

# MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

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QUARTERLY BULLETIN

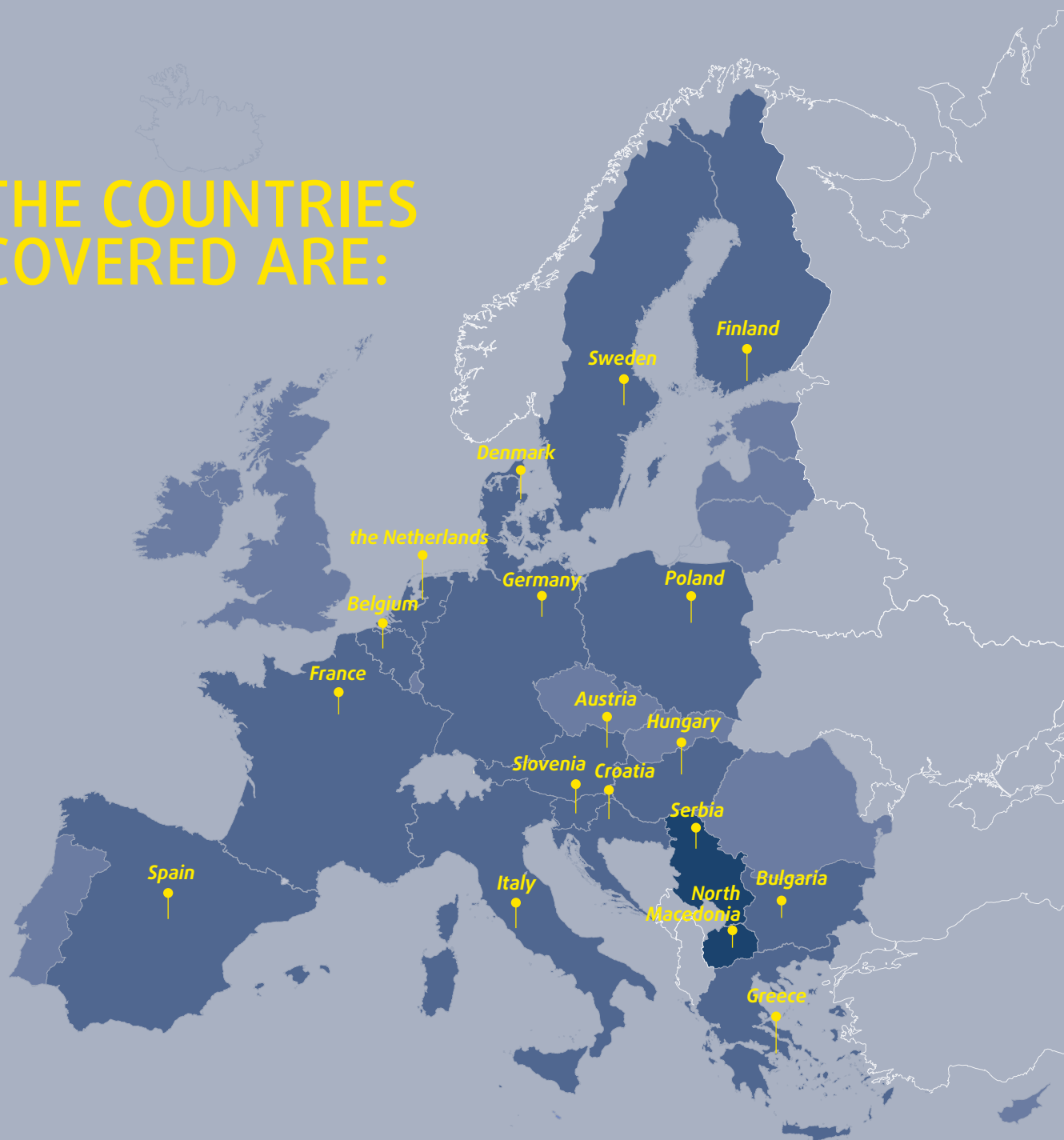
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in September 2019



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The EU Agency for Fundamental Rights has been regularly collecting data on asylum and migration since September 2015. This report focuses on the fundamental rights situation of people arriving in Member States and EU candidate countries particularly affected by migration. It addresses fundamental rights concerns between 1 July and 30 September 2019.

## THE COUNTRIES COVERED ARE:



## Key fundamental rights concerns

### Key emerging fundamental rights concerns

In **Greece**, according to **a letter of the Ombudsperson** to the responsible ministers, the number of complaints about obtaining a social security number (AMKA) for asylum applicants, migrant children and unaccompanied children increased following the withdrawal of the relevant ministerial circular in July 2019. As a result of the withdrawal, issuing social security numbers to these two groups became cumbersome. The lack of a social security number creates difficulties in accessing employment, insurance and healthcare. The NGO ARSIS **raised similar concerns**. As a temporary alternative, the Ombudsperson argued for issuing the Aliens Healthcare Card as foreseen by **Greek law**, to ensure proper access at least to health care for this group, while also proposing amendments to by-laws on the matter. In **a recent circular** by the Ministry of Labour and Social Affairs regulating the issuance of social security numbers for beneficiaries of international protection, the ministry announced that it would soon issue the missing circular covering asylum applicants and unaccompanied migrant children.

In **Greece**, the National Commission for Human Rights **urged authorities to take emergency measures** to improve the situation of migrant children, including unaccompanied children, as required by an **earlier decision of the European Committee of Social Rights**. These should include appointing guardians for each unaccompanied child, applying non-custodial measures instead of detention, as well as ensuring adequate access to food, water, education, accommodation and health services. Following the death of a 15-year-old Afghan boy and the injury of two unaccompanied children at the Reception and Identification Centre in Moria (Lesvos) in August 2019, the **NGO Greek Council for Refugees also called on the authorities** to remove all children from the Reception and Identification Centres in the hotspots and in the Evros region, and to ensure their access to age-appropriate reception facilities to avoid such tragedies. At the end of September, a five-year-old Afghan boy was run over by a small truck and died instantly, **media reported**. He was playing inside a cardboard box outside the Reception and Identification Centre in Moria (Lesvos). The driver has been arrested and charged with negligent homicide.

In **Hungary**, the **UN Special Rapporteur on the human rights of migrants expressed concerns** regarding the lack of genuine judicial review of the lawfulness of deprivation of liberty and of negative asylum decisions in the transit zones. During his visit to Hungary in July 2019, the UN Special Rapporteur received several testimonies from asylum applicants held in the transit zones who claimed not given the possibility to appear before a judge, either physically or through video link. He also stressed that asylum applicants have only **three days to submit an appeal** against negative decision, and the reviewing courts do not have the power under **the amended asylum law** to overturn negative administrative asylum decisions, an issue which has been meanwhile clarified by the CJEU (see the section 'Legal developments').

In **Croatia**, the Ministry of the Interior in a **national newspaper** admitted that some asylum applicants had to stay in a garage at a police station in Korenica, justifying this by noting the lack of space and deeming it an improvement for the migrants compared to staying outdoors. This was in reaction to the independent media **H-alter portal** publishing testimonies of asylum applicants who were kept in this garage without proper access to toilets, food, water and personal belongings.

## Note on sources

The evidence presented in this report is based on interviews with institutions and other organisations as indicated in the Annex. In addition, where sources of information are available in the public domain, hyperlinks are embedded to these sources of information throughout the text.

In **Spain**, according to **the media**, at the end of August, around 200 migrants climbed over the border fence dividing Morocco from Ceuta. The media reported that the Spanish Government **for the first time applied the border procedure** – usually used at the airports and maritime ports – to the 153 migrants who entered Spain. Following this event, the Minister of Interior announced, in an **interview**, that the barbed wire on the border fences would be removed. The **Council of Ministers** allocated 30 million Euros of the Contingency Fund to finance Moroccan activities against irregular migration, smuggling and human trafficking. The political group *Unidas Podemos* criticised this decision, as this fund is set up for natural disasters, the **media reported**. The media reported that the **Ceuta Court concluded its criminal investigation** against 16 border guards of the Guardia Civil. The case relates to 14 migrants who died trying to swim to the Ceuta border in February 2014, when border guards fired rubber bullets at them. The court found sufficient evidence of involuntary manslaughter and failure to render assistance to proceed with the trial. In August of 2018, the Province Court of Cadiz had ordered the Ceuta Court to reopen the case, after the latter had twice dismissed it.

**France, Germany, Italy and Malta** have agreed on a transitional solution for the distribution of migrants rescued from distress at sea, the **media** reported. Cyprus, Greece and Bulgaria presented a joint Position and Recommendations on Migration Pressures in the Eastern Mediterranean to the EU Justice and Home Affairs Council, as **media reported**. The paper requests the EU and its Member States to ensure full implementation of the EU-Turkey Joint Statement of March 2016 through “ensuring effective returns; eradicating trafficking networks smuggling migrants to the EU; preventing diversion of flows and the establishment of new illegal migrant routes to Europe as a whole”.

In **Germany**, according to the *Süddeutsche Zeitung*, the Minister of the Interior offered to allow every fourth refugee who has landed in Italy after a sea rescue to enter Germany. The German party **die LINKE** repeatedly criticised the cooperation of the Federal Government with Libyan actors to prevent irregular migration, contending that this puts migrants’ lives in danger.

In **the Netherlands**, the growing number of persons, including children and families, in immigration detention is an emerging concern, according to **Amnesty International** and the **UN Human Rights Committee**. The number of people put in immigrant detention rose from 2,176 in 2015 to 3,510 in 2018.

## Key persisting fundamental rights concerns

In **Greece**, the Reception and Identification Centres (RIC) on the Aegean islands (hotspots) remained severely overcrowded, due to significant increase in arrivals over the summer and in September, according to the **General Secretariat of Information and Communication**. This is the case despite continuous transfers of asylum applicants to the mainland; for example, some 1,500 were transferred from Moria on 2 September, according to **the media**. Lesbos hosted four times as many people as its capacity (more than 12,500 people). Samos accommodated eight times as many people as its capacity (some 5,800 people). Chios hosted a bit more than triple its capacity (3,457 people). Kos hosted 3,217 people in a facility designed to accommodate 816 people, whereas Leros also accommodated twice as many as its capacity (1,719 people). In total, almost 27,000 people were living in the Greek hotspots at the end of the reporting period. In addition to the deteriorating living conditions, *Médecins du Monde* in an interview reported grave mental health issues among asylum applicants in Lesbos, including due to insufficient mental health services. The **National Commission for Human Rights urged the government** to lift the geographical restrictions and quickly transfer people to the mainland. **Twelve NGOs also voiced alarm** about the severe overcrowding at the RICs, noting also the lack of adequate accommodation on the mainland.

In **Italy**, search-and-rescue operations remained at the core of the political debate. As some migrants rescued at sea in the Central Mediterranean continue to be disembarked in Libya, the Cairo Institute for Human Rights Studies and Italian associations involved in the protection of migrants' rights submitted a **joint request** to the African Commission on Human and Peoples' Rights, demanding an investigation into the human rights violations in Libyan detention centres.

Lack of interpretation during consultations with doctors remained an issue in the transit zones in **Hungary**, as the **UN Special Rapporteur on the human rights of migrants reiterated** during his visit in July 2019 to the Hungarian transit zones at the southern border with Serbia. According to the UN Special Rapporteur, some asylum applicants reported cases where the doctor simply failed to provide a diagnosis due to communication barriers.

Human smuggling also remained a concern in **Hungary**. According to the police, in the reporting period, the authorities placed into custody 34 alleged human smugglers – an increase compared to the previous period. In several cases, people were smuggled in **the cargo space of trucks or minivans as well as cargo wagons of trains** crossing the borders from Serbia and Romania. Many people continued to attempt to enter Hungary at border crossing points by using forged travel documents. The police stated that, during the reporting period, criminal proceedings were initiated against 146 people who were suspected of document forgery when trying to enter Hungary from Serbia and Romania. This represents a slight increase compared to the previous period.

In **Croatia**, the Ministry of Interior in a **Croatian newspaper** rejected allegations of violence against migrants at the borders and denial of access to the asylum system. The **Border Violence Monitoring Network** continued to report push-backs, in some cases combined with confiscation of belongings and different forms of ill-treatment. The news portal **H-alter** reported the case of an unaccompanied child from Afghanistan who had a broken rib and suffered from internal bleeding after alleged ill-treatment in Croatia. The Ombudsman for children and the Rehabilitation Centre for Stress and Trauma reported about unaccompanied children living in juvenile centres for children with behavioural problems, which cannot provide for appropriate accommodation and care.

In **Austria**, Caritas Vienna considers the poor quality of asylum decisions by the asylum authorities to be a persisting issue. In a **response to a parliamentary question**, the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice reported that, in 2018, courts amended or nullified around 38 % of first-instance asylum decisions. While there are around 3,000 open asylum cases at first instance, there are still around 26,000 open cases at second instance, according to the Federal Ministry of the Interior. Caritas Vienna also reported problems at second instance, such as cases where judges take decisions without hearings, use non-objective language, and lack knowledge about the countries of origin, in particular with respect to Afghanistan.

In **Poland**, the **United Nations (UN) Committee against Torture found that** many asylum applicants and other migrants continue to end up in immigration detention because of poorly functioning identification and referral mechanisms, even though detaining victims of violence is prohibited under Polish **immigration and asylum law**. Assistance to victims of violence who are asylum applicants or migrants is mainly provided by private entities (e.g. medical companies) and NGOs, given that there is still no rehabilitation centre for such people in the country, according to the **National Preventive Mechanism** established under the Optional Protocol to the UN Convention against Torture. Courts usually do not take into consideration expert opinion indicating that an individual has been a victim of violence when reviewing detention, the NGOs Helsinki Foundation for Human Rights and **Association for Legal Intervention** reported.

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## In numbers

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The Maritime Prefecture of the Channel and the North Sea, the Public Defender of Rights and multiple NGOs pointed to various persistent problems in **France**. These include irregular migrants in the North of France trying to cross the Channel in dangerous conditions to reach the United Kingdom; denying access to asylum, and ‘passing back’ summarily to Italy, people who cross the alpine border between Italy and France or between Spain and France; as well as the reappearance of informal camps in the North of France and in Paris, together with deteriorating living conditions for people staying there. The widespread use of immigration detention, immigration detention for children, and the lack of adequate care for migrant and asylum-seeking children also remained issues, the Public Defender of Rights and the NGOs *La Cimade* and Human Rights League reported in interviews.

In **Belgium**, the **Federal Migration Centre** (Myria) and the NGO *Vluchtelingenwerk Vlaanderen* stated that the growing backlog of asylum cases is a consistent concern. The **NGO Ciré pointed out in a recent report** that family reunification remains limited, which makes the integration of newcomers more difficult. Other persistent issues include the systematic detention in Belgium’s closed centres of asylum seekers who irregularly cross the border.

In **Spain**, according to UNICEF, the treatment of unaccompanied children is a key persisting fundamental rights concern. **The President of the Community of Madrid** stressed in the **media** the need to improve age-assessment procedures and safety conditions for children in protection centres.

In **the Netherlands**, the Dutch Refugee Council reports that asylum procedures remain excessively lengthy. The situation has not changed since January 2019, with applicants having to wait for 16 months between first registration on arrival and the start of their asylum procedure, according to the **Dutch Council for Refugees**.

In **Finland**, according to the Finnish Refugee Advice Centre and the Finnish Section of Amnesty International, the length of proceedings remains the main concern. The **media reported** that several protests occurred after the suicide of an Iraqi asylum applicant who was denied international protection after having waited for a decision for four years.

In **North Macedonia**, the practice of collective expulsions to neighbouring countries continues, as noted by the Ombudsperson, Macedonian Young Lawyers Association and the NGO Legis. The legal status of the transit reception centres has still not been defined, leaving migrants staying there without any legal status that would formalise and enhance their protection, the Macedonian Young Lawyers Association noted.

In **Serbia**, the application of the “safe third country” concept by the asylum authority remained inconsistent, the NGO Asylum Info Centre reported. Another persisting issue was that, due to increased arrivals, many asylum applicants and other migrants were staying without adequate shelter in cities such as Belgrade, according to the same NGO.

## Legal developments

### Case law of the Court of Justice of the European Union (CJEU)

In a preliminary ruling requested by a district court in **Hungary** (*C556/17 - Torubarov*), the CJEU ruled that courts can overturn administrative asylum decisions. The case concerned the refusal of the Hungarian asylum authority to grant refugee status to a Russian national, who participated in the activities of an opposition party, for which he was subjected to several criminal proceedings. The CJEU ruled that, in order to ensure the right to an effective remedy, a first-instance court that finds an applicant to be eligible for international protection – following a full examination of all relevant facts – must have the right to modify and substitute the administrative decision that does not comply with its previous judgment. The ruling requires the amendment of Hungarian asylum and civil procedural law.

In a preliminary ruling requested by a court in **the Netherlands** (*C-680/17 - Vethanayagam*), the CJEU clarified who has the right to appeal decisions rejecting a visa application and which Member State is responsible for such appeals. The case concerned the refusal of a short-term visa to two Sri Lanka nationals who intended to travel to the Netherlands. The negative decision was issued by the Swiss consulate in Sri Lanka, based on a visa representation agreement between the two countries. Under this agreement, Swiss authorities are authorised to assess visa applications on behalf of the Netherlands. The CJEU confirmed that only the applicant who has been refused a visa has the right to appeal; the person who acted as a proxy on his/her behalf does not. The CJEU also held that, when a visa representation agreement provides that a Member State's consular authorities are competent to adopt visa rejection decisions, these authorities are also responsible for the appeals against such decisions.

### Case law of the European Court of Human Rights (ECtHR)

In *Savran v. Denmark*, the ECtHR ruled on the expulsion of a Turkish national suffering from serious and long-term mental illness (paranoid schizophrenia). The person had been convicted for serious criminal offences. When examining whether the expulsion is contrary to Article 3 of the European Convention of Human Rights (ECHR), the court reiterated that the national authority must examine, on the basis of an individual assessment, whether appropriate and sufficient care is available in the receiving state to prevent the applicant from being exposed to a decline in his state of health resulting in intense suffering. Where serious doubts on the lawfulness of the removal persist, national authorities must obtain individual and sufficient assurances from the receiving state that appropriate treatment will be available and accessible.

In *T.I. and Others v. Greece*, the ECtHR found a violation of Article 4 of the ECHR (prohibition of slavery and forced labour) with regard to three Russian nationals who were victims of human trafficking for the purpose of sexual exploitation. The court found that Greece's legal and regulatory framework, as well as the police investigation, were not effective or sufficient to prevent trafficking and punish the traffickers.



## Infringement procedures

The European Commission **referred Hungary to the CJEU** concerning the ‘**Stop Soros’ legislation**. The legislation criminalises activities in support of asylum applications, curtailing asylum applicants’ right to communicate with and be assisted by relevant non-governmental organisations. It further restricts the right to request asylum, including the introduction of new non-admissibility grounds for asylum applications.

## National legal developments

**Italy** approved **Law No. 77 of 8 August 2019**, which replaced with amendments Law Decree No. 53 of 14 June 2019 on ‘**Urgent Dispositions on Order and Public Security**’. The new law provides for additional legislative provisions governing the access of private vessels to Italian ports. The legislative reform confers to the Ministry of the Interior the power to deny private rescue vessels access to the territorial waters. Violations may be sanctioned with a penalty of EUR 150,000 to 1,000,000 and vessel confiscation. So far, this provision has not been applied. In September, the Ministry of the Interior adopted a **decree** identifying border areas where accelerated asylum procedures may be carried out. A **joint ministerial decree** identified 13 safe countries of origin, including Morocco and Tunisia.

**Bulgaria** launched a **public consultation** on proposed amendments to the Regulation for the Implementation of Foreigners in the Republic of Bulgaria Act. The suggested changes concern a reform of childcare. It aims to replace the specialised institutions for children at risk with so-called ‘integrated resident care services’, which are family-type accommodation facilities providing both social and healthcare services. According to the proposed amendments, police authorities must immediately transfer unaccompanied foreign children to a social worker to provide such services. The proposal also foresees additional safeguards for detention and return of children.

In **Germany**, multiple new laws on asylum and migration came into force. The Law on the Support of Employment of Foreign Nationals (**Ausländerbeschäftigungsförderungsgesetz**) aims to help third-country nationals learn German and improve their chances in the labour market. The Third Law on the Modification of Benefits for Asylum-Applicants (**Drittes Gesetz zur Änderung des Asylbewerberleistungsgesetzes**) aims to improve the situation of applicants who study or do an apprenticeship. The Regulation on the Amendment of the Regulation on the Integration Law and the Employment Regulation (**Änderung der Verordnung zum Integrationsgesetz und Beschäftigungsverordnung**) abolishes the so-called ‘priority check’ (**Vorrangprüfung**), previously required before granting an employment permit to asylum applicants who have resided in Germany for three months or longer. The priority check assessed whether a German national would be available for the job before it was offered to an asylum applicant.

The Law on the Removal of a Time Limit of the Integration Law (**Gesetz zur Entfristung des Integrationsgesetzes**) makes permanent the previously temporary provision obliging beneficiaries of international protection to remain in the same state (Land) for three years. The Third Law on the Modification of the Law on Nationality (**Drittes Gesetz zur Änderung des Staatsangehörigkeitsgesetzes**) provides that people with dual nationality may forfeit their German nationality if they join a terrorist organisation. The Law for the Improved



Registration and Data Exchange regarding Asylum and Immigration Purposes (*Datenaustauschverbesserungsgesetz*) expands the Central Register for Foreign Nationals and integrates data gathered by additional authorities, such as the Youth Welfare Services, the Federal Agency for Justice and the Federal Foreign Office. The Law on Improved Enforcement of the Duty to Leave the Country (*Geordnete-Rückkehr-Gesetz*) aims to enforce returns through expanding immigration detention or requiring applicants to remain in reception centres for up to 18 months.

As reported in the **July Quarterly Bulletin on Migration: Key Fundamental Rights Concerns**, several actors – such as the Federal Association for Unaccompanied Minors, the Protestant Church Germany and Commissioner's Office of German Bishops and the Association of Republican Lawyers – expressed grave concern about many of these laws.

In **France**, a new **inter-ministerial instruction** obliged emergency accommodation centres for migrants to communicate the list of people accommodated there to the Office for Immigration and Integration. This measure risks calling into question the principle of unconditional reception of migrants, as undocumented migrants may no longer approach the emergency shelters if they know that they will be flagged to the authorities, NGOs pointed out in interviews. The **National Consultative Commission on Human Rights also requested the withdrawal of this instruction** on the same legal grounds, further contending that it violates the country's international obligations relating to human rights of migrants.

In **France**, a **decree of the Minister of the Interior adjusted the system of providing voluntary return assistance** to certain groups of returnees. Under the new rules, rejected asylum applicants who decide not to appeal a negative asylum decision, as well as undocumented migrants who come from visa-bound third countries, are entitled to increased financial assistance of € 2,500 (instead of € 650) until 31 December 2019, if they return voluntarily. This measure only concerns Iraqis, Afghans and Iranians living in the Ile-de-France and Hauts-de-France regions, where informal migrant camps are the most common.

In **Sweden**, the recent **amendment** extending the validity of the **law imposing temporary restrictions on granting residence permits to refugees and limiting family reunification**, which is now in force until July 2021, also brought about further legal changes. These include the extension of family reunification to **beneficiaries of subsidiary protection** and the strengthening of the protection of **stateless persons** born in Sweden, who will now be entitled, under certain conditions, to permanent residence permits.

In **Finland**, the government submitted a **proposal** on the Personal Data Act in the Field of Immigration. The instrument would allow the Finnish Immigration Service to issue decisions with the support of algorithm-based data processing, but does not exclude the possibility of human intervention. Automated decision-making could be used, for example, for residence permits, but not for asylum applications.

## Policy developments

In **Greece**, the Ministry for Migration Policy **was integrated into the Ministry for Citizen's Protection** in July.

The government in **Hungary** published the **National Integrated Border Management Strategy for 2019-2021**, with a view to implementing requirements imposed by Article 3 (3) of the **European Border and Coast Guard Regulation**.

In **Hungary**, the government extended the '**state of emergency due to mass immigration**' for another period of six months, until March 2020. The state of emergency has been now in place for four years. During his visit to Hungary, the **UN Special Rapporteur on the human rights of migrants urged the government** to immediately terminate this 'state of emergency'; he noted that he could not see a single migrant approaching Hungary from the Serbian side of the border, and deemed the extension unnecessary. He also called for lifting the restrictive measures introduced on the basis of the state of emergency; for example, children over 14 are treated as adults in the asylum procedure, claims for asylum can only be submitted in the transit zones, all asylum applicants are deprived of liberty in the transit zones, etc.).

In **France**, the government plans to change the **rules governing access to healthcare for undocumented migrants in an irregular situation with limited resources, to limit access to healthcare**. The National Assembly will **discuss the plan as part of a larger debate on migration policy**. According to the NGO *Médecins du Monde*, the consequences of limiting this health-related financial assistance would be "dramatic" for the individuals concerned and for public health. Some 805 doctors also spoke out, in **a newspaper article**, against changing the system of State Medical Aid.

**Germany** amended its **list of countries of origin of asylum applicants with good prospects of staying**, which is assumed when the protection rate is over 50 percent. Since 1 August 2019, this applies to Eritrea and Syria, while Iraq, Iran and Somalia have been removed from the list. Being classified as having good prospects of staying gives asylum applicants easier access to integration courses. According to the NGO *Pro Asyl*, this leads to an unfair and discriminatory distinction between asylum applicants based on their country of origin.

The government in **Sweden** was considering **establishing a list of safe countries of origin** (i.e., third countries where people are generally not persecuted and not subjected to torture or other forms of ill-treatment). A special inquirer was assigned with the task of developing proposals. Save the Children voiced criticism of the plan, stressing that such a list is likely to undermine the individual assessment of each case to speed up the asylum procedure.

In **Sweden**, the **government presented a bill** to limit asylum applicants' possibility to arrange their own accommodation. The bill suggests that asylum applicants who choose to arrange their own accommodation in so-called 'socio-economically challenged areas' will not be granted daily allowance from the Swedish Migration Agency. Currently, this allowance is granted to all asylum applicants regardless of their living arrangements, in accordance with the **Act on the reception of asylum seekers**.

In **Denmark**, some responsibilities of the Ministry of Justice were assigned to the Ministry of Immigration and Integration as of September, the **Danish Immigration Service reported**. These additional tasks include the registration of asylum applicants, the implementation of removals, and voluntary departures.

## Situation at the border

### Figures and trends

According to **IOM**, 72,263 migrants and refugees irregularly entered Europe by sea (Italy, Malta, Greece, Cyprus and Spain) between January and 2 October 2019 (a 14 % decrease compared with the same period in 2018, when 84,345 people arrived). More specifically, 7,892 arrivals by sea were registered in **Italy**, and 39,155 in **Greece**. In **Spain**, the number of arrivals amounted to 17,405 – a 50 % decrease compared with the previous year. In **Spain**, the number of irregular arrivals by sea in September was the highest number since January 2019. However, at 3,037, the total number was still 50 % lower than that in September 2018.

As **UNHCR** reported, 9,300 people arrived in **Greece** by sea or land in August 2019, the highest number of arrivals since March 2016, when the Turkey-EU Statement entered into force. Between January and August 2019, there was an increase of 6 % of arrivals (33,600) compared to the same period in 2018 (31,600).

In **Austria**, the 2018 **annual report “Organized Human Smuggling”**, published by the Criminal Intelligence Service in 2019, reports that, in 2018, a total of 21,236 persons were intercepted. Compared to 2017 (27,753 persons), this is a decrease by 23 %. The number of detected human smugglers increased from 222 (2017) to 223 (2018). The number of smuggled persons dropped from 8,994 (2017) to 2,843 (2018). The **Austrian Criminal Intelligence Service** reported that twelve traffickers and 95 trafficked persons were apprehended in Austria in the context of the Joint Action Days “Danube” (28 June to 8 July 2019) led by FRONTEX.

In **Germany**, according to the **Federal Ministry of the Interior, Building and Community**, between November 2018 and February 2019, around 950 persons per month entered the country in an unauthorised manner via the border to Austria. During the same time-period, some 600 people were refused entry at the same border. According to the party **die LINKE**, between August 2018 and 5 August 2019, 31 persons were rejected based on administrative agreements between Germany and Greece and Germany and Spain. These agreements allow for the immediate transfer of people with a EURODAC 1 hit in Spain or Greece to those countries, without any further examination under the Dublin procedure.

### Risk of refoulement

In **Italy**, some **twenty civil society associations, including Amnesty France, Oxfam Médecins sans Frontières, Intersos** requested national and international organisations to put an end to fundamental rights violations at the border of Italy and France between Menton and Briançon. Allegations against the French authorities concern the unlawful deprivation of liberty; inadequate detention conditions; the detention of vulnerable people; limited access to healthcare and to the asylum procedure; as well as arbitrary detention and pushbacks of unaccompanied children from France to Italy.

In **Hungary**, **various media sources** reported that migrants who wished to enter the country via the fence along the Serbian border complained about violence and brutality by Hungarian police. These measures included unleashing police dogs to bite people, and using pepper spray and truncheons when people attempted to cross the Serbian-Hungarian border outside the transit zones at Röszke and Tompa. Between November 2017 and August 2019, the Office of the Chief Prosecutor in Hungary received four complaints alleging police brutality against migrants, **media sources** reported. Two of the cases were dismissed, one procedure was suspended, and one case was still ongoing.

EUROPE  
BY SEA



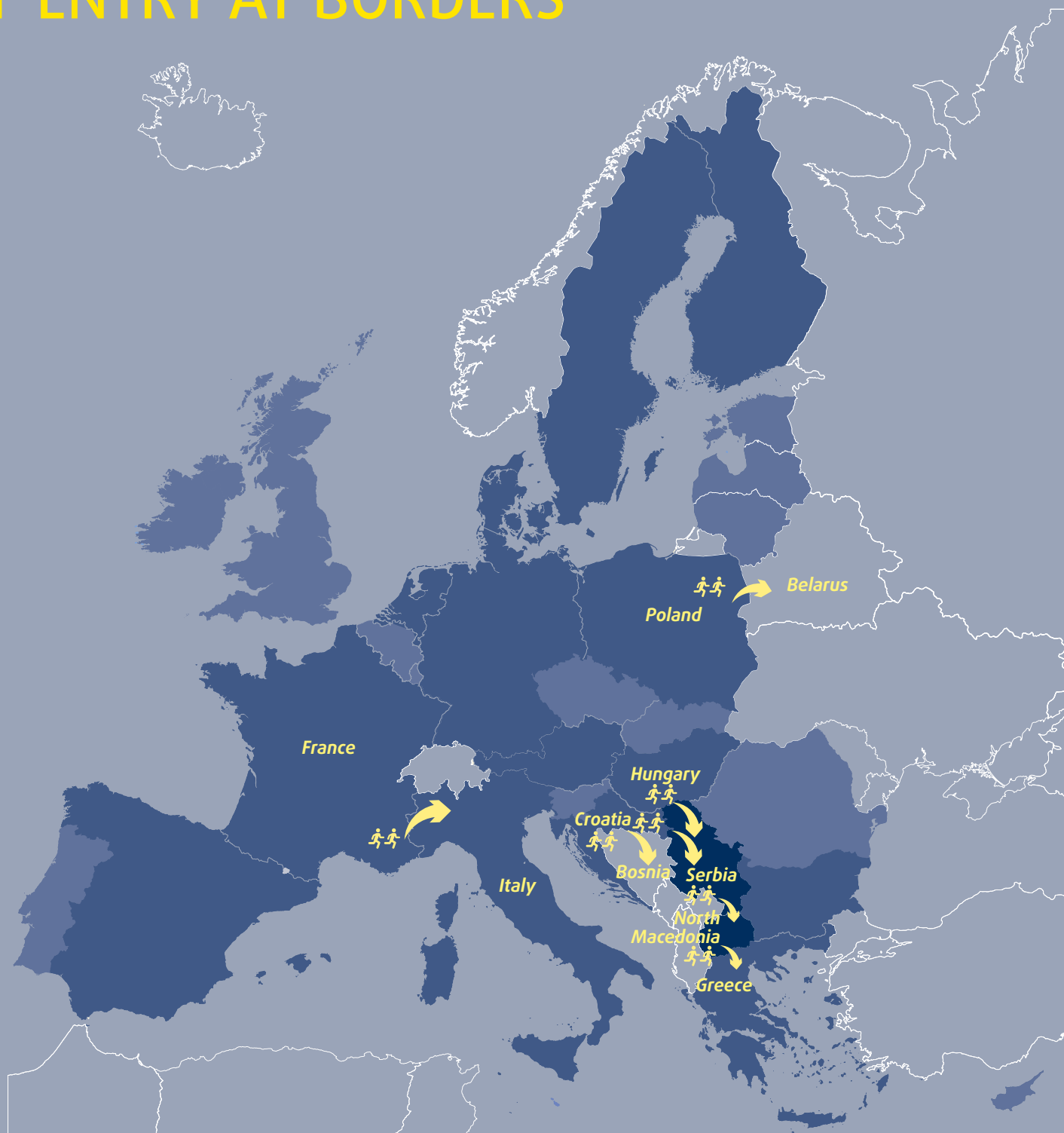
January - September 2019

**72,263** ↓  
MIGRANTS

## In numbers

Between 1 January and 21 October 2019, 1,078 people are estimated to have died or gone missing in the Mediterranean on their way to Europe, according to **IOM**.

# REPORTED INCIDENTS OF UNLAWFUL REFUSAL OF ENTRY AT BORDERS



Note: Unlawful refusals of entry at airports are not included.

Source: FRA, 2019

## Legal corner

In **Slovenia**, the **Constitutional Court ruled that an amendment to the Aliens Act of 2017**, which enables national authorities to suspend the right to asylum when migration constitutes “a threat to public order and internal safety in the Republic of Slovenia”, violates the principle of *non-refoulement*.

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The principle of *non-refoulement* is the core element of refugee protection and is enshrined in international and EU law. Article 33 (1) of the 1951 Refugee Convention and the authentic interpretation of Article 3 of the European Convention on Human Rights (ECHR) prohibit returning an individual to a risk of persecution, torture, inhuman or other degrading treatment or punishment. EU primary law reflects the prohibition of *refoulement* in Article 78 (1) of the Treaty on the Functioning of the EU (TFEU) and in Articles 18 and 19 of the EU Charter of Fundamental Rights.

In **Croatia**, the Jesuit Refugee Service documented violence and pushbacks from Croatia to Bosnia and Herzegovina, both in the border area and from Zagreb. Human Rights Watch sent **an open letter** to the president demanding investigations on the pushbacks, pointing out that collective expulsion of people, without individual assessment of their needs for international protection, violates EU law and the UN Refugee Convention. The Ombudsperson’s Office **issued a press release**, quoting an anonymous complaint from a border police officer about systematic orders to push people back at the border.

In **Poland**, refusing entry to asylum applicants at the land-border crossing points of Terespol (at the border with Belarus) remained a major concern, the Commissioner for Human Rights and NGOs reported. The **UN Committee against Torture, in its concluding observation on Poland**, also voiced concerns about the restricted access to asylum at the land-border crossing points, even in the case of vulnerable persons. The **Commissioner for Human Rights visited the Terespol border crossing point** in September, where he found that border guards did not always register asylum applications when individuals indicated that they were in need of international protection.

In **North Macedonia**, the Ombudsperson, the Macedonian Young Lawyers Association and the NGO Legis reported that collective expulsions to Greece continue.

In **Serbia**, the risk of *refoulement* at the borders remained high. In the reporting period, **UNHCR documented** 246 alleged pushbacks from Serbia to North Macedonia. This represents a significant increase compared with the previous period. The **UN Committee against Torture found that Serbia violated the Convention against Torture** by returning a Kurdish asylum applicant, a political activist, to Turkey, despite interim measures imposed by the Committee in December 2017 not to do so. His extradition violated the principle of *non-refoulement*, since the individual, upon his return to Turkey, was allegedly tortured and sentenced to imprisonment based on a forced confession.

### Search and rescue (SAR)

In **Greece**, seven people coming from Turkey died off Oinousses island in the Aegean Sea, after their dinghy boat carrying 19 people sank. Most of them were children. The Hellenic Coast Guard and Frontex rescued 12 people, including four children, **media sources reported**.

The Ministry of the Interior of **Italy** continued to delay the disembarkation of migrants and refugees rescued at sea by NGO vessels. The Association for Juridical Studies on Migration (ASGI) reported that **Five UN Special Rapporteurs and Independent Experts of the UN Human Rights Council** expressed their concerns about the judicial prosecution of German captain Carola Rackete, responsible for the search-and-rescue vessel ‘Sea Watch 3’. Table 1 provides an overview of vessels that were forced to remain at sea with the people they rescued for several days and, in some cases, weeks.

**Table 1: Vessels that were not immediately allowed to disembark rescued migrants in Italy, July–September 2019**

SHIP	ESTIMATED NUMBER OF MIGRANTS ON BOARD	DAYS SPENT AT SEA	DATES OF DISEMBARKATION	PLACE OF DISEMBARKATION
'Alex-Mediterranea' (Italy)	59 (including 8 UAC)	3	5 July: 13 passengers on medical grounds 7 July: remaining passengers	Lampedusa
Alan Kurdi (Germany)	65 (including 36 UAC)	2	7 July	Malta
Alan Kurdi (Germany)	40 (including 13 UAC)	4	4 August	Malta
'Open Arms' (Spain)	155 (including 19 UAC)	20	15 August: 13 passengers 20 August: remaining passengers	Lampedusa
'Ocean Viking' (SOS Mediterranee and MSF)	356 (including 103 UAC)	14	23 August	Malta
'Eleonore' (NGO Mission Lifeline – Germany)	104 (including 23 UAC)	8	2 September	Pozzallo
'Mare Jonio' (Mediterranea Saving Humans, Italy)	98 (including 16 UAC)	5	29 August: 63 passengers (families and children) 2 September: remaining passengers	Lampedusa
'Ocean Viking' (SOS Mediterranee and MSF)	82 (including 18 UAC)	6	14 September	Lampedusa
'Ocean Viking' (SOS Mediterranee and MSF)	182 (including 35 UAC)	7	24 September	Messina

Notes: UAC = unaccompanied children. Medical evacuations not always listed. Days spent at sea are calculated based on persons who stayed on the vessels the longest.

Source: FRA, 2019 [based on various NGO and media sources]

In **Spain**, the **media reported** that 15 migrants rescued at sea by the NGO vessel "Open Arms" arrived in the mainland port of San Roque aboard a Spanish military vessel coming from Italy. According to **the media**, these migrants were admitted into Cádiz's immigrant services network.

In the North of **France**, an increasing number of migrants in an irregular situation attempted to cross the Channel to reach the United Kingdom, according to the Maritime Prefecture of the Channel and the North Sea and the NGO Service centre for migrants in Calais. In 2019, by the end of September, **1,514 migrants had been intercepted at sea** by the French authorities. Meanwhile, the British authorities also **apprehended a growing number of migrants** trying to reach France in small boats. In response to these developments, the French and British ministers of the interior discussed the possibility of financial support from the United Kingdom to curb irregular crossings via the Channel, the **French Ministry of the Interior stated**.

### Challenges at land and air borders

In **Greece**, the number of single women who are (presumed) victims of sexual and gender-based violence, as well as the number of unaccompanied girls, increased in the Evros region, the NGO HumanRights360 reported in an interview.

In a **formal public letter** to the Ministry of Interior, **Italy**, the Association for Juridical Studies on Migration (ASGI) requested clarifications about the treatment of third-country nationals at the Fiumicino airport in Rome. Allegations include the non-admission of a third-country national, without granting access to a lawyer. The person had entered Italy by plane with an expired residence permit and a certificate about the pending renewal decision, which under Italian law suffices to enter Italy, according to the associations.

The police in **Hungary** apprehended some 1,986 migrants in an irregular situation during the reporting period. They were hiding in **trucks**, cars and **cargo trains**, as well as in **fields close to the border with Serbia**. According to data of the National Headquarters of the Police, these persons were escorted back to the outer side of the fence at the Hungarian-Serbian border. Authorities do not register and fingerprint these people prior to escorting them to the southern border, nor do they count them as new arrivals or asylum applicants in official statistics. The police in Hungary also prevented more than 595 people from crossing the border into Hungary via the border fence (a significant increase compared to the previous period), the **National Headquarters of the Police reported**.

In **Bulgaria**, according to the **Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**, some persons interviewed at the Special Homes for Temporary Accommodation of Foreigners in Busmantsi and Lyubimets said that the border police had verbally insulted them. The CPT report, based on a visit in December 2018, assesses the material conditions in the visited border police establishments as acceptable, if used for the maximum period of 24 hours of custody. In its response to the CPT findings, the **government** promised to address the concerns.

The land border between **France** and **Spain** also remained under pressure, with more dangerous border crossings, as irregular migrants tend to use the most remote and unsafe roads to avoid police patrols, the NGO ANAFÉ reported. **Europol announced the dismantling of a large migrant smuggling network** in this area, as a result of a joint operation carried out by the French and Spanish police.

In **Germany**, the **Federal Minister of the Interior** plans to make greater use of random controls as well as temporary checks at the borders. These measures include flexible police action at German land borders, such as temporary controls of cross-border traffic by the Federal Police to prevent illegal migration and combat cross-border crime.

In **North Macedonia**, the media reported about several cases of migrants sustaining injuries on roads while using the services of smugglers and traveling on informal roads. In one **case**, a vehicle transporting migrants had an accident while trying to escape from the police; more than 33 migrants were injured. In **another case**, two migrants from Afghanistan sustained severe injuries in a similar accident. Another **newspaper** reported that a 23-year-old migrant from Pakistan died after being hit by a train.

## Border controls

**Austria, Denmark, Germany**, and **Sweden** prolonged **internal border controls in the Schengen area until 12 November** and **France** until 31 October.

**North Macedonia** and **Serbia signed an agreement** to establish a "One stop shop" at the Tabanovce–Preshevo land border crossing point to perform joint border controls.

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## In numbers

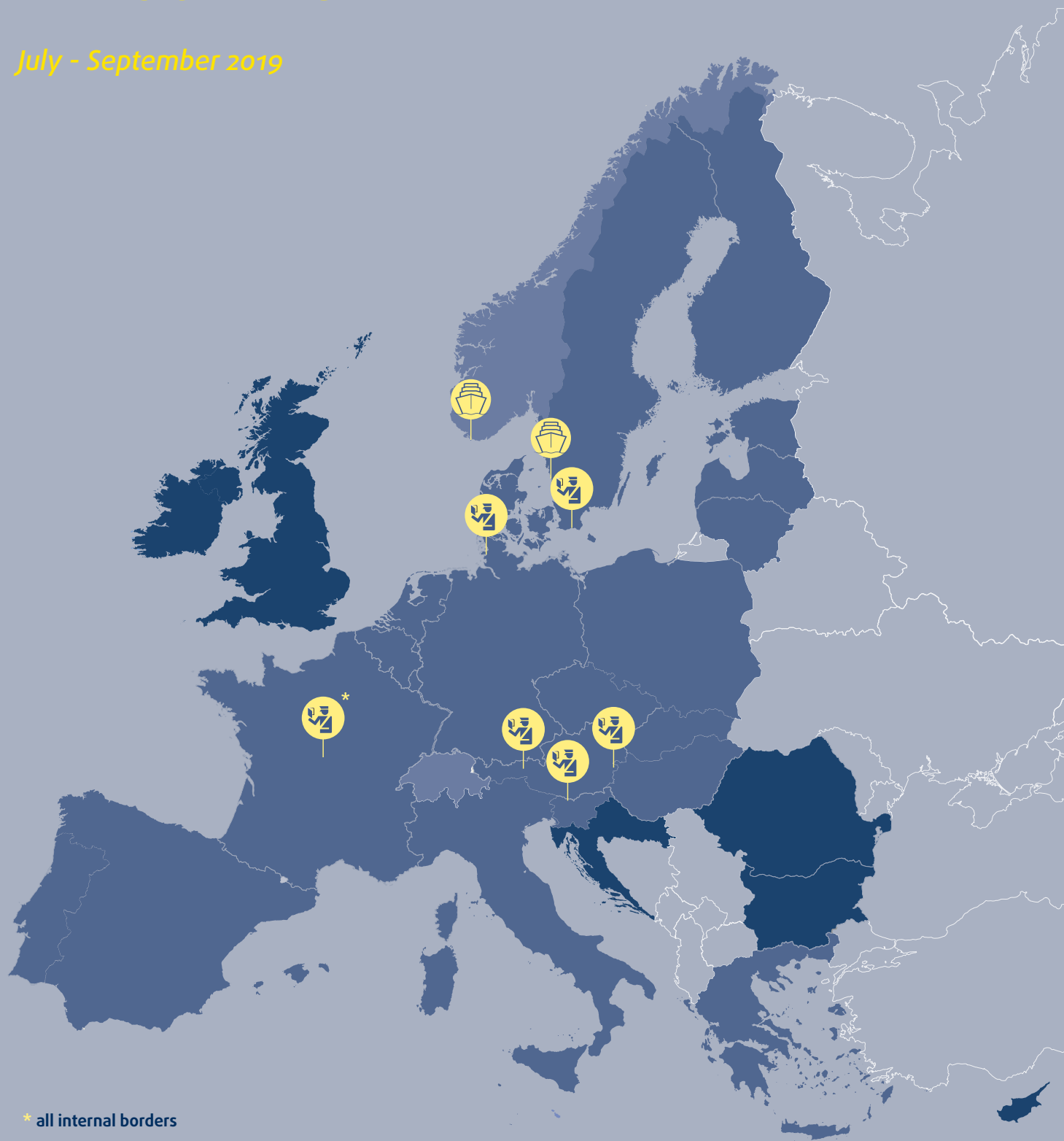
In **Finland**, according to the **Ministry of the Interior**, the government allocated extra funding of € 8 to 10 million per year to increase the personnel resources at border-crossing points and for technical oversight.

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# THE SCHENGEN AREA

July - September 2019



\* all internal borders

- Schengen EU Member States
- Non-Schengen EU Member States
- Schengen Non-EU Member States



Controls at land-border crossing points



Controls at ports

# Asylum procedure

## Figures and trends

According to the [Eurostat Asylum quarterly report](#), the number of asylum applications in Europe in the second quarter of 2019 was 149,000 (5 % more compared with the same period in 2018). **Germany** ranked first with 33,200 applications (22 %), followed by **France** with 28,600 (19 %), **Spain** with 28,200 (19 %), and **Greece** with 13,300 (9 %). In **Italy**, the total number of applications reached 8,500 (6 %). In **Italy, Germany and Greece**, the number of asylum applications decreased in the second quarter of 2019 compared with the same period in 2018 (6,300 fewer applications in Italy, 5,500 fewer in Germany, and 3,000 fewer in Greece). By contrast, in **Spain and in France**, the number of asylum applications increased compared with the same period in 2018 (12,000 more applications were lodged in Spain in the second quarter of 2019 than in the second quarter of 2018, and 2,300 more were filed in France). Most applications were again filed by Syrians, Venezuelans and Afghans, with 16,200, 10,700 and 10,200 applications filed, respectively.

No positive asylum decisions were issued during the reporting period in **North Macedonia**.

During the reporting period, 4,460 persons, including 215 unaccompanied children, expressed their intention to seek asylum and submit an asylum application in **Serbia**, according to UNHCR. This is almost three times as many as during the previous reporting period. However, only 38 persons actually submitted asylum applications. During the same period, only five applications were positively decided: two individuals received refugee status and three individuals got subsidiary protection, according to the Asylum Office.

## Access to asylum procedures

According to data provided in interviews by the National Directorate-General for Aliens Policing, roughly one asylum applicant per working day was admitted to each transit zone in **Hungary**. The data continue to show that daily access to asylum in Hungary is extremely limited, which has been the case [since the end of January 2018](#). In the country, people in need of international protection can only lodge asylum applications in the two transit zones situated along the border with Serbia.

In **Croatia**, the Centre for Peace Studies reported that access to the asylum system remained difficult due to systematic pushbacks at the borders. The Croatian Red Cross stressed that the international protection procedure was unpredictable, unsafe, and often resulted in negative decisions.

In **Austria**, according to [UNHCR](#), the recent decision to create a [Federal Agency for Care and Support](#) (*Bundesagentur für Betreuungs- und Unterstützungsleistungen*) to provide legal advice in the asylum procedure and return advice continues to raise concerns with regard to independence, transparency and quality of counselling.

In **Poland**, the lack of free legal assistance to asylum applicants in detention centres and open reception facilities remained an issue of concern, the NGOs Association for Legal Intervention and Helsinki Foundation for Human Rights reported. To remedy this situation, the Ministry of Internal Affairs and Administration announced [two calls](#) for tenders to provide legal assistance under their national programme of the EU Asylum, Migration and Integration Fund; the deadline for submitting proposals was in mid-May. The selected projects need to be implemented by September 2022, each with a budget of approximately € 700,000. The result of the selection process had, however, not yet been published by the end of the reporting period, the [ministry stated](#).



## In numbers

In July, 88 refugees – including 17 Syrian families – arrived in **Italy** in the context of the National Resettlement Programme. The group's arrival brings to 2,307 the total number of refugees resettled in Italy from Lebanon, Jordan, Turkey, Sudan, Syria and Libya since 2015, according to [UNHCR](#).

In **Spain**, according to UNHCR, the Jesuit Migrant Service and the Chair of Refugees and Forced Migrants of Comillas, access to asylum and renewal procedures is subject to significant delays (up to six months). The Asylum and Refugee Office of the Ministry of Interior states, however, that, thanks to the **reform of July 2018**, the backlog of asylum cases dropped significantly. In the first six months of 2019, 14,933 asylum cases were settled by the Inter-ministerial Commission for Asylum and Refuge – 16 % more than in the entire year of 2018 (12,889). Measures taken include an increase of the staff, the development of information technologies, and the improvement of transparency through a specific website.

In **Germany**, the Federal Workers' Welfare Association noted that, for most asylum applicants, the first hearing takes place only a few days after their registration, which sometimes does not allow them to seek individual advice from non-state legal aid providers. The Federal Office for Migration and Refugees only provides an informational film in a group setting, which does not sufficiently take into account the individual situation. The German Caritas Association reports that, in Hesse, asylum applicants were asked to seek counselling on return before their actual asylum application.

In **the Netherlands**, in a **letter to the House of Representatives**, the State Secretary for Justice and Security indicates that she generally considers Afghanistan to be a safe country to which rejected asylum applicants can be returned. However, the State Secretary did add asylum applicants who in Afghanistan are associated with the Afghan government, civil society organisations and international organisations to a list of "groups at risk"; for these groups, limited indications suffice to show that they run a risk of persecution and qualify for asylum. In another letter, she **added adherents to the Bahá'í faith and Gonabadi Sufis from Iran to the list**, and deleted Yarsanis and Christians therefrom.

In **Sweden**, the Migration Court of Appeal found that first-instance migration courts have insufficiently considered case law of the ECtHR and other international bodies, and called on them to improve their performance. Amnesty International also reported that the quality of asylum decision-making by the Swedish Migration Agency and migration courts dropped. The **Migration Court of Appeal itself claimed** to be struggling with an extremely high caseload, and that this could be exacerbated by envisaged budget cuts for next year. As a result, the processing time of appeals against negative asylum decisions before the migration courts continued to be very long, Save the Children reported in an interview.

In **Denmark**, according to the **Danish Immigration Service** and the **Danish Institute for Human Rights**, the Danish Refugee Appeals Board overturned a first-instance decision of the Danish Immigration Service, which had rejected a Syrian national's asylum application and decided not to renew the residence permits of five other Syrian beneficiaries of subsidiary protection from Damascus (including women and children). The Danish Immigration Service based its decision on the absence of a real risk of ill-treatment in case of return to Damascus. The assessment was based only on a report of the Immigration Service itself and on information from the Danish Refugee Council concerning the security situation in Damascus. The Appeals Board stressed that, although the general security situation in Damascus has improved, there is a high risk of being considered in opposition to the Syrian authorities if returned.

In **Finland**, according to the Ministry of the Interior, additional funding of € 13 million has been allocated for processing asylum and residence-permit applications for 2020. This funding is aimed at clearing the backlog of "old" applications and shortening the processing time.

According to the Macedonian Young Lawyers Association, the quality of the asylum decision-making process is of poor quality in **North Macedonia** at both first instance and the appellate levels.

# Reception

## Reception capacity

Sufficient reception capacity was available in **Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, Germany, Hungary, the Netherlands, North Macedonia, Poland** and **Serbia**.

Reception facilities in **France** and **Spain** remained overcrowded. In **Greece**, they remained severely overcrowded.

In **Italy**, according to the **media**, at the beginning of August, 105,142 third-country nationals were hosted in the Italian reception system. In August of 2018, the system hosted 160,458 such nationals.

In Athens, **Greece**, asylum applicants and refugees were evicted from occupied buildings. According to the NGO **Greek Council for Refugees**, police forces carried out the evictions without prior notice. The same NGO also expressed concerns about the lack of alternative accommodation provided to the evicted persons. The issue of providing adequate housing for asylum applicants and refugees on the mainland and the integration of refugees also remained unsolved, according to a **press release** from the NGO Hellenic League for Human Rights. The Greek Minister of Citizen's Protection, **according to the media**, convened an emergency meeting with the country's regional governors, asking them to share the burden of hosting asylum seekers from the islands. The government has also **announced** plans to transfer at least 10,000 asylum applicants from the Eastern Aegean islands to the Greek mainland by the end of the year.

The reception system in **France** can provide accommodation for 96,000 people. It remained unable to provide accommodation for all asylum applicants in the country, which meant that only every second asylum applicant was housed in the national reception system, according to a **joint statement** published by 50 civil society organisations. As a result, informal camps in the North of France and in Paris persisted. In the outskirts of Grande-Synthe, an informal camp with some 1,000 people was dismantled after the **Lille Administrative Court permitted** the evacuation. Soon thereafter, more than 400 people returned and resettled where they were before, without access to water and sanitary facilities, the Service centre for migrants in Calais reported in an interview. In Paris, some 2,000 irregular migrants, mostly young and unaccompanied men, were living in the streets in poor sanitary conditions, the NGOs *Médecins du Monde* and the Human Rights League reported in interviews. Authorities intensified **dismantling operations**, without having found sustainable alternatives for housing the affected migrants.

## Reception conditions

In **Italy**, the Association for Juridical Studies on Immigration (ASGI) published a **monitoring report** on the jurisprudence of the Italian Ordinary Courts on the right to civil registration of asylum applicants online. Under **Italian law**, asylum applicants cannot be included in the local civil registries. This prevents them from accessing relevant services. Following several complaints, most of the courts' decisions concluded that asylum applicants have a right to be registered when they can prove that they have a regular residence in the municipal territory.

The Croatian Red Cross reported that the Reception Centre in Zagreb, **Croatia**, has been completely renovated, now providing appropriate living conditions.

## Bright spots

In **Belgium**, the federal asylum service opened a new temporary reception centre for asylum applicants in **Couvin**, with a capacity of 222 places. It opened another shelter in **Zoutleeuw** in October.

In **Poland**, more than half of all asylum applicants (some 1,720 persons) continued to receive funds to live outside of open reception centres (i.e. in private accommodation), the Office for Foreigners stated. Such private housing arrangements are authorised by the Office for Foreigners **for safety or family reasons or to prepare asylum applicants for independent living once they get international protection**. However, the **sum provided by law** (€ 180 per month) is too low compared to living costs and thus needs to be increased, the NGOs Association for Legal Intervention and Helsinki Foundation for Human Rights pointed out.

In **Spain**, **Royal Decree 441/2007** was amended to allow also using humanitarian aid funds for the reception of applicants and beneficiaries of international protection. This amendment has made available 5,000 additional places in the Spanish reception system. The **Agreement between the Spanish and Basque Governments, UNHCR, Caritas and the Jesuit Platform of the Basque Country** formalises a pilot case initiated in March 2019. This initiative aims to develop a community sponsorship system to facilitate integration. Five local voluntary groups (citizens and NGOs) provide first assistance and support throughout the integration process. Since its launch, 29 Syrian refugees, including 16 children, have benefitted from the initiative. Meanwhile, UNHCR expressed concerns about the recently introduced humanitarian protection status for Venezuelans. Once the status is granted, the status holders have to leave the reception system within 15 days, leaving them without any support.

In **France**, the government is seeking to change the conditions for benefitting from the 'asylum applicant allowance' as part of a **set of planned measures currently under discussion**. The plan is to **reduce this financial assistance by 25 %** as soon as the first-instance asylum application is rejected. In a joint statement, **several NGOs voiced criticism** of this envisaged reform, as it would further degrade reception conditions of asylum applicants.

During his visit to **Hungary**, the **UN Special Rapporteur on the human rights of migrants identified a series of issues** concerning reception conditions in the transit zones. He found that armed security guards escorted asylum applicants at all times, and that the freedom of movement of asylum applicants was severely restricted inside the facility. He was also concerned about the lack of availability of adequate medical care, given that a general practitioner was only present in the transit zones for a few hours a day, and no gynaecologist or paediatrician was available (even though a large share of asylum applicants are women and children). Psychiatrists are not available either, the Cordelia Foundation reported. The UN Special Rapporteur also described a case of an asylum-seeking woman being handcuffed – as a security measure – to a bed for five days after undergoing surgery in a local hospital, without receiving sufficient food.

Locals gathered for a manifestation against the municipality of Lomma in Southern **Sweden** at the end of September, to protest against the municipality's decision to terminate the rental contracts of beneficiaries of international protection who have been residing in the municipality for at least two years, **media reported**. In addition, 21 school principals in the municipality **sent a joint letter** to the municipal executive board in Lomma, stressing that this measure left homeless these refugee families with permanent residence permits.

In **North Macedonia**, the Macedonian Young Lawyers Association noted that the reception transit centres provide the necessary services for short-term stay; however, they are not appropriate for longer stays.

In **Serbia**, the reception conditions at Belgrade Airport were precarious, according to the Belgrade Centre for Human Rights: the room accommodating asylum applicants and persons waiting to be returned was small, there were no beds or heating, and the hygienic conditions were inadequate.

## Vulnerable persons

The Ombudsperson in **Greece published a report on people with disabilities**, with special mention of asylum applicants and refugees with disabilities. The report found serious gaps in the identification and protection system of asylum applicants with disabilities, such as the lack of appropriate welfare structures and proper living conditions on the islands and delays in issuing medical documents that identify their vulnerability.

In **Croatia**, the Rehabilitation Centre for Stress and Trauma reported that reception conditions have improved. However, the procedure for identifying victims of torture is still not adequate or systematic.

In **Germany**, the Migration Commission of the Catholic German Bishops Conference, the Berlin Refugee Council and the United Nations High Commissioner for Refugees raised concern about the lack of systematic identification for special needs and vulnerabilities in the AnKER Centres. The German Caritas Association and the Federal Workers' Welfare Association reported that there are still not enough reception facilities for traumatised and vulnerable persons.

In **North Macedonia**, the Ombudsperson noted that there have been cases of migrants in need of special medical support being accommodated in the reception transit centres, even though those centres do not provide such medical support. The fact that nobody has been granted asylum during the past year is leading to increased anxiety, depression and cases of self-harm among the asylum applicants.

## Child protection

### Figures and trends

As of 30 September 2019, according to the **National Centre for Social Solidarity** (EKKA), 4,616 unaccompanied children were estimated to be in **Greece**, including 258 separated children. This marks a slight increase compared to mid-September. Only 1,016 were in appropriate and long-term accommodation (shelters and semi-independent living apartments); 624 were in temporary accommodation ('safe zones' and emergency hotels); 1,416 stayed in Reception and Identification Centres; 238 in 'protective custody', mainly at police stations, and 153 in open temporary accommodation facilities. 1,169 reportedly live in informal or insecure housing conditions, such as living temporarily in apartments with others, squats, or being homeless and moving frequently between different types of accommodation. The total number of available long-term accommodation places for unaccompanied children in all of Greece was 1,196; for temporary accommodation, that number was 650.

In **Italy**, according to the **Ministry of the Interior**, 1,011 unaccompanied migrant children were living in the country as of 30 September 2019 (compared to 3,536 as of 31 December 2018 and 15,779 as of 31 December 2017). According to **Save the Children**, the number of victims of trafficking and sexual exploitation is increasing: from 9 % in 2017, to 13 % in 2018 (1,660 in total). In 2018, 263 children (both Italian and foreigners) were registered as victims of labour exploitation.

In **Spain**, according to the **Spanish Public Prosecutor**, the number of unaccompanied children arriving by sea is sharply increasing: in 2018, 7,026 unaccompanied children arrived in Spain, 200 % more than in 2017 (2,345). Moreover, the number of age assessments more than doubled from 2017 to 2018: 5,600 in 2017 compared with 12,152 in 2018.

In **Denmark**, the 'Reception Centre Sandholm–Unaccompanied Children' has a capacity of approximately 80 persons. During the reporting period, fewer than 10 unaccompanied children were accommodated in the centre, according to the data of the Danish Immigration Service.

In **Serbia**, the number of asylum-seeking children increased, and included 215 unaccompanied children. Only seven of them were placed at the Centre for Minors in Niš; the others stayed at the other asylum centres, UNHCR reported.

### Reception conditions

In **Italy**, a **report** by the Authority for the Protection of Childhood and Adolescence noted a lack of information-provision and tutoring services (in 80 % of the centres); a lack of social and leisure activities (in 53 % of the centres); and the fact that, in 47 % of the cases, children spent more than 30 days in emergency or first-level reception centres. The Ministry of the Interior issued a **Decree** providing for additional financial resources for 20 reception projects for unaccompanied children. This will allow for the creation of 728 additional reception places.

In **Hungary**, unaccompanied children over 14 years of age remain in the Rösztke transit zone until their asylum claims are decided upon. Although the authorities announced at the end of June that they would close down the children's home near Budapest (in Fót), which hosts unaccompanied children up to 14 years of age,



it was still unclear where these children will be placed. The Hungarian Helsinki Committee initiated a lawsuit against the Ministry of Human Capacities to obtain data on the action plan relating to the government's plans to provide future care to migrant children currently living in the children's home in Fót. The **Metropolitan Court of Budapest obliged the ministry to provide information on the action plan**; however, it turned out the ministry **had no action plan at all**.

In **Hungary**, the **UN Special Rapporteur on the human rights of migrants recommended that the authorities** consider, as a priority, transferring families with children and unaccompanied children between 14-18 years of age from the transit zones to the open reception centre in Vámoszabadi, where the UN Special Rapporteur found a large garden, a playground and generally more welcoming conditions suitable for children.

In **Croatia**, a high number of families with children arrived in Croatia from Bosnia and Herzegovina in bad physical and mental condition, because of the poor living conditions in the latter, the Croatian Red Cross observed.

In **Germany**, the Caritas Association reports that refugee accommodations are often not suitable for children, as they include non-child friendly areas, non-lockable sanitary facilities and no rooms for retreat or play. The Federal Workers' Welfare Association and the German Caritas Association further report that refugee children accommodated in first reception facilities often do not have access to regular schooling.

In **the Netherlands**, the **State Secretary for Justice and Security** sent a letter to the House of Representatives about children in families and unaccompanied children. It contains information about a **study on the living conditions of children in reception centres** and 'family locations', published in June 2018. Family locations' are centres where families await return. The study concluded that the living conditions in reception centres and family locations centres do not meet the standards laid down in the UN Convention on the Rights of the Child, particularly in terms of the right to privacy.

In **Sweden**, Save the Children reported a lack of child-appropriate reception facilities, highlighting the lack of toys and an overall inadequate environment for children in accommodation centres.

In **Finland**, the **Finnish Immigration Service** reported that 22 reception centres are applying a new strategy called "Let's Talk about Children method". This method consists of consultations among all relevant actors (i.e. social workers, guardians, lawyers and parents) in order to determine a plan to support the children's daily lives.

In **Denmark**, the newly appointed **Minister of Migration and Integration** announced that families living in in the Sjælsmark pre-removal detention centre would be allowed to cook their own food and moved to another facility. In April, the Red Cross **reported** about the psychiatric well-being of children in that centre. Meanwhile, the Danish Parliamentary Ombudsperson concluded in a **report** that unaccompanied children who are asylum applicants and beneficiaries of international protection are particularly vulnerable.

## Bright spots

The Ombudsperson in North Macedonia reported that, for the first time, asylum-seeking children were enrolled in primary schools and started attending classes.

In **North Macedonia**, the Ombudsperson highlighted that an increasing number of unaccompanied children are living at the Reception Centre for Foreigners, which does not have appropriate conditions for accommodating children. Between 1 July and 30 September 2019, nine children were accommodated there, which was previously only the case in exceptional circumstances. The Macedonian Young Lawyers' Association and the Ombudsperson are concerned that unaccompanied children are leaving the reception centres on their own and have called for better protection of unaccompanied children. Meanwhile, for the first time, asylum-seeking children were enrolled in primary schools and started attending classes.

### Safeguards and specific support measures

In **Austria**, according to **UNHCR**, the appointment of a legal guardian often takes weeks or even months.

In **Poland**, authorities do not regularly assess the child's best interests in return procedures, even though a number of court rulings in appealed cases oblige them to do so, according to the Ombudsperson for Children.

In **Spain**, the Ministry of Health, Consumer and Social Welfare continued to develop a single care model for unaccompanied children applicable to all the autonomous communities. The reform is being undertaken in coordination with the autonomous communities and the **Spanish Childhood Observatory**.

Several shortcomings persisted in the child-protection system for migrant children in **France**, the Public Defender of Rights pointed out in an interview. He also claimed that **two 17-year-old unaccompanied children died** due to the insufficient support measures (both died of drug overdoses).

In **Germany**, the Federal Association for Unaccompanied Minors is concerned that the Federal Office for Migration and Refugees has no particular expertise in youth welfare services when providing counselling at the first stage of the asylum procedure. The best interests of the child are not always taken into account, in particular for accompanied children who do not have a guardian.

In **Sweden**, no child-adapted information about the asylum procedure was available, Save the Children reported. As a step forward, the Swedish Migration Agency prepared internal guidance for eligibility officers on how to assess the best interests of a child in asylum procedures, according to the same NGO.

In **Denmark**, a special unit to fast-track the initial processing of newly arrived unaccompanied children with "street-oriented behaviour" continued to operate, transferring them to one of the four accommodation centres for unaccompanied children, according to the **Danish Immigration Service**.

In **Finland**, the **Ombudsman for Children** commented on Finland's seventh periodic report to the UN Committee on Civil and Political Rights, noting that the current legislative framework lacks an adequate child-rights impact assessment.

### Age assessment

In **France**, the NGOs **Human Rights Watch** and **Médecins sans Frontières** reported deficiencies in authorities' practices concerning age assessment for unaccompanied children; the flawed outcomes of these exclude them from the child protection system. **Another report by Human Rights Watch** also raised serious concerns

about assessments of the age of adolescents who are apprehended along the Alpine border between France and Italy. Officials in charge of age assessment relied exclusively on bone examinations and applied diverse reasoning to justify their refusals to grant protection to such children.

In **Germany**, the Federal Association for Unaccompanied Minors is concerned about the fact that age assessments are increasingly conducted by untrained police officers during border checks.

## Missing children

In **Austria**, the Federal Ministry of the Interior reported that, as of 1 October 2019, 334 missing children with non-EU-citizenship were registered in the SIS II (out of these, 79 children are between the age of 0 to 14, and 255 children are between the age of 14 and 18).

In **Sweden**, according to non-public research carried out by the National Board on Health and Welfare, many unaccompanied children who have been denied residence permits either go into hiding in the country as undocumented migrants; or travel irregularly to another EU Member State.

## Family reunification

In **Greece**, over the past two years, there was a significant increase in the number of refused 'take charge' requests for family reunifications by Germany under the Dublin procedure, a [legal note jointly published by the NGOs Refugee Support Aegean and PRO ASYL highlighted](#). The German authorities maintain that the three-month deadline to send a 'take charge' request should not be calculated from the time the application was 'lodged' with the Greek Asylum Service, but from the time of 'expressing intention to seek asylum', which is typically an earlier stage right after arrival or during the registration at first reception. In some cases, the German authorities reduced even further the three-month deadline by wrongly considering the arrival date as the starting point to calculate the deadline, although no intention to ask for asylum had been registered on that day.

In **Croatia**, according to the Rehabilitation Centre for Stress and Trauma, family reunification procedures remained difficult and lengthy.

In **Germany**, the Federal Association for Unaccompanied Minors is alarmed about the fact that, during the family reunification procedure, parents are sometimes distributed to a different federal state than their minor child. The Federal Workers' Welfare Association reports that family reunification of Eritrean family members has become almost impossible, because the German embassies require documents that are not issued in Eritrea, such as a registered marriage certificate.

According to the Federal Association for Unaccompanied Minors, the permanent separation from the family has serious consequences for the well-being of family members, especially for children. The Federal Association for Unaccompanied Minors reports that some children have stopped going to school because of lengthy separations from their parents.

## Legal corner

In **Sweden**, the **Migration Court of Appeal delivered a ruling** clarifying the necessary means of subsistence required for family reunification. Status holders who apply for family reunification must either have sufficient work-related income for at least a year, or they must substantiate sufficient income from other sources for at least a year. The ruling also clarified that continuously prolonged work contracts of limited duration and registrations at the unemployment fund have to be considered for this purpose.

# Immigration detention

## Detention capacity

In **Hungary**, 92 people were placed in pre-removal detention during the reporting period (a continuous increase compared to the previous periods), according to the data of the National Directorate-General for Aliens Policing and the National Headquarters of the Police. Meanwhile, according to the same sources, asylum detention (in facilities other than the transit zones) was applied to three Dublin transferees in the same period. At the end of the reporting period, 11 people were detained in the Nyírbátor asylum detention facility, according to the National Directorate-General for Aliens Policing. Given that the transit zones at the southern border with Serbia remain the only locations to lodge an asylum application for undocumented protection applicants, and that all migrants in an irregular situation who have been apprehended on Hungarian soil are escorted back to the other side of the border fence, the designated pre-removal and asylum detention centres remained almost empty.

In **Bulgaria**, according to the **Ministry of the Interior**, during the reporting period 782 new persons were sent to the pre-removal facilities. This marks a significant increase compared to the previous three-month period (April–June 2019), when the number of newly placed persons was 459.

According to the data of the Hellenic Police, the number of migrants and asylum applicants in immigration detention (pre-removal detention and asylum detention) in **Greece**, islands included, was 5,886 at the end of September; of these, 4,653 were asylum applicants and 103 were unaccompanied children. The number of persons in immigration detention during August 2019 was 4,927; of these, 3,922 were asylum applicants and 106 unaccompanied children. The majority of the detainees originated from Afghanistan, Bangladesh and Pakistan – this has not changed over the past months. According to a **report published by the National Commission for Human Rights**, detention of asylum applicants remained systematic and often arbitrary.

A total of 644 people were detained in **Belgium** at the end of the reporting period, according to the data of the Immigration Office.

In **Sweden**, 1,075 migrants in an irregular situation, including seven children, were placed in pre-removal detention during the reporting period. While 528 were still in detention as of 30 September, none of them were children.

## Conditions of detention

In **Italy**, the Authority for the Protection of People who are Detained or Deprived of their Personal Freedom expressed concerns about the living conditions of detainees in the Italian administrative detention centres. The organisation **called on the Parliament** to take measures to improve the conditions of facilities of *de facto* administrative detention, such as airports and ports. The media reported that, in immigration detention facilities in **Turin** and **Rome**, prisoners protested against detention conditions and/or forced return operations.

In **Bulgaria**, according to the **Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**, based on a visit in December 2018, despite some improvements, the detention facilities Busmantsi and Lyubimets remained dilapidated, inadequately heated, and offer practically no privacy. According to the Red Cross, complaints continue about the medical care provided in the Busmantsi immigration detention centre, where inhabitants are only transferred to the medical institute of the Ministry of the Interior in emergency cases, such as acute respiratory infection or psychotic conditions.

In **Spain**, 158 NGOs **called for the resignation** of the Director of the Alien Detention Centre in Madrid. Following several complaints, El Defensor del Pueblo and the Court of Madrid found evidence of degrading and humiliating treatment, as well as of disproportionate security measures by police officers. For instance, the investigation found evidence of a police officer attacking a detainee with a blunt object and conducting body searches in the courtyard while it was raining.

Systematic use of immigration detention, including for families with children, remained an issue in **France**, several NGOs stated in interviews. The NGO *La Cimade* **reported serious concerns** about the Mesnil-Amelot pre-removal detention centre, which is the largest in the country. These included repeated suicide attempts, self-mutilation, and confinement in disciplinary isolation cells to stop a hunger strike, which prompted this NGO to suspend its activities for a while and only return to the facility **after the Ministry of the Interior and the border police** committed themselves to improving the situation. The **Controller General of places of deprivation of liberty raised concerns** about the use of solitary confinement cells in pre-removal detention facilities, stressing that isolation rooms are prison-like and often undignified, which are inadequate to protect people placed there from self-harm.

In **Belgium**, asylum applicants in detention faced difficulties in accessing meaningful legal assistance owing to a number of factors. These include the lack of *pro bono* lawyers specialised in migration/asylum law; the remoteness of some facilities; the detainees' limited access to means of communication, such as telephones and the internet; as well as language barriers, according to a **report published by the NGO NANSEN**.

In **the Netherlands**, the National Preventive Mechanism published its **annual review on the conditions of detention and treatment of persons restricted in their freedom in the Netherlands 2017 and 2018**, including immigrant detention.

In **Sweden**, **twelve people escaped from a pre-removal detention centre in Märsta**, outside of Stockholm, by breaking a window. The police apprehended seven people the same day, while the other five people were still missing at the end of the reporting period.

In **North Macedonia**, according to the Macedonian Young Lawyers' Association's report "**2018 CSO's Report on Irregular Migration for South-Eastern Europe**", migrants are being detained for an average of 10.9 days for the purpose of securing their testimony as witnesses in criminal proceedings. "The authorities are using detention without properly assessing if detention is necessary and proportionate according to national and international law." The Macedonian Young Lawyers Association, an NGO that provides free legal assistance to asylum applicants, reported that its staff has been denied access to the Reception Centre for Foreigners for more than six months.

In **Serbia**, for the first time in 2019, the Asylum Office ordered the detention of two asylum applicants from Afghanistan and Palestine (the latter was released in August).

## Detention of children

In Greece, the NGO **ARSIS reported a rise** in immigration detention of unaccompanied children in protective custody in the Amygdaleza detention facility on the mainland, with prolonged detention times (several months in some cases) and degrading detention conditions. All this negatively affects the children's mental health and leads to tension and acts of despair.

## In numbers

The government of **Sweden** plans to allocate **more funding to increase detention capacity** in the coming years (€ 11.4 million for 2020 and € 18.3 million for 2021-2022).

In **the Netherlands**, the **District Court of The Hague** ruled on the detention of a 15-year-old Vietnamese boy who was – together with 20 others migrants, including eight children – arrested in a truck-loading area at Hook of Holland by the Royal Netherlands Marechaussee. He was kept in a police cell for more than three days and subsequently detained without being heard in a child-friendly manner, nor was he assigned a lawyer. The court found that the relevant national legislation violates the rights of the child as it does not contain sufficient guarantees regarding the detention of unaccompanied children under immigration law. Despite the absence of sufficient safeguards in the national legislation, the authorities throughout the immigration chain are obliged to respect the rights of the child. In another case, the **District Court of the Hague** annulled the transfer to Romania of an unaccompanied child and his adult brother from Iraq under the Dublin Regulation, as it would be against the best interests of the child. Before applying for international protection in the Netherlands, the applicants were held in detention in Romania for three days, where they faced abuse and were deprived of basic needs, such as food and water, as well as access to a bathroom.

In **Poland**, following up on the implementation of the ECtHR's judgment in the case of *Bistieva and Others v. Poland* (July 2018), the NGO Helsinki Foundation for Human Rights **sent a communication** to the Committee of Ministers of the Council of Europe, stressing that Polish authorities fail to properly assess children's best interests before deciding on placing them in immigration detention. The **UN Committee against Torture, in its concluding observations on the country**, also found that detention of migrants with their children and unaccompanied children above 15 years of age remained an issue, and called on the government to refrain from their detention.

According to the information provided by the Ministry of Interior and published by the **Ombudsman of Slovenia**, 245 unaccompanied and 66 accompanied children were detained at the Postojna Centre for Foreigners in 2018; 190 unaccompanied and four accompanied children were detained from 1 January to 28 August 2019.

## Return

### Figures and trends

The police in **Greece** carried out 1,191 removals during the reporting period. This figure included 27 readmissions to Turkey in application of the EU-Turkey Statement of March 2016, **according to UNHCR**. The vast majority of the returnees originated from Albania, Georgia and Turkey, who were sent back to their home countries. As reported in an interview, IOM Greece conducted 492 assisted voluntary returns in the same period, although no such returns took place in September due to the end of the previous project on assisted voluntary return and reintegration, which was going to resume in October 2019. The main countries of destination were Georgia, Iraq and Pakistan.

Authorities in **Hungary** carried out 379 removals in the reporting period (up until 25 September) in application of readmission agreements, according to the data of the National Headquarters of the Police.

In **Austria**, for the period between January 2019 and the end of August 2019, the Federal Ministry of the Interior reports a total of 4,966 voluntary returns and 4,593 removals.

As a result of the collapse of immigration administration in Mayotte (an overseas department of **France**) a year ago, the **number of removals increased drastically**, exceeding 12,000 removals this year only (up until 30 September), including 1,150 children.

In **Belgium**, 258 third-country nationals departed voluntary in July; the top nationalities included Brazilians and Ukrainians, the Immigration Office reported.

**Germany**, according to the **government**, returned 11,496 persons in the first half of 2019. Leaving aside persons who are transferred to other EU Member States, most returns to a third country concerned Albania (821) followed by Serbia (621).

In **Sweden**, according to the data of the Swedish Migration Agency, the number of voluntary departures during the reporting period was 1,336. The top three countries of destination were Afghanistan, Georgia and Iraq. During the same period, the Swedish authorities carried out some 700 removals. The main countries of destination for this group were Afghanistan, Albania and Ukraine. Overall, forced returns were on the rise this year, **media sources** reported.

## Fundamental rights concerns related to return

In July 2019, the **European Commission issued a letter of formal notice**, the first step in an infringement procedure, for the non-provision of food to persons awaiting return who are detained in the transit zones in **Hungary**. A **member of the Hungarian parliament also initiated criminal proceedings** because of the authorities' practice of denying food to such people. The **Hungarian police**, however, claimed that national law does not require providing food to rejected asylum applicants subject to return procedures, even if they are kept in the transit zones.

The **Swiss Federal Administrative Court** suspended the transfer of an asylum applicant to **Croatia** under the Dublin procedure and referred his case back to the first instance. According to the court, the first-instance decision – which concluded that Switzerland was not responsible for processing the asylum application – had not sufficiently taken into account whether the applicant's testimony would establish that he had been subjected to torture or inhuman or degrading treatment, in violation of Article 3 of the European Convention of Human Rights. The asylum applicant reported that police officers had mistreated him, urinated on him, took his belongings and violently pushed him back at the Croatian-Bosnian border eighteen times, leaving him in poor physical and psychological condition.

**France** carried out removals to Sudan despite the troubled situation on the ground and the risk of ill-treatment upon arrival, the NGO **La Cimade stated**. As a response to regular removals to Afghanistan, the NGOs *La Cimade* and Amnesty International **called for a moratorium** on removals to Kabul.

In **Germany**, the Berlin Senate Department for Education, Youth and Family and the Berlin Refugee Council expressed major concerns about the alleged use of force in youth welfare facilities while carrying out returns. Police violence during return operations continues, according to the Berlin Refugee Council. The use of restraint measures (ankle or hand restraints, straps etc.) increased from 135 in 2015 to 1,231 in 2018, according to the German government's response to a **parliamentary question**. The **Council of Europe's Anti-Torture Committee** (CPT) had already flagged the "disproportionate and inappropriate" use of force in return operations from Germany.

## FRA activity

### Returning unaccompanied children: fundamental rights considerations

In September 2019, FRA published **guidance on how to ensure fundamental rights compliance when returning unaccompanied children**. Individuals who are not entitled to stay in the European Union are typically subject to being returned to their home countries. This includes children who are not accompanied by their parents or by another primary caregiver. Yet, returning such children, or finding another durable solution (for instance, granting the right to stay), is a delicate matter that must be implemented in full compliance with fundamental rights. The focus paper therefore aims to help national authorities involved in return-related tasks, including child-protection services, to ensure full rights compliance.



## FRA activity

### Second EU Minorities and Discrimination Survey: Migrant women

FRA recently published the second EU Minorities and Discrimination survey's (EU-MIDIS II) results on the situation of migrant women. The report shows that these women face a range of fundamental rights challenges, and that there are a number of differences in the way women and men with immigrant backgrounds across the EU experience how their rights are respected. This points to the need for targeted, gender-sensitive measures that promote the integration of – specifically – women who are immigrants or descendants of immigrants.

The report is available on [FRA's website](#).

In **the Netherlands**, the Ministry of Foreign Affairs published a **new country report about Syria**, stating that the security situation in Syria has not improved, as there is no rule of law; freedom of expression is suppressed; human rights abuses are widespread; and the economic situation is poor. The Dutch Refugee Council and Amnesty International, in a **letter to the members of the Committee for Justice and Security of the House of Representatives**, urged them to maintain the current policy of not returning people to Syria. The **VluchtelingenWerk** calls on the Dutch authorities to be more careful when deciding upon asylum applications from journalists and activists. The **UN Human Rights Committee** expressed concerns about reports of forced returns to Afghanistan, Sudan and Bahrain, allegedly in breach of the principle of *non-refoulement*.

In **Sweden**, many Afghani families with children were left in limbo after the rejection of their asylum application, meaning that they were neither expelled, nor granted a residence permit on humanitarian grounds, Save the Children reported. The Swedish Migration Agency adopted a **new legal position on the safety situation in Syria**, which states that the level of violence no longer represents a real danger in the entire country, although the security situation varies between provinces. Save the Children criticised this assessment, claiming that the government runs the risk of breaching the principle of *non-refoulement* if people are sent back to Syria.

In **Denmark**, the **Parliamentary Ombudsperson reiterated** the need for the police to continuously consider the necessity and proportionality of using force during removal operations. This was prompted by two removal cases where the police used hand restraints even though the returnees acted calmly, the Ombudsperson observed.

In **Finland**, a **citizens' initiative** proposing to pass a law providing for the immediate deportation of foreigners convicted of sexual offences has been submitted to the Parliament. Some 118,375 individuals signed the initiative.

## Hate speech and violent crime

In **Greece**, a member of the NGO Greek Forum of Migrants, himself a migrant, was attacked by a group of persons in Athens while waiting for the bus, the **same NGO** and the Racist Violence Recording Network reported.

As part of **larger research carried out by the European Network Against Racism** in 24 European countries, findings on **Greece** revealed gaps in the specialised knowledge and awareness of frontline police personnel in recording, investigating and prosecuting hate crimes with a racial bias. Migrants interviewed expressed fear that reporting crimes would negatively affect the outcome of their immigration case.

In **Italy**, several hate crime incidents occurred in the past four months, including racist language and physical aggression. For instance, the **media reported** that two men from Senegal and Guinea Bissau were attacked with stones while working as farmhands in Foggia. Another case reported by the media involved two activists of far-right groups who **violently attacked** a man from Gambia in Rome, using racist language. On the same day, according to **the media**, the driver of a public transport bus in Frosinone violently attacked a passenger because of the colour of his skin. Finally, as reported by **media** a Nigerian man was violently attacked by two young Italian men aged 17 and 18 near Rome.

In **Hungary**, four young people, among them an Egyptian and a Vietnamese man, were beaten up at a music festival when a larger group of Hungarians started to yell 'filthy migrants' at them, **media sources** reported. Another incident concerned **a Roma journalist who was head-butted in Budapest** while he was walking in the street with his pregnant wife. The attackers, believing they were Arabic, yelled racist anti-migrant insults at the journalist and his wife. Investigations were still ongoing.

In **Croatia**, the Rehabilitation Centre for Stress and Trauma reported that online hate speech is growing, especially on news portals in the form of unmoderated reader comments.

In **Austria**, according to the Federal Agency for State Protection and Counter Terrorism, 20 xenophobic/racist, 11 anti-Semitic and one Islamophobic crimes were reported to the authorities between April and June 2019. The Antidiscrimination Office Styria documented 27 insults for the period between 1 July and 30 September 2019 in the region of Styria. Of these, 41 % were based on ethnicity, 25 % were based on religion, 16 % were based on multiple bases of discrimination, and 8 % on disability. During the same reporting period, 534 incidents of online hate speech were reported to the Antidiscrimination Office Styria. Of these, 38 % were based on ethnicity, 20 % were based on religion, 20 % were based on sexual orientation and 13 % were based on gender. Moreover, 11 stickers and graffiti with discriminatory, racist or Nazi content were reported to the Antidiscrimination Office Styria between 1 July and 30 September 2019.

In **Spain**, the **Spanish association fighting against racism**, *SOS Racismo Madrid*, reported many racist incidents, especially in public transport. As **media reported**, a woman used offensive and racial language against two young men in a train in Bilbao. A second episode reported by **media** involved a man who verbally and physically assaulted two people in a bus in Pamplona. **Media also reported** that two train security guards attacked a Congolese citizen in Madrid.

In **Germany**, according to the **government's response to a parliamentary question**, 330 politically motivated offences were directed against asylum applicants/refugees in the second quarter of 2019. In the same time period, 29 politically motivated offences were directed against accommodations. The **government reported about 33 events held by right-wing extremists**, such as demonstrations and manifestations. The **government obtained information on 910 crimes related to Islamophobia** in 2018. In 48 cases, the mosque itself was the direct target of the attack. According to the **Amadeu Antonio Foundation and Pro Asyl**, there were 1,263 attacks on asylum applicants and their accommodations in 2018.

In **Finland**, the **National Police Board** reported that two demonstrations were organised in the city of Turku, marking two years since the first terrorist attack took place in Finland. Some 250 people participated in the demonstration, which was organised by Soldiers of Odin and Towards freedom. Approximately 1,000 people took part in a counter-demonstration. No violent incidents occurred.

The Helsinki Committee of Human Rights **published an annual report** on hate crimes in **North Macedonia** for 2018, noting a record number of 123 hate incidents.

In **Serbia**, the attitude of the population towards migrants was becoming increasingly hostile, according to the NGO Asylum Info Centre. **Various media outlets** also reported on refugees and migrants in a negative tone.

COUNTRY	STAKEHOLDERS INTERVIEWED
AUSTRIA	<ul style="list-style-type: none"> <li>→ Federal Ministry of the Interior, Department V/9/a (<i>Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung</i>);</li> <li>→ Federal Ministry of the Interior, Department V/8 (<i>Bundesministerium für Inneres, Abteilung V/8 Asyl</i>);</li> <li>→ Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>);</li> <li>→ Federal Agency for State Protection and Counter Terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT</i>);</li> <li>→ Austrian Ombudsman Board (<i>Volksanwaltschaft</i>);</li> <li>→ Antidiscrimination Office Styria (<i>Antidiskriminierungsstelle Steiermark</i>);</li> <li>→ Caritas Vienna (<i>Caritas Wien</i>);</li> <li>→ Caritas Styria (<i>Caritas Steiermark</i>);</li> <li>→ Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>).</li> </ul>
BELGIUM	<ul style="list-style-type: none"> <li>→ Immigration Office (<i>Dienst Vreemdelingenzaken/Office des Etrangers</i>);</li> <li>→ Office of the Commissioner General for Refugees and Stateless Persons (<i>CGVS/CGRA – Commissariaat-generaal voor de Vluchtelingen en de Staatlozen/ Commissariat General aux refugies et aux apatrides</i>);</li> <li>→ MYRIA – Federal Migration Centre (<i>Federaal Migratiecentrum/Centre Fédéral Migration</i>);</li> <li>→ FEDASIL – Federal Agency for the Reception of Asylum Seekers (<i>Federaal agentschap voor de opvang van asielzoekers/ Agence fédérale pour l'accueil des demandeurs d'asile</i>);</li> <li>→ UNIA – Interfederal Centre for Equal Opportunities (<i>Interfederaal Gelijkekansencentrum/ Centre interfédéral pour l'égalité des chances</i>);</li> <li>→ Ministry of Justice (<i>unaccompanied refugee children unit</i>);</li> <li>→ UNICEF;</li> <li>→ Nansen NGO;</li> <li>→ <i>Vluchtelingenwerk Vlaanderen</i> NGO.</li> </ul>
BULGARIA	<ul style="list-style-type: none"> <li>→ State Agency for Refugees (SAR) (<i>Държавна агенция а бежанците, ДАБ</i>);</li> <li>→ Ministry of the Interior, Directorate General Border Police (Mol – DGBP) (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП</i>);</li> <li>→ Ombudsman of the Republic of Bulgaria, National Preventive Mechanism and Fundamental Human rights and Freedoms Directorate (<i>Омбудсман на Република България, Дирекция „Национален превантивен механизъм и основни права и свободи на човека“</i>);</li> <li>→ State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>);</li> <li>→ Ministry of the Interior, Directorate General National Police (Mol – DGNP) (<i>Министерство на вътрешните работи, Главна дирекция „Национална полиция“, МВР – ГДНП</i>);</li> <li>→ UNHCR Bulgaria (based on weekly updates and other reports);</li> <li>→ Bulgarian Red Cross, Refugee Migrant Service (BRC – RMS) (<i>Български червен кръст, Бежанско-мигрантска служба, БЧК – БМС</i>);</li> <li>→ Center for Legal Aid Voice in Bulgaria (<i>Център за правна помощ – Глас в България</i>).</li> </ul>

COUNTRY	STAKEHOLDERS INTERVIEWED
CROATIA	<ul style="list-style-type: none"> <li>→ Centre for Missing and Abused Children (<i>Centar za nestalu i zlostavljanu djecu</i>);</li> <li>→ Centre for Peace Studies (<i>Centar za mirovne studije</i>);</li> <li>→ Croatian Law Centre (<i>Hrvatski pravni centar</i>);</li> <li>→ Croatian Red Cross (<i>Hrvatski Crveni Križ</i>);</li> <li>→ Jesuit Refugee Service (<i>Isusovačka služba za izbjeglice</i>);</li> <li>→ Médecins du Monde (<i>Liječnici svijeta</i>);</li> <li>→ Ministry of Demography, Family, Youth and Social Policy (<i>Ministarstvo demografije, obitelji, mladih i socijalne politike</i>);</li> <li>→ Ombudsperson's Office (<i>Ured pučke pravobraniteljice</i>);</li> <li>→ Rehabilitation Centre for Stress and Trauma (<i>Rehabilitacijski centar za stres i trauma</i>);</li> <li>→ Society for Psychological Assistance (<i>Društvo za psihološku pomoć</i>).</li> </ul>
DENMARK	<ul style="list-style-type: none"> <li>→ Danish Ministry of Justice (<i>Justitsministeriet</i>), including the Danish National Police (<i>Rigspolitiet</i>);</li> <li>→ Danish Immigration Service (<i>Udlændingestyrelsen</i>);</li> <li>→ Danish Refugee Council (<i>Dansk Flygtningehjælp</i>);</li> <li>→ Danish Red Cross (<i>Dansk Røde Kors</i>);</li> <li>→ National Prevention Center, Danish National Police which is under the Ministry of Justice (<i>Nationalt Forebyggelsescenter (NFC), Rigspolitiet under Justitsministeriet</i>);</li> <li>→ UNHCR Regional Representation for Northern Europe;</li> <li>→ Amnesty International Denmark;</li> <li>→ The Danish Parliamentary Ombudsman (<i>Folketingets Ombudsmand</i>).</li> </ul>
FINLAND	<ul style="list-style-type: none"> <li>→ Amnesty International Finnish Section;</li> <li>→ Central Union for Child Welfare (<i>Lastensuojelun keskusliitto/Centralförbundet för Barnskydd</i>);</li> <li>→ Finnish Immigration Service (<i>Maahanmuuttovirasto/Immigrationsverket</i>);</li> <li>→ Finnish Refugee Advice Centre (<i>Pakolaisneuvonta/Flyktingrådgivningen</i>);</li> <li>→ National Police Board (<i>Poliisiylihallitus/Polisstyrelsen</i>);</li> <li>→ IOM Finland;</li> <li>→ Finnish Border Guard (<i>Rajavartiolaitos/Gränsbevakningen</i>);</li> <li>→ Ombudsman for Children (<i>Lapsiasiavaltuutettu/Barnombudsmannen</i>).</li> </ul>
FRANCE	<ul style="list-style-type: none"> <li>→ Ministry of the Interior (<i>Ministère de l'Intérieur</i>);</li> <li>→ Public Defender of Rights (<i>Le Défenseur des droits - DDD</i>), General authority and Department for the Protection of the Rights of the Child;</li> <li>→ Controller General of places of deprivation of liberty (<i>Contrôleur général des lieux de privation de liberté - CGLPL</i>);</li> <li>→ National Association of Border Assistance for Foreigners (<i>Association nationale d'assistance aux frontières pour les étrangers - ANAFÉ</i>);</li> <li>→ La Cimade NGO (<i>Inter-Movement Committee for Evacuees - Comité inter mouvements auprès des évacués</i>);</li> <li>→ Doctors of the World (<i>Médecins du Monde</i>);</li> <li>→ Human Rights League (<i>Ligue des Droits de l'Homme - LDH</i>);</li> <li>→ Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>).</li> </ul>

COUNTRY	STAKEHOLDERS INTERVIEWED
GERMANY	<ul style="list-style-type: none"> <li>→ Jesuit Refugee Service (<i>Jesuitenflüchtlingsdienst – JRS</i>);</li> <li>→ Federal Association for Unaccompanied Minors (<i>Bundesverband unbegleitete minderjährige Flüchtlinge – BumF</i>);</li> <li>→ United Nations High Commissioner for Refugees Berlin (<i>UNHCR</i>);</li> <li>→ Migration Commission of the Catholic German Bishops Conference - DBK's Migration Commission (<i>Migrationskommission der Deutschen Bischofskonferenz</i>);</li> <li>→ Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture (<i>Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer – BAfF</i>);</li> <li>→ German Caritas Association (<i>Deutscher Caritasverband</i>);</li> <li>→ German Red Cross (<i>Deutsches Rotes Kreuz</i>);</li> <li>→ Federal Workers' Welfare Association (<i>Bundesverband der Arbeiterwohlfahrt AWO</i>);</li> <li>→ Berlin Senate Department for Education, Youth and Family (<i>Berliner Senatsverwaltung für Bildung, Jugend und Familie</i>);</li> <li>→ Berlin Refugee Council (<i>Flüchtlingsrat Berlin e.V.</i>);</li> <li>→ Bavarian Refugee Council (<i>Flüchtlingsrat Bayern e.V.</i>).</li> </ul>
GREECE	<ul style="list-style-type: none"> <li>→ Greek Asylum Service (<i>Υπηρεσία Ασύλου</i>);</li> <li>→ Hellenic Police Headquarters (<i>Αρχηγείο Ελληνικής Αστυνομίας</i>);</li> <li>→ Greek Ombudsperson (<i>Συνήγορος του Πολίτη</i>);</li> <li>→ Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Ρατσιστικής Βίας</i>);</li> <li>→ International Organization for Migration (<i>Διεθνής Οργανισμός Μετανάστευσης</i>);</li> <li>→ Greek Council for Refugees (<i>Ελληνικό Συμβούλιο για τους Πρόσφυγες</i>);</li> <li>→ Human Rights 360 (<i>Ανθρώπινα Δικαιώματα 360</i>);</li> <li>→ National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>);</li> <li>→ Doctors of the World-Greece (<i>Γιατροί του Κόσμου-Ελλάδα</i>);</li> <li>→ Hellenic League for Human Rights (<i>Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου</i>).</li> </ul>
HUNGARY	<ul style="list-style-type: none"> <li>→ Ministry of the Interior (<i>Belügyminisztérium</i>);</li> <li>→ National Headquarters of the Police (<i>Országos Rendőr-főkapitányság</i>);</li> <li>→ National Directorate-General for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság</i>);</li> <li>→ UNHCR Hungary;</li> <li>→ Migrant Solidarity Group of Hungary (<i>Migráns Szolidaritás – MigSzol</i>);</li> <li>→ Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>).</li> </ul>
ITALY	<ul style="list-style-type: none"> <li>→ Ministry of Labour and Social Policies;</li> <li>→ Ministry of the Interior;</li> <li>→ Public Security Department of the Ministry of the Interior – Directorate General for Immigration and Border Police (<i>Ministero dell'Interno Dipartimento della Pubblica Sicurezza - Direzione Centrale dell'Immigrazione e della Polizia delle Frontiere</i>);</li> <li>→ National Commission for the Right of Asylum (<i>Commissione Nazionale per il Diritto d'Asilo</i>) of the Ministry of the Interior;</li> <li>→ Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (<i>Garante nazionale per i diritti delle persone detenute o private della libertà personale</i>);</li> </ul>



COUNTRY	STAKEHOLDERS INTERVIEWED
ITALY	<ul style="list-style-type: none"> <li>→ Authority for the Protection of Childhood and Adolescence (<i>Autorità Garante per l'Infanzia e l'Adolescenza</i>);</li> <li>→ National Office against Racial Discrimination (<i>Ufficio Nazionale Antidiscriminazioni Razziali, UNAR</i>);</li> <li>→ Association for Legal Studies on Immigration (<i>Associazione per gli studi giuridici sull'immigrazione, ASGI</i>);</li> <li>→ Italian Refugees Council (<i>Consiglio Italiano per i Rifugiati, CIR</i>);</li> <li>→ NGO 'Doctors for Human Rights' (<i>Medici per i diritti umani, MEDU</i>);</li> <li>→ United Nations High Commissioner for Refugees (<i>UNHCR</i>);</li> <li>→ 'Melting Pot Europa' project;</li> <li>→ ARCI (<i>Italian Recreational and Cultural Association – Associazione Ricreativa e Culturale Italiana</i>);</li> <li>→ Chronicles of Ordinary Racism (<i>Cronache di ordinario razzismo</i>).</li> </ul>
NETHERLANDS	<ul style="list-style-type: none"> <li>→ Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>);</li> <li>→ Amnesty International – Netherlands;</li> <li>→ Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>);</li> <li>→ Ministry for Justice and Security: central information point, providing information on behalf of: Immigration and Naturalisation Service, Aliens Police, Central Agency for the Reception of Asylum Seekers (all members of the so-called 'Alien Chain');</li> <li>→ Stichting LOS (knowledge centre for people and organisations that support migrants in an irregular situation);</li> <li>→ UNICEF the Netherlands;</li> <li>→ MiND-the Dutch Reporting Point for Discrimination on Internet;</li> <li>→ NIDOS (independent family guardian organisation, fulfilling the guardianship task for unaccompanied Minor Asylum Seekers).</li> </ul>
NORTH MACEDONIA	<ul style="list-style-type: none"> <li>→ Ministry of the Interior (<i>Министерство за внатрешни работи</i>);</li> <li>→ Ombudsperson (<i>Народен Правобранител</i>);</li> <li>→ Macedonian Young Lawyers Association MYLA (<i>Македонско здружение на млади правници МЗМП</i>);</li> <li>→ Red Cross – Skopje (<i>Црвен Крст Скопје</i>);</li> <li>→ NGO Legis (<i>НВО Легис</i>);</li> <li>→ IOM Skopje.</li> </ul>
POLAND	<ul style="list-style-type: none"> <li>→ Ombudsperson (<i>Rzecznik Praw Obywatelskich – RPO</i>);</li> <li>→ Ombudsperson for Children (<i>Rzecznik Praw Dziecka – RPD</i>);</li> <li>→ United Nations High Commissioner for Refugees (<i>UNHCR</i>), Office in Poland;</li> <li>→ Border Guard, Border Guard Headquarters (<i>Straż Graniczna – SG</i>);</li> <li>→ Police, Police Headquarters (<i>Policja</i>);</li> <li>→ Head of the Office for Foreigners (<i>Szef Urzędu do spraw Cudzoziemców – UDSC</i>);</li> <li>→ Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej – SIP</i>);</li> <li>→ Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka – HFPC</i>).</li> </ul>

COUNTRY	STAKEHOLDERS INTERVIEWED
SPAIN	<ul style="list-style-type: none"> <li>→ Asylum and Refugee Office of the Spanish Ministry of the Interior (<i>Oficina de Asilo y Refugio del Ministerio del Interior – OAR</i>);</li> <li>→ Spanish Ombudsman (<i>Defensor del Pueblo</i>);</li> <li>→ UNHCR (<i>Oficina de la Agencia de la ONU para los Refugiados en España – ACNUR</i>);</li> <li>→ Spanish Committee of UNICEF (<i>Comité español de UNICEF</i>);</li> <li>→ Spanish Observatory for Racism and Xenophobia (<i>Observatorio Español del Racismo y la Xenofobia, OBERAXE</i>);</li> <li>→ Spanish Refugee Aid Commission (<i>Comisión Española de Ayuda al Refugiado – CEAR</i>);</li> <li>→ Jesuit Migrant Service (<i>Servicio Jesuita Migrantes</i>);</li> <li>→ Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzados de Comillas ICAI-ICADE, INDITEX</i>).</li> </ul>
SERBIA	<ul style="list-style-type: none"> <li>→ Asylum Office;</li> <li>→ Asylum Commission;</li> <li>→ Administrative Court;</li> <li>→ UNHCR Serbia;</li> <li>→ Asylum Info Centre;</li> <li>→ Info Park.</li> </ul>
SWEDEN	<ul style="list-style-type: none"> <li>→ Swedish Migration Agency (<i>Migrationsverket</i>);</li> <li>→ Swedish Migration Agency, Legal Department (<i>Migrationsverket</i>);</li> <li>→ Swedish Migration Agency, Detention Unit (<i>Migrationsverket</i>);</li> <li>→ Swedish Association of Local Authorities and Regions (<i>Sveriges kommuner och landsting</i>);</li> <li>→ National Board of Health and Welfare (<i>Socialstyrelsen</i>);</li> <li>→ Border Police Sweden (<i>Gränspolis</i>);</li> <li>→ Save the Children Sweden (<i>Rädda barnen</i>);</li> <li>→ Red Cross Sweden (<i>Röda Korset</i>);</li> <li>→ Amnesty International Sweden.</li> </ul>





# HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION —


For all of FRA's periodic reports on migration-related fundamental rights concerns, which date back to January 2015, see:

<https://fra.europa.eu/en/theme/asylum-migration-borders/overviews>

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