Caritas Slovenia; Red Cross Slovenia.

³⁹⁷ Article on the web news portal RTVSLO, 'Resistance against the 'barrier of idiots' in Kostel and Osilnica', 9 December 2015: www.rtv slo.si/begunska-kriza/upor-proti-prepreki-bedakov-v-kostelu-in-osilnici/380712. Article on the web news portal RTVSLO, 'Photo: Protest for a Europe without borders, razor wires, and war', 10 December 2015: www.rtv slo.si/slovenija/foto-protest-za-evropo-brez-meja-zicnatih-ograj-in-vojne/380818. Article on the web news portal RTVSLO, 'People of Istra: The wire by Dragonja is utter madness', 12 December 2015: www.rtv slo.si/begunska-kriza/istrani-zica-ob-dragonji-je-popolna-norost/380929. Article on the web news portal RTVSLO, 'Photos from the border between Slovenia and Croatia: 'Cerar, remove you wire!', 19 December 2015: www.rtv slo.si/slovenija/foto-s-slovensko-hrvaske-meje-cerar-umakni-svojo-zico/381522. Article on the web news portal RTVSLO, 'Photos from Kostelska fara: Protest against the wire which they decorated and cut', 20 December 2015: www.rtv slo.si/slovenija/foto-iz-kostelske-fare-protest-proti-zici-ki-so-jo-okrasili-in-prerezali/381573. Article on the web news portal RTVSLO, 'Protest by Sotla against 'incompetence of Slovenia's diplomacy'', 27 December 2015: www.rtv slo.si/begunska-kriza/ob-sotli-protest-proti-spomeniku-nesposobnosti-slovenske-diplomacije/382090. Article on the web news portal RTVSLO, 'People of Bela krajina came to Ljubljana and requested the government to remove the fence', 29 December 2015: www.rtv slo.si/begunska-kriza/belokranjci-prisli-v-ljubljano-in-od-vlade-zahtevali-odstranitev-ograje/382223.

³⁹⁸ The Committee for a Fair Society and Solidarity, 4 November 2015: <http://odbor.si/2015/11/sovrazni-govor-v-velikem-obsegu-najeda-slovensko-identiteto/>.

³⁹⁹ Article on the web news portal MLADINA, 'In 50 years, future generations will cast judgement based on the images of the barbed wire', 13 November 2015: www.mladina.si/170778/cez-50-let-nas-bodo-zanamci-sodili-po-podobah-te-bodece-zice/

⁴⁰⁰ Slovenian Academy of Sciences and Arts, Programme of the Symposium, 15 December 2015: www.sazu.si/napovednik/posvet-o-etiki-javne-besede-in-sovraznem-govoru/povzetki-prispevkov.html.

to hate speech and encouraged public prosecutors to take a more decisive stance in cases of alleged hate speech cases.

8.8. Hate crime incidents

There were no demonstrations or serious incidents recorded against migrants and refugees, or against accommodation centres in the reporting period.⁴⁰¹

The Slovenian hotline for reporting hate speech incidents on the internet “Web eye” (*Spletno oko*) received 90 reports of alleged hate speech punishable according to Article 297 (“Public incitement to hatred, violence or intolerance”) of the Criminal Code.⁴⁰² Three reports were referred to the police, including one targeting Muslim migrants.

On-line social response remains very high. The national radio television web portal MMC RTVSLO (www.rtv slo.si) kept restrictions for online commenting to only one news article related to migrants per day and added a pre-moderation of comments before – and not only after – posting on the webpage. Such a decision is a consequence of increased anonymous defamatory comments or “inappropriate speech” posted online. There were more than 4,000 posts published for one migration-related news in one day, while on the average they receive from 3,000 to 4,000 comments for all the news together.⁴⁰³ The most frequently visited news website in Slovenia www.24ur.com disabled the possibility to post comments to news related to migrants.

The project “Countering Hate Speech with Speech” (*Z (od)govorom nad sovražni govor*) led by The peace institute (*Mirovni inštitut*)⁴⁰⁴ established a “Council for responding to hate speech” (*Svet za odziv na sovražni govor*) which receives reports of xenophobic and racist speech also for cases not punishable by law. They received and analysed 15 cases between 24 June and 3 November 2015.⁴⁰⁵ Their latest response was published in November 2015 in which they condemn several Facebook groups, such as “Slovenia protect borders (*Slovenija zavaruj meje*), “Radical Ljubljana” (*Radikalna Ljubljana*) and “Slovenian Milita” (*Slovenska milica*).

In relation to migrants as victims, the police⁴⁰⁶ and the State Prosecutor's Office⁴⁰⁷ reported one dismissal of a criminal report related to the criminal offence of public incitement to hatred, violence or intolerance under Article 297 of the Criminal Code⁴⁰⁸ and one misdemeanour under Article 20 of the Protection of Public Order Act⁴⁰⁹ (incitement of intolerance).

⁴⁰¹ General Police Directorate, Uniformed Police Directorate, Border Police Division.

⁴⁰² Hotline for reporting hate speech on the internet “Web eye”, Project coordinator.

⁴⁰³ The national TV news website MMC www.rtv slo.si, Editor-in-chief.

⁴⁰⁴ Information on the Project “Countering Hate Speech with Speech”, available at: www.mirovni-institut.si/govor/.

⁴⁰⁵ The Third response of the “Council for responding to hate speech”, 11 November 2015, available at: www.mirovni-institut.si/tretji-odziv-sveta-za-odziv-na-sovrazni-govor/.

⁴⁰⁶ General Police Directorate, Uniformed Police Directorate, Border Police Division.

⁴⁰⁷ General State Prosecutor's Office.

⁴⁰⁸ Slovenia, Criminal Code, 20 May 2008, with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050.

⁴⁰⁹ Slovenia, The Protection of Public Order Act, 22 June 2006 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891.

9. Sweden

9.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Civil Contingencies Agency (*Myndigheten för Samhällsskydd och Beredskap*);
- Swedish Police (*Polisen*);
- Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, Brå*);
- Ombudsman for Children (*Barnombudsmannen, BO*).
- Amnesty International Sweden;
- Swedish Refugee Advice Centre (*Rådgivningsbyrån för asylsökande och flyktingar*);
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Red Cross Sweden (*Röda Korset Sverige*);
- Expo Foundation (*Stiftelsen Expo*);
- Swedish Association of Local and Regional Authorities (*Sveriges kommuner och landsting, SKL*);
- National Coordinator against human trafficking (*Nationella samordnaren för människohandel*).

9.2. Overview of the situation

During the period of 1 to 31 December 2015, Sweden received a total number of 13,872 applications for asylum, meaning a decrease in the number of registered asylum seekers compared to the peak period of September (24,309), October (39,201) and November (36,704). Out of the asylum applicants in December, 9,258 were men/boys and 4,614 women/girls, and 6,881 of them were children. Almost half of this group (3,217) were unaccompanied children, which is also a decrease in comparison with the previous months of September (4,712), October (9,339) and November (8,808).⁴¹⁰ The unaccompanied children are predominately boys.⁴¹¹ Approximately 43 % of the unaccompanied children are 13–15 years old and 50 % are 16–17 years old. 1,507 of the asylum seekers were

⁴¹⁰ Swedish Migration Agency Applications for asylum received 2015 available at <http://www.migrationsverket.se/download/18.7c00d8e6143101d166d1aab/1451894593595/Inkomna+ans%C3%B6kningar+om+asyl+2015+-+Applications+for+asylum+received+2015.pdf>.

⁴¹¹ Swedish Migration Agency and Swedish Association of Local and Regional Authorities who estimates that 92 % are boys.

over 64 years old.⁴¹² Statistics on those having transited Sweden are not collected. Municipalities are not aware of an irregular migrant population.⁴¹³

The main three third countries of origin of asylum applicants remain Syria , Afghanistan and Iraq as it has been throughout 2015. During the last three weeks, most applicants came from Afghanistan.⁴¹⁴

9.3. Criminal proceedings against migrants and people helping them

9.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

9.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

No criminal proceedings have been opened against organisations or people facilitating irregular entry on humanitarian grounds⁴¹⁵ since 27 November 2015 when an Iraqi citizen was charged with human smuggling for money.⁴¹⁶

9.4. Fundamental rights issues in relation to registration and channelling into different procedures

9.4.1 Registration and identification

The main concern about fundamental rights issues is Sweden's lack of preparedness for the sharp increase of asylum seekers that the country experienced in September, October and November 2015.⁴¹⁷ The Swedish Civil Contingencies Agency that is responsible for issues concerning civil protection, public safety, emergency management and civil defence (as long as no other authority has responsibility) is in charge of the national coordination since 1 October 2015.

⁴¹² Swedish Migration Agency, "Applications for asylum received 2015", available at: www.migrationsverket.se/download/18.7c00d8e6143101d166d1aab/1451894593595/Inkomna+ans%C3%B6kningar+om+asyl+2015+-+Applications+for+asylum+received+2015.pdf

In 2015, the Swedish Migration Agency received 162,877 applications for asylum -114,728 men and 48,149 women, including 70,384 children and 35,369 unaccompanied children. Compared to the number of asylum applicants in 2014 (81,301) and 2013 (54,259), the number of applications in 2015 was significantly higher.

⁴¹³ Swedish Civil Contingencies Agency.

⁴¹⁴ Swedish Migration Agency Asylum applicants – 15 most frequent countries available at <http://www.migrationsverket.se/Om-Migrationsverket/Statistik/Asylsokande---de-storsta-landerna.html>.

⁴¹⁵ Swedish Police.

⁴¹⁶ Göteborg District Court.

⁴¹⁷ Swedish Association of Local and Regional Authorities, Swedish Police, Save the Children, Amnesty International, Red Cross, and Swedish Civil Contingencies Agency.

All persons that seek asylum or protection immediately come under the responsibility of the Migration Agency.⁴¹⁸ The agency is also responsible for the registration. It experienced a severe backlog which was further exacerbated due to lack of interpreters available at the registration points. The backlog created a situation where asylum seekers were put up in assembly halls without any form of legal documentation legitimising their stay between their arrival and their registration. Due to the extended period before registration it is difficult to know how many of the arrivals disappeared during this period.⁴¹⁹ However, right before Christmas, the Migration Agency managed to handle the registration of asylum seekers in an orderly manner again.⁴²⁰

Until 4 December 2015, the conference hall, Malmö Mässan, accommodated some 800–1000 persons at any given time. The persons were accommodated for days before their asylum applications were registered. During the time, they shared eight toilets. There were no showers available, no mattresses and no toys for the children. The health personnel of the Region Skåne were prohibited to work inside the hall, as the health situation was so bad. Both the Swedish Civil Contingencies Agency and Save the Children signalled their concern over the situation and Save the Children stated that the conditions of the hall did not meet “international standards for refugee camps”.⁴²¹ During most of December, the persons who had applied for asylum stayed in different municipal emergency shelters – temporary facilities that provide a roof whilst asylum seekers wait for the Migration Agency to organise more adequate accommodation.⁴²²

At registration, the applicants receive a folder in their respective language covering the different steps in the asylum process. If the applicant is already registered in another Schengen country, information on how to process is also provided⁴²³ but the Advice Centre and Amnesty claim that asylum applicants receive limited information on this.⁴²⁴

There have been some cases when the Migration Agency has overruled the self-declared age (16–17 years) of unaccompanied children, because they were considered to be “clearly adult”. As a result they were hosted together with adults. Following interventions by Save the Children they were again considered as children.⁴²⁵

Internal reports at the Migration Agency suggest that trafficking in human beings increased during the last year.⁴²⁶ Groups of special concerns are unaccompanied children, underage girls married to much older men or underage girls, as young as 14 years old, who are pregnant.⁴²⁷ The Swedish Refugee Advice Centre noted

⁴¹⁸ Swedish Police.

⁴¹⁹ Save the Children.

⁴²⁰ Swedish Association of Local and Regional Authorities.

⁴²¹ Save the Children.

⁴²² Most Swedish municipalities have evacuation shelters that can be arranged in the event of a crisis – such as great fires or natural disasters – where people need to be evacuated from their homes. These can be sports halls, schools or similar that can be converted into places to sleep.

⁴²³ Swedish Migration Agency.

⁴²⁴ Swedish Refugee Advice Center.

⁴²⁵ Save the Children.

⁴²⁶ Swedish Migration Agency.

⁴²⁷ National Coordinator against human trafficking and Ombudsman for Children.

the difficulty to identify victims of human trafficking. Save the Children pointed also to a lack of trauma awareness among staff dealing with the asylum seekers at various stages of the process.

According to the Swedish Police, about 25 % of the unaccompanied children disappear from their accommodations.⁴²⁸ The staff at the accommodation centres report them as missing to the police.⁴²⁹

9.4.2 Asylum procedure

The average time for processing asylum applications for the cases decided in December 2015 was 247 days. The processing time is expected to increase substantially due to the number that arrived in October and November 2015.⁴³⁰

Persons coming from countries such as Syria and Eritrea are not given a legal representative, since they will receive asylum as a rule. This means that they may have fewer possibilities to get information about their case.⁴³¹ Persons whose applications are treated as manifestly unfounded do not have the right to legal assistance. The Migration Agency informs them of the possibility to bring their own representative.⁴³² Amnesty International has identified a number of cases that were clearly not manifestly unfounded, but that were treated as such.⁴³³

During the process, asylum seekers are placed in municipalities all over Sweden. However, the situation differs substantially between different regions and cities/municipalities.⁴³⁴ Overall, there is a lack of social workers and teachers, which in turn leads to problems for both adults and children. The municipalities find themselves unable to enforce the laws on social services due to the high number of asylum seekers.⁴³⁵ 30–40 municipalities informed the Social Care Inspectorate (*Inspektionen för vård och omsorg*), a government agency responsible for supervising health care and social services, that they could not fulfil their legal obligations to provide for social care.

There is also a considerable problem to find guardians for all unaccompanied children, which is another task for the municipality. Children have to wait for months to get a guardian. Amnesty International points out that municipalities solve the lack of guardians differently resulting in diverging quality of guardianship arrangements.⁴³⁶

9.4.3 Return procedure

According to the Swedish police, out of the 400–500 persons that arrived each week during December 2015, altogether 10 persons were refused entry and directly turned back at the border. The police have shortened the process to refuse

428 Swedish Police.

429 *Ibid.*

430 Swedish Migration Agency. The average time during 2015 was 196 days.

431 Amnesty International.

432 *Ibid.*

433 *Ibid.*

434 Amnesty International and Swedish Association for Local and Regional Authorities.

435 Swedish Civil Contingencies Agency.

436 Amnesty International.

entry and/or turn back the person. During December 2015, it was possible to return a person to Denmark with the next train (after 30 minutes).⁴³⁷ 60–70 persons returned voluntarily after receiving information from the police that they would not be allowed to stay.

Amnesty International who visits detention centres noted an increase in the numbers of detained persons. However, the time in detention remains under one week.⁴³⁸ The use of alternatives to detention remains unexplored.⁴³⁹ Unaccompanied children that have been refused asylum and as a consequence will be returned to their country of origin are given information on the return process and/or alternatives together with their guardian at meetings with the Swedish Migration Agency. When all appeals have been exhausted the children are informed that if they do not comply with the decision the case will be transferred to the police.⁴⁴⁰ The standards for implementing returns vary between different regions.⁴⁴¹

9.5. Challenges and developments concerning reception conditions of new arrivals, including detention

9.5.1 Reception conditions and capacity

In the beginning of the reporting period (26 November 2015), the Swedish Migration Agency declared that it could not guarantee accommodation to all persons arriving in Sweden and was forced to prioritise families with children.⁴⁴² This situation has changed for the better, although great challenges remain in terms of accommodation, both in quality and quantity.⁴⁴³

There is still a shortage of short-term municipal emergency shelters (*evakueringsboende*) to which asylum seekers can be directed upon arrival. During the reporting period, asylum seekers have had to wait for days before their asylum applications were registered and were during the time forced to stay in so-called assembly halls (*samlingslokaler*) primarily located in the city of Malmö.⁴⁴⁴ These assembly halls (for example conference locations) are not intended for living. Some of them have very poor sanitary conditions and which leads to a very limited access to healthcare.⁴⁴⁵

Due to the lack of housing, the Swedish Civil Contingencies Agency has provided a number of winter secured tents for housing in the region of Skåne in the south of Sweden which can accommodate up to 200 refugees.⁴⁴⁶ The situation has been especially difficult in the city of Malmö where the majority of the asylum seekers

⁴³⁷ Swedish Police.

⁴³⁸ Amnesty International.

⁴³⁹ *Ibid.*

⁴⁴⁰ Swedish Migration Agency.

⁴⁴¹ Amnesty International.

⁴⁴² Swedish Migration Agency.

⁴⁴³ *Ibid.*

⁴⁴⁴ *Ibid.*

⁴⁴⁵ Save the Children.

⁴⁴⁶ Swedish Civil Contingencies Agency.

arrived.⁴⁴⁷ There is also shortage of long-term housing where asylum seekers are accommodated while their application is being processed.⁴⁴⁸ Asylum seekers have to stay in short-term accommodations that do not always meet the necessary standards.⁴⁴⁹

When the temporary border controls were established, barracks were set up at the border where asylum seekers can wait for further transportation to assembly halls and municipal emergency shelters. Barracks are also used for persons that are refused entry while they wait for transportation out of the country.⁴⁵⁰

9.5.2 Vulnerable persons

According to the Swedish Migration Agency, vulnerable people are identified at the time of registration.⁴⁵¹ The persons that are identified this way are mainly persons with disabilities, with physical or psychological problems or openly LGBT persons. The LGBT persons' sexual orientation is taken into consideration when it comes to accommodation.⁴⁵²

According to the Red Cross, there are limited possibilities to identify vulnerable people, since the introductory interview, which was previously part of the registration process, has been abolished. Now the interview is carried out before the actual registration and aims to categorise the applicant by asking questions regarding travel route, health conditions etc. This makes it difficult to identify victims of trafficking and post-traumatic stress and LGBT persons before applicants are distributed in Sweden. The capacity to treat such persons differ substantially from one municipality to another.

The Swedish Migration Agency has noted a need for medical care during the registration. The asylum seekers are arriving in poor physical conditions because of the long journeys by foot through Europe,⁴⁵³ where there is only limited access to health- and medical care,⁴⁵⁴ although medical care is available on certain points of arrival, such as train stations.⁴⁵⁵

9.5.3 Child protection

The reception system is under severe pressure, which in turn creates an unhealthy environment for children.⁴⁵⁶ In spite of the fact that the Migration Agency tries to prioritise children, children together with their families as well as unaccompanied

⁴⁴⁷ Swedish Migration Agency.

⁴⁴⁸ Swedish Civil Contingencies Agency weekly report no. 51 available at <https://www.msb.se/sv/Om-MSB/Nyheter-och-press/Nyheter/Nyheter-fran-MSB/Nationell-lagesbild-vecka-51/>.

⁴⁴⁹ Swedish Migration Agency.

⁴⁵⁰ Swedish Police.

⁴⁵¹ Swedish Migration Agency.

⁴⁵² Swedish Association of Local and Regional Authorities.

⁴⁵³ Swedish Migration Agency.

⁴⁵⁴ Red Cross Sweden.

⁴⁵⁵ Swedish Migration Agency.

⁴⁵⁶ Ombudsman for Children.

children have been forced to spend several days waiting for registration in poor housing conditions.⁴⁵⁷

Unaccompanied children are registered in arrival municipalities and then transferred to the residence municipality for the remaining time of the application process.⁴⁵⁸ Once an unaccompanied child has submitted the asylum application, the Swedish Migration Agency contacts the municipality of residence for a guardian to be appointed. The guardian is responsible for representing the best interests of the child.⁴⁵⁹ According to Save the Children Sweden and Amnesty International, it takes many months before the guardian is appointed, but the situation differs substantially between municipalities.⁴⁶⁰

Due to the Swedish Migration Agency's registration backlog the children have had to remain in very temporary accommodations in arrival municipalities.⁴⁶¹ Furthermore, the residence municipalities have had problems to accommodate the children assigned to them. The children are not supposed to spend more than 48 hours in the arrival municipalities but in practice stay much longer. They have nothing to do, no one to talk to, and very little information on what is happening. If any activities are provided, they are arranged by different civil society organisations.⁴⁶² Consequently, many children are suffering emotionally.⁴⁶³

The social services in each municipality are responsible for identifying long-term accommodation for unaccompanied children. If the child has a relative somewhere in Sweden, he/she is transferred to that municipality provided the relative can offer suitable accommodation. The social services are in turn under severe pressure leading to poorly carried out management of the cases. They do not have the capacity to follow up on suspicions of violence or situations of distress at accommodations, whether in private homes or social housing.⁴⁶⁴

In general, asylum-seeking children have the same rights as other children in Sweden, for example the right to go to school, or receive medical and dental care when they need it.⁴⁶⁵ However, some children state that they have been denied proper healthcare while placed in temporary accommodation centres.⁴⁶⁶ Save the Children has identified some cases where children have been waiting to access the education system for four to five months.⁴⁶⁷

9.5.4 Healthcare

The situation regarding availability and accessibility of healthcare is challenging.⁴⁶⁸ Especially in smaller municipalities where large accommodation centres are located, the regional healthcare system cannot meet the increasing need,

⁴⁵⁷ Swedish Association of Local and Regional Authorities.

⁴⁵⁸ *Ibid.*

⁴⁵⁹ Swedish Migration Agency.

⁴⁶⁰ Save the Children Sweden.

⁴⁶¹ Swedish Association of Local and Regional Authorities.

⁴⁶² Save the Children.

⁴⁶³ Ombudsman for Children.

⁴⁶⁴ Save the Children Sweden.

⁴⁶⁵ Swedish Migration Agency.

⁴⁶⁶ Ombudsman for Children.

⁴⁶⁷ Save the Children.

⁴⁶⁸ Swedish Association of Local and Regional Authorities.

particularly when it comes to special needs, such as psychiatric treatment and post war trauma treatment.⁴⁶⁹ However, the situation differs greatly across the country with the consequence that the asylum seekers have very different access to healthcare depending on location.⁴⁷⁰ In some regions the healthcare for asylum applicants is located to primary healthcare centres whereas other regions have created special units only attending to asylum applicants.⁴⁷¹ A lack of vaccinations has been observed⁴⁷² together with a lack of interpreters, which further impacts the access to healthcare.⁴⁷³

9.5.5 Immigration detention

The Swedish Migration Agency may use detention to implement forced returns. The person that is supposed to return is invited to a return interview at the Swedish Migration Agency in order to prepare for the return. Information is given about procedures in case of non-cooperation, for example loss of daily allowance.⁴⁷⁴ Unaccompanied children are only taken into detention in extremely rare circumstances.⁴⁷⁵ In regards to other vulnerable groups, efforts are made to find alternatives. If the person facing detention is pregnant, alternatives must be identified.⁴⁷⁶ Due to the high number of asylum applications during the autumn, resources within the Swedish Migration Agency have been directed from the return process to the process of registration.⁴⁷⁷

9.6. Responses in law, policy and/or practice

On 12 November 2015, the Swedish government decided to temporarily reintroduce border controls at the internal borders between Sweden and Denmark and in regards to the ferry berth in the Swedish city of Trelleborg. The changes were enforced the same day.⁴⁷⁸ Persons with inadequate travel documents who are not planning to apply for asylum in Sweden were not allowed to enter Sweden.⁴⁷⁹

On the same day, the government proposed an extension of the Ordinance of ship safety.⁴⁸⁰ The proposal would require carriers to carry out identity checks to ensure that the information recorded in passenger lists is correct. As a result, the

⁴⁶⁹ Swedish Association of Local and Regional Authorities.

⁴⁷⁰ Amnesty International Sweden.

⁴⁷¹ Swedish Association of Local and Regional Authorities.

⁴⁷² *Ibid.*

⁴⁷³ *Ibid.*

⁴⁷⁴ Swedish Migration Agency.

⁴⁷⁵ *Ibid.*

⁴⁷⁶ *Ibid.*

⁴⁷⁷ *Ibid.*

⁴⁷⁸ Sweden, Ministry of Justice, "The Government decides to temporarily reintroduce border control at internal borders": www.regeringen.se/artiklar/2015/11/regeringen-beslutar-att-tillfalligt-aterinfora-granskontroll-vid-inre-grans/.

⁴⁷⁹ Swedish Police.

⁴⁸⁰ Sweden, Ordinance of ship safety (2003:438), available at:

https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Fartygssakerhetsforordning-20_sfs-2003-438/?bet=2003:438.

ferry companies sailing the waters between Sweden and Germany chose to voluntarily introduce identity checks.⁴⁸¹

On 17 December 2015, the Swedish parliament introduced a new law that would enable the government to introduce identity controls for all people travelling with buses, trains and ferries to Sweden from abroad in situations where public order and national security were under threat.⁴⁸² The new law entered into force on 21 December 2015⁴⁸³ for a period of six months. The referral period for the government bill was extremely short (two days)⁴⁸⁴ The Council on Legislation (*Lagrådet*) opposed the bill since they found it to be unsatisfactorily prepared. It concerns emergency legislation that includes access control on public transport combined with sanctions for the carrier and a curtailment of personal privacy. According to the UNHCR, the introduction of internal border controls, ID checks coupled with carrier sanctions could have the effect of preventing individuals from exercising the right to seek asylum.⁴⁸⁵

The new act was immediately followed by an ordinance aiming to establish identity controls on buses, ferries and trains entering Sweden from Denmark.⁴⁸⁶ The ordinance obliges such transport companies to check if their passengers have valid identity documents with photographs before they enter Sweden. If the transport companies find persons lacking valid identity documents on board they must deny them to continue their journey. If the transport companies do not comply, they will be fined SEK 50,000 (EUR 5,380) – per trip (not per person).⁴⁸⁷ The ordinance entered into effect on 4 January 2016.

9.7. Social response to the situation

The Swedish civil society has provided continued support to the asylum seekers.⁴⁸⁸ People from the Red Cross have been located to the arrival point's primarily central stations in Malmö, Gothenburg and Stockholm offering immediate help such as food, clothes and basic information.⁴⁸⁹ This has continued throughout the reporting period even though the border checks have reduced the numbers of new arrivals.⁴⁹⁰ Several churches especially around the larger cities organised temporary, one or two nights transit and emergency accommodation for asylum seekers before registration at the Swedish Migration Agency.⁴⁹¹ All social activities

⁴⁸¹ Swedish Civil Contingencies Agency.

⁴⁸² Sweden, Government Bill 2015/16:67 "Special measures in case of serious threat to public order or internal security of the country".

⁴⁸³ Sweden, "Act on special measures for the serious danger to the public policy or internal security", available at <http://rkrattsdb.gov.se/SFSdoc/15/151073.PDF>.

⁴⁸⁴ Red Cross Sweden.

⁴⁸⁵ UNHCR Regional Representation for Northern Europe.

⁴⁸⁶ Sweden, "Ordinance on certain identity controls in case of serious threats to public order or internal security of the country", available at: https://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-2015-1074/.

⁴⁸⁷ *Ibid.*

⁴⁸⁸ Swedish Civil Contingencies Agency.

⁴⁸⁹ Red Cross Sweden.

⁴⁹⁰ Swedish Migration Agency.

⁴⁹¹ Red Cross Sweden. Transit accommodations were mostly in use until establishing border checks.

at the asylum centres and the emergency shelters have so far been arranged by different civil society organisations.⁴⁹²

9.8. Hate crime incidents

There has been a significant rise in the number of suspected hate crime incidents or attacks on accommodation centres for asylum seekers during the fall of 2015 both compared to previous years but also compared to the 1990s when Sweden last saw a great increase in similar crimes.⁴⁹³ The number of suspected attacks on accommodation centres was 16 in October and 13 in November according to the Expo Foundation.⁴⁹⁴ The term attacks includes suspected arsons, infliction of damage and threats towards asylum seekers. There are no figures for the period of December yet.

Expo noted a slight decrease compared to October, but the number of attacks are still considerably higher compared to previous years.⁴⁹⁵ Such information has been compiled by Expo based on online searches.⁴⁹⁶ There is no official statistics available from the police.⁴⁹⁷ During 2016, the Swedish National Council for Crime Prevention will publish statistics on crimes committed against refugee centres.⁴⁹⁸

At the same time, there has been a noticeable increase in hate speech online. The hate speech online and online campaigns range from Facebook groups and campaigns organised by the parliamentary ultra-right wing party Swedish democrats to neo-Nazi organisations such as the Swedish resistance movement.⁴⁹⁹ According to Expo, the number of “likes” and shares of posts on social media containing hate speech increased rapidly during the autumn.⁵⁰⁰

⁴⁹² Save the Children.

⁴⁹³ Expo Foundation.

⁴⁹⁴ Swedish Migration Agency.

⁴⁹⁵ Expo Foundation.

⁴⁹⁶ *Ibid.*

⁴⁹⁷ Swedish Police and Expo Foundation.

⁴⁹⁸ Swedish National Council for Crime Prevention.

⁴⁹⁹ Expo Foundation.

⁵⁰⁰ *Ibid.*

Relevant FRA references

Topic	Publication
Apprehension	FRA (2012), Fundamental rights considerations of apprehending irregular migrants
Asylum, borders and immigration	FRA-ECtHR (2014), Handbook on European law relating to asylum, borders and immigration
Border checks at airports	FRA (2014), Fundamental rights at airports: border checks at five international airports in the European Union
Border checks at land borders	FRA (2014), Fundamental rights at land borders: findings from selected European Union border crossing points
Criminalisation	FRA (2014), Criminalisation of migrants in an irregular situation and of persons engaging with them
Detention	FRA (2010), Detention of third-country nationals in return procedures
Domestic work	FRA (2011), Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States
Effective remedies	FRA (2011), Access to effective remedies: The asylum seeker perspective, thematic report
Fingerprinting	FRA (2015), Fundamental rights implications of the obligation to provide fingerprints for Eurodac , FRA Focus 05/2015
Guardianship	FRA (2014), Guardianship for children deprived of parental care, handbook
Healthcare for irregular migrants	FRA (2011), Migrants in an irregular situation: access to healthcare in 10 European Union Member States FRA (2015), Cost of exclusion from healthcare – The case of migrants in an irregular situation.
Irregular migrants	FRA (2011), Fundamental rights of migrants in an irregular situation in the European Union
Provision of information	FRA (2011), The duty to inform applicants about asylum procedures: The asylum seeker perspective
Labour exploitation	FRA (2015), Severe labour exploitation: workers moving within or into the European Union – States' obligations and victims' rights
Legal entry	FRA (2015), Legal entry channels to the EU for persons in need of international protection: a toolbox , FRA Focus 02/2015
Sea borders	FRA (2013), Fundamental rights at Europe's southern sea borders.
Separated children	FRA (2010), Separated, asylum-seeking children in European Union Member States