



## ***THE DARK SIDE OF EUROPE: EU POLICIES ON REFUGEES SINCE 2011***

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## *Table of contents*

### **INTRODUCTION**

<b>1. “FORTRESS EUROPE”</b>	<b>1</b>
<b>2. EU POLICIES ON REFUGEES – CASE STUDIES</b>	<b>2</b>
2.1 Greece: Inhumane and degrading treatment in detention centres	
2.2 Italy: The crime of saving lives	
2.3 France: Unaccompanied minors left alone	
2.4 Hungary: Rise in xenophobia and border closure	
2.5 Germany: Unlawful deportations	
<b>CONCLUSIONS</b>	<b>10</b>

Since 2011, a security crisis in the Middle East and North Africa (MENA) region has created millions of displaced people. In the wake of the pro-democracy movements of the Arab Springs, governmental repression and internal tensions lead many countries to instability. Conflict burst in Syria, Yemen and Libya, and ongoing wars in Iraq and Afghanistan reached a peak of violence, while Palestinians suffered two aggressions on Gaza by Israeli forces in 2012 and 2014. As a consequence, mass displacement of refugees affected the region. While a high number of people did not manage to cross international borders<sup>1</sup>, millions reached neighboring countries, including Turkey, Lebanon and Jordan<sup>2</sup>. Albeit with lower proportions, the crisis extended up to Europe, reaching its peak in 2015. In absence of secure pathways, thousands took the risky Eastern, Central and Western Mediterranean routes to Greece, Italy and Spain, as well as the Balkan route in Eastern Europe. In 2015, an estimated 1 million people, mostly coming from Syria, Afghanistan and Iraq<sup>3</sup>, entered the EU through “illegal” border crossings”. Women accounted respectively for around 15% of refugees<sup>4</sup>, while in 2017, a shocking 40% of asylum seekers in Europe were minors<sup>5</sup>.

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<sup>1</sup> According to UNHCR figures, more than 7,600,000 people in Syria and 3,500,000 people in Iraq were internally displaced

<sup>2</sup> According to UNCHR figures, in 2018 Turkey had the largest refugee population in the world, with approximately 3.7 million people, while Lebanon had the highest relative refugee population, accounting for 15.6% of the locals.

<sup>3</sup> Data are taken from: <https://www.esiweb.org/pdf/ESI%20-%20The%20refugee%20crisis%20through%20statistics%20-%2030%20Jan%202017.pdf>

<sup>4</sup> <http://eca.unwomen.org/en/news/in-focus/women-refugees-and-migrants#notes>

<sup>5</sup> <https://www.unicef.org/eca/emergencies/latest-statistics-and-graphics-refugee-and-migrant-children>

# 1. “FORTRESS EUROPE”

The refugee “crisis” in Europe has been more a political crisis, than a migratory one. A structured reception system for refugees has not been created. Instead, a perpetual emergency approach has been adopted, leaving room for arbitrariness, lack of regional coordination, and disregard of international law and human rights. While public discourse widely overrepresented the influx of incoming refugees as an unprecedented “human wave” hitting Europe, EU governments adopted a strategy of physical and legal border closure, externalization of border control to non-EU countries, and deterrence policies – in an approach that has been described as *Fortress Europe*. Consequences for refugees have been tragic, as thousands have lost their lives and have been denied their rights.

Women refugees have been largely invisibilized in this process. Human rights organizations highlight that gender-specific vulnerabilities and social or health needs of women have been widely disregarded in all aspects of bordering and migration policies, including reception for newly arrived refugees<sup>6</sup> and integration policies<sup>7</sup>. Women refugees face intersected discriminations linked to their gender, status and origin, and are more exposed than men to violence and marginalization.

EU policies on refugees widely disregard international law, as well as regional law. Imperative norms of international law and human rights, such as the prohibition of collective *refoulement* or the right to apply for asylum, are systematically violated. The 1951 Convention Related to the Status of Refugees and its 1967 Protocol are often overlooked, in what concerns for instance the principle of non-discrimination (art.3), the principle of non-criminalization of refugees for illegal entry or staying (art.31), and the principle of *non-refoulement* (art.33). Violations of the European Convention on Human Rights (ECHR) have also been repeatedly found by the European Court of Human Rights (ECtHR), including violations of the prohibition of torture and inhumane and degrading treatment (art.3) and the right to liberty and security (art.5).

This paper outlines different aspects of EU policies concerning refugees and women refugees since 2011 through 5 case studies concerning Greece, Italy, France, Hungary and Germany.

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<sup>6</sup> <https://www.womenlobby.org/IMG/pdf/womensvoicesfinalforweb.pdf>

<sup>7</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-together-in-the-eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-together-in-the-eu_en.pdf)



## 2. EU POLICIES ON REFUGEES: CASE STUDIES

### 2.1 Greece: Inhumane and degrading treatment in detention centres

Greece has been a gateway to the EU for many refugees coming from Turkey. In 2015, 800,000 people reached Greek shores<sup>8</sup>. To bring operational support to Greek authorities, the EU introduced the so-called “hotspot” approach, opening 5 centres<sup>9</sup> that would operate as temporary hubs for a quick evaluation of asylum applications. However, following the signature of the much criticized EU-Turkey Statement in 2016<sup>10</sup>, the purpose of the centres quickly changed, and their conditions degenerated after they came under control of the Greek government. As from March 2016, Greek authorities transformed all centres into *de facto* closed detention facilities, whereby asylum seekers started to be arbitrarily deprived of their freedom of movement. As a consequence, several organizations suspended their much-needed work at the centre<sup>11</sup>. The restriction was later lifted, but asylum seekers are still banned from leaving the islands the hotspots are located in.

Human rights violations in the hotspots are well-documented and have pushed many to accuse Greece of implementing an inhumane form of deterrence policy. According to reports, insufficient quantity and quality of food and water provided have fostered the spreading of diseases and bad health conditions<sup>12</sup>. In a report, the Council of Europe qualified the conditions in the infamously known Moria centre in Lesbos as “*inhuman and degrading treatment*”, noting that “*not all of the (...) adults had a mattress and none had been given a blanket. Many sanitary annexes of the housing units were either damaged or in an extremely dilapidated and unhygienic state; several had been flooded with sewage. (...) No hygienic products or cleaning material had been provided by the authorities. Further, waste had not been collected and was piling up in the courtyard.*”<sup>13</sup> Despite the centres’ conditions being a major cause of health problems, health services – including medical staff, medicines or transport to local hospitals – are largely absent.

Overcrowding is a serious problem in all camps. In September 2016, 13,863 foreign nationals were present on the Aegean islands, namely 6413 more than the official capacity<sup>14</sup>. Two years later, the situation had, if possible, worsened. In 2018, almost 9,000 people were “hosted” in Moria only<sup>15</sup>, while the reported official capacity of the centre ranges from 1,500 to 3,000 according to the source. As a result, thousands are still living in tents in an informal camp surrounding the centre.

Asylum process in Greek hotspots has been described as “painfully slow”<sup>16</sup>. Organizations report that migrants are detained for months without any official document giving reasons

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<sup>8</sup><https://www.esiweb.org/pdf/ESI%20-%20The%20refugee%20crisis%20through%20statistics%20-%2030%20Jan%202017.pdf>

<sup>9</sup> The five centres are established on the Greek islands of Lesbos, Chios, Samos, Leros and Kos.

<sup>10</sup> According to the Statement, irregular Syrian refugees arriving in Greece would be returned to Turkey, and a regular Syrian would be resettled in Europe for each returned one.

<sup>11</sup> <https://rm.coe.int/pdf/168074f85d>

<sup>12</sup> <https://www.hrw.org/news/2016/04/14/greece-asylum-seekers-locked>

<sup>13</sup> <https://rm.coe.int/pdf/168074f85d>, p.14

<sup>14</sup> Ibid.

<sup>15</sup> <https://www.nytimes.com/2018/10/02/world/europe/greece-lesbos-moria-refugees.html>

<sup>16</sup> <https://www.rescue.org/country/greece>

for their detention, nor are they provided information about the length of the deprivation of their liberty or the status of their application. Some detainees claimed they were not given the chance to apply for asylum, a fundamental human right. Lack of interpreters is also a major obstacle<sup>17</sup>.

Greek hotspots do not take into account vulnerabilities and special health needs of women, children, disabled or seriously ill people. Women report to feel highly insecure in the camp and sexual violence and assault against women and children has been widely documented<sup>18</sup>. As no space or facilities, including shelters, toilets or showers, are separated according to gender, women are openly exposed to all forms of violence.

These conditions are an unnecessary and unacceptable mistreatment of refugees and asylum seekers that have already been traumatized in their countries of origin and along the journey to Europe. The situation in the hotspots has led to what international organizations have described as a “mental health crisis”, with widespread depression, PTSD, suicidal feelings and other mental health conditions among the residents of the camps<sup>19</sup>. As reported by MSF, consequences are particularly intense on children, as reportedly 1 in 4 children met in group mental health activities in Moria has self-harmed, attempted suicide or had thought about committing suicide<sup>20</sup>.

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<sup>17</sup> <https://rm.coe.int/pdf/168074f85d>

<sup>18</sup> <https://www.unhcr.org/news/briefing/2018/2/5a7d67c4b/refugee-women-children-face-heightened-risk-sexual-violence-amid-tensions.html>

<sup>19</sup> <https://www.rescue.org/sites/default/files/document/3153/unprotecteddunsupporteduncertain.pdf>

<sup>20</sup> <https://www.msf.org/child-refugees-lesbos-are-increasingly-self-harming-and-attempting-suicide>

## 2.2 Italy: The crime of saving lives

Following an increase in attempted crossings of the Mediterranean, in 2014 several humanitarian NGOs started operating search and rescue activity at sea. Despite their constant effort over the last years, the Mediterranean has been described as a “graveyard” for the unbelievably high number of people who lost their lives during the crossings: an estimated 37,600 children, women and men from 2000 to 2018<sup>21</sup>, and around 17,900 people since 2014 only<sup>22</sup> – although real numbers are probably higher. Despite the clear humanitarian emergency and appeals from civil society to open legal routes for refugees, Italy has pursued a criminalization of the humanitarian activity that has been repeatedly condemned by the UN<sup>23</sup>.

The persecution of rescue missions has to be seen as part of a wider EU-backed strategy of externalization of Italian bordering practices to Libya<sup>24</sup>. In February 2017, a Memorandum of Understanding (MoU) was signed between Italy and UN-backed Libyan government of Fayed Al-Sarraj. The MoU foresaw, among others, that Italy would play a key role in the creation of a Libyan Coastguard through training, equipment and financing, and that it would finance local detention centres for migrants and refugees<sup>25</sup>.

Only a few months after, a media campaign against humanitarian NGOs was started. A prosecuting attorney, Carmelo Zuccaro, assumed a sudden and pervasive media presence, announcing the beginning of the investigation of an NGO for alleged ties with human traffickers. For about two months, Zuccaro made public accusations, claiming to have secret evidence supporting them. Accusations included aiming at destabilizing Italian economy, receiving illicit funds, and even increasing deaths at sea. Two years later, he would be obliged to admit that such claims were unfounded, as investigations could not find any evidence confirming them<sup>26</sup>. However, over the last two years this representation of NGOs has deeply pervaded Italian public opinion, electoral campaigns, and ultimately, law.

Under accusations of favoring illegal migration, boats of humanitarian NGOs have been seized by authorities at times, thereby provoking more deaths at sea. In 2017, legal restrictions were introduced through an EU-backed “code of conduct”. Public threats of consequences for non-compliant NGOs ultimately pushed organizations to sign it, despite it foreseeing the presence of police officers onboard, and other measures hampering the rescue activity<sup>27</sup>.

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<sup>21</sup> Data obtained by crossing data from Associazione Carta di Roma, 2014, *Notizie alla deriva* and IOM data.

<sup>22</sup> IOM data.

<sup>23</sup> OHCHR, AL ITA 4/2017, AL ITA 2/2018, AL ITA 4/2019,

<sup>24</sup> OHCHR, OL ITA 3/2017, UA ITA 1/2017

<sup>25</sup> <https://eumigrationlawblog.eu/the-italy-libya-memorandum-of-understanding-the-baseline-of-a-policy-approach-aimed-at-closing-all-doors-to-europe/>

<sup>26</sup> <https://www.internazionale.it/bloc-notes/annalisa-camilli/2019/05/15/open-arms-zuccaro-ong>

<sup>27</sup> <https://www.theguardian.com/world/2017/jul/31/aid-groups-snob-italian-code-conduct-mediterranean-rescues>



In 2018, the establishment of a new government and a far-right Minister of Interior, Matteo Salvini, strongly exacerbated public persecution of humanitarian associations. With an ubiquitous presence in Italian media, Salvini brought to light a previously latent sense of exclusive nationalism, targeting NGOs and refugees. He and the other Italian Deputy Prime Minister, Luigi Di Maio, have referred to NGOs with terms such as “*vice-smugglers*” and “*taxis of the sea*”, legitimizing at the highest institutional level the described pre-existing toxic narrative<sup>28</sup>. This representation came to underpin the so-called “closed harbours policy”, implemented by Italy since 2018. The policy began as a case-by-case political practice<sup>29</sup> of not allowing boats carrying rescued people – including pregnant women, children and ill people – to dock in Italian harbours. Such policy violates a number of human rights, international law provisions and international conventions<sup>30</sup>. Notwithstanding, the practice was incorporated in national law through a decree of the Ministry of Interior. The highly criticized decree “*allows the interior minister [instead of other ministries, ed.] to deny entry to Italian territorial waters on public order grounds. Ships who disobey the order face fines up to 50,000 euros and seizure of the ship in case of repeated offense*”<sup>31</sup>. As “public order” can be widely interpreted, the decree aims at being the final stage of Italy’s externalization policy to Libya, by definitely impeding any NGO rescue or monitoring activity. In contrast to NGOs, the Libyan Coastguard is actively supported, and encouraged to return people to Libya. Italy is therefore actively implementing a policy of collective *refoulement* to a country in the midst of a civil war, and that did not ratify the 1951 Refugee Convention. By doing so, Italian authorities purposefully ignore the serious violations of human rights occurring in Italian-financed migrant detention centres in Libya, where torture<sup>32</sup>, blackmail, sexual violence and inhumane treatment are the norm. Such policies deny refugees the human right to apply for asylum, and constitute a serious violation of international law under multiple aspects, including art. 33 of the 1951 Convention.

## 2.3 France: Unaccompanied minors left alone

A growing number of unaccompanied minors (UAM) reaches France every year. UAM are people aged less than 18, having temporarily or definitely lost their family’s protection. In December 2018, around 40,000 recognized unaccompanied minors (UAM) were under the custody of French authorities, but much more are evaluated every year<sup>33</sup>. However, they face a dysfunctional reception system that does not grant them their rights as defined by the International Convention on the Rights of the Child.

UAM in France have the right to be provided an accommodation by authorities during the time of the evaluation of the authenticity of their age. While this period should not exceed 5 days according to law, an average of 40 days was registered in November 2017 as a

<sup>28</sup> <http://cipsi.it/wp-content/uploads/2019/02/DownloadPublicCommunicationFile.pdf>

<sup>29</sup> The practice repeatedly bypassed legal and administrative procedures, and it is still not clear how the orders concerning the boats were given nor by whom. (<https://www.avvenire.it/attualita/pagine/porti-chiusi-gli-atti-smentiscono> )

<sup>30</sup> <http://www.migreurop.org/article2884.html?lang=fr>

<sup>31</sup> <https://www.hrw.org/news/2019/06/26/italy-end-curbs-rescue-sea>

<sup>32</sup> Refugees’ accounts reported by human rights activists include the presence of an electric chair for punitive torture in the Tajoura centre in Libya. Accounts and signs of torture on refugees are well-documented.

<sup>33</sup> <http://www.gazette-sante-social.fr/51410/mineurs-non-accompagnes-ladf-appelle-a-clarifier-les-competences-entre-letat-et-le-departement>

result of an overloaded evaluation system<sup>34</sup>. During this time, in practice not all minors are housed, due to a chronic lack of housing structures. Associations denounce that many are simply left in dire conditions in the streets, in a profoundly vulnerable situation that is particularly inappropriate for traumatized children and can expose them to sexual violence<sup>35 36</sup>.

The evaluation of the children's age is also highly problematic. As regularly denounced by human rights organizations<sup>37</sup>, the principle of the best interest of the child is not taken into account by authorities, as decisions are often based on arbitrary criteria. Some applicants are rejected after extremely short interviews, on the base of irrelevant grounds such as posture, attitude, or having previously worked in the country of origin. Furthermore, in contrast with French law, authorities tend to contest the validity of the documents provided by UAM, such as birth certificates. X-ray bone tests to determine age are also a widespread practice, although human rights advocates and French courts have pointed out that the test has a recognized margin of error of around 18 months and cannot be used as a main criterion to determine a person's age<sup>38</sup>. The arbitrariness of these procedures has pushed human rights associations to describe them as "a lottery", also due to the variety of the recognition rate, ranging from 9% in some regions to 100% in others<sup>39</sup>. While this existing geographical gap pushes many UAM to apply in different regional offices, a recent governmental decree has in practice stopped this practice<sup>40</sup>. The decree was challenged in court by 19 associations, including UNICEF that labelled it as "*an historical regression for the rights of children*". On average, 75% of applications are rejected<sup>41</sup>, leaving thousands of young people homeless and vulnerable to human trafficking. While those who are recognized as minors have access to housing, no educational or administrative support is provided<sup>42</sup>.

Girls only amount to around 5% of UAM in France, but, partly due to this numerical minority, they experience a particularly vulnerable situation. While they generally have a priority access to housing, this is seemingly not the case in situations considered as exceptional by French authorities. In the informal camp of Calais in the north of France, known as "the Jungle", an estimated 1,000 women and 120 girls had to live in promiscuity with thousands of unknown men, as French authorities did not provide any accommodation for vulnerable people<sup>43</sup>. The ECtHR condemned France for the conditions for UAM in the "Jungle" camp, deeming it a form of inhuman and degrading treatment<sup>44</sup>. Furthermore, at the France-Italy border, France operates what Oxfam had defined as "*systematic refoulements [of UAM] towards Italy*", in open violation of international law. On the border, informal camps have surged following France's unilateral decision to restore border controls in 2015. None of the guarantees required by law are implemented by

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<sup>34</sup> [http://www.justice.gouv.fr/art\\_pix/2018\\_02\\_15\\_%20rapport\\_mission\\_bipartite\\_sur\\_les\\_MNA.pdf](http://www.justice.gouv.fr/art_pix/2018_02_15_%20rapport_mission_bipartite_sur_les_MNA.pdf)

<sup>35</sup> <https://www.infomigrants.net/fr/post/13665/mineurs-migrants-a-la-rue-comment-se-proteger-des-risques-d-agression-sexuelle>

<sup>36</sup> Human Rights Watch reports that in February 2018, around 400 unaccompanied minors in Paris had no housing.

<sup>37</sup> <https://www.hrw.org/fr/news/2018/07/04/france-des-enfants-migrants-livres-leur-sort-paris>

<sup>38</sup> <https://journals.openedition.org/revdh/1147>

<sup>39</sup> [https://www.lemonde.fr/societe/article/2019/02/28/mineurs-non-accompagnes-etrangers-l-unicef-attaque-un-decret-de-la-loi-asile\\_5429351\\_3224.html](https://www.lemonde.fr/societe/article/2019/02/28/mineurs-non-accompagnes-etrangers-l-unicef-attaque-un-decret-de-la-loi-asile_5429351_3224.html)

<sup>40</sup> The decree foresees the introduction of a national biometric database and the delegation of part of the evaluations to untrained police authorities.

<sup>41</sup> <https://www.helloasso.com/associations/assojemip?fbclid=IwAR1WDA3eIU6-4CiAuMqhzxHCiibguCDqQGfYztHNLWbg1geJoF3fy32E4Y>

<sup>42</sup> <https://www.lacimade.org/nos-actions/mineurs-isoles/>

<sup>43</sup> <http://www.senat.fr/rap/r15-448/r15-4481.html#toc71> . A local NGO provided a shelter with 200 places.

<sup>44</sup> Khan v. France (application no. 12267/16), February 28, 2019

France when it comes to UAM minors attempting to reach the country from Italy. On the contrary, reports describe humiliating behaviour by French authorities, such as insulting, stealing phone sim cards and cutting the minors' shoes before sending them back<sup>45</sup>. Despite four French court rulings confirming this *refoulement* practice, it does not seem to stop. Most UAM on the France-Italy border are in urgent need of help, as a vast majority are refugees that fled from Sudan and Eritrea. Around 10% of migrants in this area are women, including many unaccompanied young women that are pregnant or have small children, mostly due to sexual violence suffered in Libya or refugee camps<sup>46</sup>. No support has been provided to them by French authorities.

## 2.4 Hungary: Rise in xenophobia and border closure

In 2015, Hungary was the first country in Europe for relative proportion of asylum seekers, mostly coming from Syria and Afghanistan. Within the EU, it represents the most extreme example of xenophobic social and political closure. In 2015, while an unprecedented number of people transited through the country as part of the so-called Balkan Route, popular support for anti-immigration Prime Minister Viktor Orbán and its party, *Fidesz*, rapidly increased<sup>47</sup>. Positioning himself as a defender of the Hungarian people from cultural and terrorist threats supposedly deriving from migration, Orbán polarized the Hungarian public discourse between “pro-nationals” and “anti-nationals”, the latter being demonized as traitors. The government's narrative about migration and refugees became dominant in public discourse, and the Hungarian democracy began to erode as criminalization of civil society expanded.

Intense electoral and media campaigns of *Fidesz*, centred on a xenophobic reject of foreigners, have gone hand by hand with a policy of nearly-complete border closure, in open disrespect of international law and human rights. In Autumn 2015, Hungary completed two barbed-wire fences at the borders with Serbia and Croatia. Two so-called “transit zones” were established as part of the fence, and declared the only possible areas where asylum could be claimed. Accordingly, penalties for the criminal offence of “prohibited crossing of border closure” were brought up to 10 years of imprisonment<sup>48</sup>. As no suspensive effect is foreseen for asylum seekers, the provision criminalizes asylum seekers in violation of the 1951 Refugee Convention. Only a few people are allowed in the transit areas per day. Therefore, thousands of refugees, around one third of whom were children, have been waiting in informal camps without any facility close to the border, and later in Serbian “temporary” reception centres<sup>49</sup>. Refugees are detained in the transit areas for the whole duration of their evaluation, in a deprivation of the right to liberty that has been condemned by the ECtHR<sup>50</sup>. Deliberate starving of detainees is also documented as a deterrence measure<sup>51</sup>.

<sup>45</sup> [https://www.oxfamitalia.org/wp-content/uploads/2018/06/Se-questa-è-Europa\\_BP\\_15giugno2018.pdf](https://www.oxfamitalia.org/wp-content/uploads/2018/06/Se-questa-è-Europa_BP_15giugno2018.pdf)

<sup>46</sup> Ibid.

<sup>47</sup> [https://www.boell.de/sites/default/files/2015-focus-on-hungary\\_refugees\\_asylum\\_migration.pdf](https://www.boell.de/sites/default/files/2015-focus-on-hungary_refugees_asylum_migration.pdf)

<sup>48</sup> Between September 2015 and July 2016, 2,843 people were convicted. (<https://www.asylumineurope.org/reports/country/hungary/asylum-procedure/access-procedure-and-registration/access-territory-and-push>)

<sup>49</sup> Ibid.

<sup>50</sup> ECtHR, Ilias and Ahmed v. Hungary (no. 47287/15), 14 March 2017

<sup>51</sup> <https://www.helsinki.hu/en/hungary-continues-to-starve-detainees-in-the-transit-zones/>

In July 2016, Hungary legalized automatic pushbacks of asylum seekers within 8 km from the Hungarian border to the external side of the border fence. The pushbacks happen without the most basic procedural safeguards, and without the possibility to apply for asylum. This provision is therefore a blatant violation of the human right to apply for asylum. Notwithstanding, in 2017 the legal possibility of expelling irregular foreigners to Serbia – including those who entered through other countries – was extended to the whole national territory. A complete denial of the right to asylum was reached in July 2018, after a new inadmissibility ground for asylum was introduced under the concept of “safe third country”. As organizations put it, “*since Hungary regards Serbia as a safe third country, the new inadmissibility provision abolished any remaining access to a fair asylum procedure in practice*” and authorities now “*systematically deny international protection to those who arrived via Serbia*”<sup>52</sup>, namely the vast majority of asylum seekers. Following the approval of this provision, the EU Commission started an infringement procedure against Hungary.

Finally, in addition to the policy of border closure and a widespread discrimination within the country, refugees have to face systematic police violence. International organizations have documented hundreds of cases of police brutality at the border, including beating injuries, dog bites and irritations of tear gas and pepper spray<sup>53</sup>.

## 2.5 Germany: Unlawful deportations

Among EU countries, Germany is the one that enforced the most of expulsion orders for irregular migrants and rejected refugees through deportations. Deportations can include coercive returns as well as “assisted voluntary returns (AVRs)”, meaning returns that are induced through a system of incentives – usually with little alternative<sup>54</sup>. Between 2016 and 2018, around 73,000 people were forcibly deported from Germany, while 99,618 left the country through AVR<sup>55</sup>. Although most people were deported to Balkan countries such as Kosovo or Serbia, thousands were also deported to Italy. In fact, according to the dysfunctional “Dublin system” in Europe, asylum seekers must apply for asylum in the first EU country of arrival<sup>56</sup>. Returns to Italy were carried out despite the fact that Italy’s overcrowded asylum system has proved not to be compliant with human rights standards for vulnerable people<sup>57</sup>.

Deportations have been carried out to non-European countries as well, provoking protests by human rights organizations. Concerns were raised, in particular, about deportations to Afghanistan. Since 2016, among heated internal debate, Germany has deported more than 600 people on the basis of a controversial agreement with the Afghan government<sup>58</sup>. As of July 2018, around 16,000 Afghans in the country were at risk of deportation<sup>59</sup>. According to Amnesty International, deportations were carried out “*on the basis of a*

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<sup>52</sup> [https://www.asylumineurope.org/reports/country/hungary/asylum-procedure/safe-country-concepts/‘hybrid’-safe-third-country-first#footnote1\\_bdg7z40](https://www.asylumineurope.org/reports/country/hungary/asylum-procedure/safe-country-concepts/‘hybrid’-safe-third-country-first#footnote1_bdg7z40)

<sup>53</sup> <https://www.msf.org/serbia-msf-denounces-widespread-violence-migrants-and-refugees-serbianhungarian-border>

<sup>54</sup> <https://www.amnesty.org/download/Documents/ASA1168662017ENGLISH.PDF>

<sup>55</sup> <https://mediendienst-integration.de/migration/flucht-asyl/abschiebungen.html>

<sup>56</sup> “Dublin III” Regulation, No. 604/2013

<sup>57</sup> ECtHR, *Tarakhel v. Switzerland*, no. 29217/12, 4 November 2014

<sup>58</sup> *Joint Way Forward on Migration Issues* between Afghanistan and the EU

<sup>59</sup> <https://www.themigrantproject.org/afghan-deportees/>

*controversial concept in international refugee law called “Internal Flight Alternative” (IFA)*<sup>60</sup>, meaning that the country of origin is recognized as dangerous, but some parts of the country are deemed safe enough to give shelter to refugees. The practice of deporting people to Afghanistan was endorsed by the EU, including through economic blackmail to the Afghan government<sup>61</sup>. However, as pointed out by Amnesty International, the consideration of IFA is arbitrary in the case of Afghanistan. In the first half 2016, civilian casualties were at the highest in the Afghan conflict<sup>62</sup>, and experts have warned that the highly volatile nature of the conflict does not allow to consider as safe any part of the country. Furthermore, the situation remains in any case unsafe for some vulnerable categories, such as women and children.

Forced deportations can sometimes get particularly violent and violate the deportees’ rights, especially women’s rights. A case has been reported in which a 3-months-pregnant sick woman was taken from a hospital bed in the middle of the night and without the hospital’s agreement, to be deported to Croatia with her son and husband. Following the pilot’s resistance, only her husband was deported. The family was thus divided, in violation of the principle of unity of the family defined in the 1951 Refugee Convention. A case was also registered of a man who was forcibly deported while his wife was giving birth. In other cases, people were deported while their asylum applications were being evaluated or without being informed of their rejection, putting their lives at serious risk.

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<sup>60</sup> <https://www.amnesty.org/download/Documents/ASA1168662017ENGLISH.PDF> , p. 37

<sup>61</sup> <https://www.theguardian.com/global-development/2016/sep/28/eu-secret-ultimatum-afghanistan-accept-80000-deportees-lose-aid-brussels-summit-migration-sensitive>

<sup>62</sup> UNAMA Data

## CONCLUSIONS

Aspects of the policies highlighted above can be found in many EU countries. Inadequate reception conditions, criminalization of humanitarian activity, externalization and closure of borders, increase in xenophobia and deportations are general trends within the EU. Vulnerabilities of women and girls asylum seekers are also widely disregarded in the whole continent.

As cited above, UN bodies as well as the Council of Europe have repeatedly condemned the inadequate reaction of European countries to refugee inflows. A number of recommendations have been made to the EU and its Member States, including setting up a functional system to save lives at sea; ensuring safe ways to reach Europe; holding non-EU countries accountable for their activity in the framework of migration co-operation; stopping collective *refoulement* at borders and children's detention; ensuring the right to seek asylum and decriminalize irregular migration<sup>63 64 65</sup>. Gender-specific recommendations have also been made by international organizations, including producing sex- and age- disaggregated data; mainstreaming standardized vulnerability assessment; training relevant staff on SGBV, and assuring safe spaces and appropriate services for women and girls in all reception facilities<sup>66</sup>. These recommendations are still largely disregarded.

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<sup>63</sup> <https://www.coe.int/en/web/commissioner/-/european-states-must-put-human-rights-at-the-centre-of-their-migration-policies>

<sup>64</sup> <https://www.unhcr.org/desperatejournneys/>

<sup>65</sup> [https://www.ohchr.org/Documents/Issues/Migration/Summary\\_Report\\_In\\_Search\\_of\\_Dignity.pdf](https://www.ohchr.org/Documents/Issues/Migration/Summary_Report_In_Search_of_Dignity.pdf)

<sup>66</sup> [https://www.unhcr.org/569f8f419.html?utm\\_source=Joint+UNHCR-UNFPA-WRC+Press+Release+-+20+January+2016+-+Report+warns+refugee+women+on+the+move+in+Eu&utm\\_medium=email&utm\\_term=Hauenste@unhcr.org&utm\\_content=http%3a%2f%2fwww.unhcr.org%2f569f8f419.html&utm\\_campaign=](https://www.unhcr.org/569f8f419.html?utm_source=Joint+UNHCR-UNFPA-WRC+Press+Release+-+20+January+2016+-+Report+warns+refugee+women+on+the+move+in+Eu&utm_medium=email&utm_term=Hauenste@unhcr.org&utm_content=http%3a%2f%2fwww.unhcr.org%2f569f8f419.html&utm_campaign=)