

Current migration situation in the EU: Oversight of reception facilities

September 2017

This report assesses to which extent selected EU Member States have put in place mechanisms to ensure appropriate oversight and control of quality standards in reception facilities. Such oversight and control is essential for providing dignified and fundamental rights-compatible living conditions for asylum seekers.

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Thematic focus: Oversight of reception facilities

Under the Common European Asylum System, EU Member States are obliged to provide for certain standards for the reception of persons seeking international protection. The Reception Conditions Directive¹ aims to ensure adequate and comparable reception conditions and equal treatment of applicants throughout the EU². However, in practice, EU Member States report difficulties in ensuring this, particularly in times of increased pressure on their asylum systems.

The quality standards in reception facilities thus vary greatly among EU Member States. Differences exist in the organisation and set-up, in the definition of quality standards as well as in actors and procedures responsible for running and controlling reception facilities. Such differences are not only apparent between EU

Member States but also occur within some EU Member States at regional level. In view of the wide differences in reception facilities, consistent, effective and independent oversight of quality standards is of critical importance to ensure fundamental rights-compatible reception standards throughout the EU.

This report describes existing standards for oversight of reception facilities as outlined in law and through other means in fourteen Member States. Information was gathered through desk research and interviews with different national stakeholders, such as migration authorities, civil society organisations, ombudspersons, the police and UNHCR in Austria, Bulgaria, Denmark, Finland, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain and Sweden.

MAIN FINDINGS

- All of the fourteen EU Member States consulted report significant challenges with respect to the conditions in reception facilities.
- Although stakeholders interviewed in most EU Member States report that challenges outweigh positive developments in reception facilities, all (except Italy, Greece and Poland) also identified good practice examples.
- With the exception of Bulgaria and Greece, all EU Member States covered have implemented some kind of written standards for reception conditions. Seven EU Member States (Denmark, Finland, France, Hungary, The Netherlands, Poland and Slovakia) provide for legally binding standards, while in Germany such standards exist in some federal states. In Austria, Spain and Sweden, the laws set general standards and non-binding guidance describes the details. Italy has different types of standards for different reception facilities.
- The standards are available in the public domain in at least eight EU Member States (Austria, Denmark, Finland, France, Hungary, Poland, Spain and Sweden) and in Germany in some federal states.
- Almost half of the consulted EU Member States (Austria, Denmark, Finland, France, in some parts of Germany and Sweden) define the standards for reception facilities in the contracts with reception facilities operators.
- With the exception of Italy, Greece and Hungary, all selected EU Member States (Austria, Bulgaria, Denmark, Finland, France and in some parts of Germany, Slovakia and Sweden) have designated bodies responsible for oversight of reception conditions in place. In Italy, oversight is project-based.
- Independence of oversight bodies is a key element for effective control mechanisms. Oversight bodies are independent in at least three EU Member States (Austria, Bulgaria and The Netherlands).
- In the majority of EU Member States, oversight bodies inspect asylum facilities on a regular basis (with the exception of Greece and Hungary). In at least five EU Member States, the oversight bodies undertake unannounced as well as announced inspections (Austria, Denmark, Finland, Germany and The Netherlands). In France, inspections are unannounced, while in Bulgaria, Slovakia and Sweden, oversight bodies announce their inspections.
- Asylum seekers can lodge a complaint against the conditions of reception facilities in the majority of EU Member States (all consulted EU Member States with the exception of France, Greece and Italy). However, where data were available, the number of such complaints is very low.

For Germany and Austria, given their federal structure, the information does not apply to the whole territory, pertaining only to select regions or localities.

The report's findings should be read alongside FRA's monthly reports of migration-related fundamental rights concerns on the situation in reception facilities, as experienced by those accommodated there. In doing so, comparisons can be made between oversight mechanisms 'on paper' and conditions in reception facilities in practice.

Setting the scene

Legal and policy framework

Article 28 of the Reception Conditions Directive states that "EU Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established." This provision does not create any individual rights and leaves to the discretion of the EU Member State how to organise the guidance, monitoring and control of reception conditions.³

The European Agenda on Migration⁴ highlighted the importance of a clear system for the reception of applicants for international protection as part of a strong common European asylum policy. Specifically, it refers to the need to improve standards in reception conditions by reinforcing protection of the fundamental rights of asylum seekers, paying particular attention to the needs of vulnerable groups, such as children.

The proposed changes to the Reception Conditions Directive⁵ require EU Member States to take into account operational standards and indicators on reception conditions developed by the European Asylum Support Office (EASO), when monitoring and controlling their reception systems (Article 27).⁶

Finally, the set-up and oversight of reception facilities must be in compliance with the EU Charter of Fundamental Rights (the Charter). In particular, respect for human dignity must be the guiding principle for any kind of treatment of asylum seekers (Article 1). Furthermore, the right to respect the physical and mental integrity (Article 3), the right to liberty and security (Article 6), respect for private and family life (Article 7), the right to asylum (Article 18), non-discrimination (Article 21) and the rights of the child (Article 24) must be respected.

This focus report analyses the oversight of certain key provisions of the Reception Conditions Directive related to reception facilities in selected EU Member States, including housing, food, healthcare, information and the best interests of the child. Hence, not all aspects falling within the scope of the Reception Conditions Directive are relevant for this report. For example, detention conditions, integration, access to education, employment and vocational training are not covered.

Main challenges in conditions of reception facilities

All sources consulted by FRA report that asylum seekers face significant challenges with respect to conditions in reception facilities. This clearly indicates the need for effective control mechanisms. To contextualise the analysis of oversight of reception facilities, [Table 1](#) gives an overview of the main challenges mentioned by stakeholders interviewed by FRA regarding conditions in reception facilities.

Positive developments

Stakeholders interviewed in most EU Member States report that challenges outweigh positive developments in reception facilities. However, in all EU Member States (except Italy, Greece and Poland) stakeholders also identified some recent improvements concerning the quality of reception (see [Table 2](#)).

Table 1: Main challenges in EU Member States' reception facilities

EU Member State Main challenges	AT	BG	DK	DE	EL	ES	FI	FR	HU	IT	NL	PL	SK	SE
Capacity constraints					✓			✓		✓				
Security concerns		✓		✓			✓							
Long stay in reception facilities	✓			✓		✓	✓	✓	✓					
Unequal conditions within the same Member State				✓	✓					✓				
Problems for vulnerable persons							✓		✓		✓			
Lack of interpreting services	✓								✓					
Insufficient monitoring					✓	✓								
Facilities located in remote areas												✓		
Living conditions		✓	✓		✓				✓	✓	✓	✓		✓
Best interests of the child		✓							✓					

Note: EU Member States were asked to identify the three main challenges to their reception capacities. If a particular challenge is not mentioned for a particular country, this does not mean that the problem does not exist, but that it does not rank among the top three problems.

Source: FRA, 2017

Definitions of reception standards

The Reception Conditions Directive specifies that reception conditions for asylum seekers need to ensure a dignified standard of living and that comparable living conditions should be laid down in all EU Member States.⁷ The question of what constitutes a dignified standard of living and how it should be

achieved is up to the discretion of the EU Member States. This has led to significant differences in definitions of national reception standards in terms of their legal nature, level of quality, level of detail regarding these standards and level of fundamental rights compliance outlined. Consequently, reception standards continue to vary across EU Member States, causing differences in treatment of applicants for international protection.⁸

Table 2: Main recent improvements in EU Member States' reception facilities

EU Member State / Improvement	AT	BG	DK	DE	EL	ES	FI	FR	HU	IT	NL	PL	SK	SE
More quality control	✓						✓							
Less crowded due to decreasing arrivals	✓		✓	✓			✓				✓			✓
Better treatment of children	✓		✓											✓
Improved access to healthcare		✓				✓								
More attention to vulnerable persons											✓		✓	
Better living conditions	✓	✓					✓	✓	✓					
Safety measures against gender-based violence	✓	✓												✓

Note: EU Member States were asked to identify up to two positive developments regarding their reception capacities. Therefore, if a particular positive development is not indicated for a specific country, this does not mean that this positive example does not exist in that country.

Source: FRA, 2017

More than half of the 14 EU Member States consulted (Austria, Denmark, Finland, France, Germany, Hungary, The Netherlands, Slovakia and Sweden) have laws in place foreseeing detailed binding standards on reception conditions applicable for the whole territory. In Germany, such standards exist in some federal states while in Austria, Spain and Sweden the laws set general standards and non-binding guidance describes the details. Italy has different standards depending on the type of reception facility. Bulgaria and Greece do not have any written standards for reception conditions that are approved and publicly available.

The standards are available in the public domain in at least seven EU Member States, (Austria, Denmark, Finland, France, Hungary, Spain and Sweden) and in Germany in some federal states. Almost half of the consulted EU Member States (Austria, Denmark, Finland, France, some parts of Germany, Italy and Sweden) define the standards for reception facilities in the contracts with reception facilities operators.

Table 3 gives an overview on the legal nature of reception standards in the selected 14 EU Member States.

With the input of FRA and the United Nations High Commissioner for

Refugees (UNHCR), EASO developed guidance on operational standards and indicators on reception conditions to support EU Member States in the implementation of key provisions of the Reception Conditions Directive.⁹ The proposed changes to this directive underline the obligation for EU Member States to take into account EASO's guidance when monitoring and controlling their reception systems.¹⁰ At least four EU Member States (Austria, Spain, The Netherlands and Slovakia) implement EASO guidance on operational standards and indicators on reception conditions.¹¹

Standards in legislation, non-binding guidance and contracts

At least three EU Member States regulate standards in legislation, non-binding guidance and contracts (Austria, Denmark and Finland).

In Austria, minimum standards are defined in an Agreement between the Federal State and

the Provinces on Basic Care (*Grundversorgungsvereinbarung - Art. 15a B-VG*)¹², the Basic Care Act (*Grundversorgungsgesetz Bund - 2005*)¹³ and the provincial laws on basic care. Based on these legal obligations, the nine provinces published a non-binding document defining detailed minimum standards for accommodation facilities.¹⁴ All provinces and the federal state committed themselves to comply with these standards.¹⁵

The Danish Aliens Act (*Udlændingeloven*)¹⁶ stipulates some basic conditions for the accommodation of asylum seekers. Furthermore, contracts between the Danish Immigration Service and the different operators of asylum facilities elaborate the conditions in more detail.¹⁷ Finally, the Danish Immigration Service has drafted a number of guidelines, which further stipulate the extent of the services operators should provide.¹⁸

Defining detailed minimum standards on food for accommodation in basic care

In **Austria**, if accommodation operators are responsible for providing food, they are obligated to offer as varied and balanced meals as possible. This includes, in particular, sufficient meat, fruit, vegetables and dairy products.

In case of full food supply, the residents are entitled to three full meals per day, with one meal being a warm meal. During the meal, at least water and tea are to be provided. In addition, warm food must be provided to schoolchildren at least once a day, provided that they do not receive this in another care facility (school, day care, afternoon care).

Accommodation operators also have to provide the inhabitants with age-appropriate baby and infant food. Religious food regulations must be taken into account, as well as vegetarians and vegans, dietary food and food intolerances.

In the case of partial food provision and full self-service, at least one stove with four hot plates, including an oven, refrigerator and freezer have to be provided per 10 persons, as well as sinks, kitchen crates and dishes.

Source: Austria, 2nd Conference of the provincial refugee advisors 2014 (2. LandesflüchtlingsreferentInnenkonferenz 2014), *Minimum standards for the accommodation in basic care in Austria* ([Minimumstandards betreffend die Unterbringung in der Grundversorgung in Österreich](#))

Table 3: Overview of sources where reception standards are defined

EU Member State	Legal provisions	Contract with operator	Non-binding guidance
Austria	Agreement on Basic Care, (Grundversorgungsvereinbarung Art. 15a B-VG) & Basic Care Act (Grundversorgungsgesetz Bund 2005)	✓	✓
Bulgaria	N/A		
Denmark	Aliens Act 2016 with amendments (Udlændingeloven 2016 med senere ændringer)	✓	✓
Finland	Reception Act (Laki kansainvälistä suojelua hakevan vastaanotosta 746/2011), refers to: Administrative Act (Hallintolaki 434/2003), Administrative Procedure Act (Hallintolainkäyttölaki 586/1996), Public Officials Act (Valtion virkamieslaki 750/1994), Child Welfare Act (Lastensuojelulaki 417/2007), Social Care Act (Sosiaalihuoltolaki 14§, 1301/2014), and Health Care Act (Terveydensuojelulaki 763/1994)	✓	✓
France	Act No. 2002-2 of 2 January 2002 reforming the organisation and functioning of social services (LOI n° 2002-2 du 2 janvier 2002 rénovant l'action sociale et médico-sociale) LOI n° 2002-2 du 2 janvier 2002 rénovant l'action sociale et médico-sociale), Contracts between Centres d'accueil pour demandeurs d'asile (CADA) and the state	✓	
Germany	Varies, according to federal state. For example: Bavaria: Verordnung zur Durchführung des Asylgesetzes, des Asylbewerberleistungsgesetzes, des Aufnahmegesetzes und des § 12a des Aufenthaltsgesetzes (Asyldurchführungsverordnung-DVAsyl) Vom 16. August 2016 Baden-Württemberg: Gesetz über die Aufnahme von Flüchtlingen (Flüchtlingsaufnahmegesetz - FlüAG) Berlin: Verordnung zur Festlegung der Aufgaben und Befugnisse der Dienstkräfte der Außendienste der bezirklichen Ordnungsämter (Ordnungsdienstverordnung) 1. September 2004	✓	
Greece	N/A		
Hungary	Decree No. 52/2007 of the Minister of the Interior on the organisation of the institutional framework in the field of asylum (52/2007. (XII. 11.) IRM rendelet a menekültügy szervezeti rendszérérol) – regarding open facilities		
Italy	N/A	✓	✓
The Netherlands	Regulation on Provisions for Asylum-Seekers and Other Categories of Aliens (Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen).		
Poland	Act on granting protection to foreigners within the territory of the Republic of Poland (Ustawa o udzielaniu cudzoziemcom ochrony na terenie Rzeczypospolitej Polskiej)		

EU Member State	Legal provisions	Contract with operator	Non-binding guidance
Slovakia	Slovakia, Law No. 480/2002 Coll. On Asylum as amended (Zákon č. 480/2002 Z.z. o azyle v aktuálnom znení),		
Spain			✓
Sweden	Environmental Code (Miljöbalk 1998:808)	✓	

Notes: ✓ = particular source exists in the respective country. Where more than one field is marked, the different legal sources exist cumulatively.

Blank cell= particular source does not exist in respective country.

Source: FRA, 2017

Standards for the operation of reception centres in Finland are regulated by the Reception Act and other relevant legislation referred to in the Reception Act.¹⁹ Contracts between the Immigration Service and the service providers refer to the standards obliging the service provider to comply with them in order to get licences to run reception centres.²⁰ Finally, relevant information and guidance notes are available on the website of the Immigration Service and guidance is provided by the staff of the reception centres.²¹

Standards in legislation and contracts

At least three Member States provide for standards defined in detail by law and in contracts with the operators of the facilities. However, they do not additionally foresee non-binding guidance.

France, Germany and Sweden enshrine basic standards in law and further specify them in the contracts with the operators of reception facilities.

In France, several legal acts specify in detail the minimum standards for reception conditions.²² Legal obligations are also defined in the contracts concluded between the *Centres d'accueil pour demandeurs d'asile* (CADA) and the State, so that the non-observance of the rules concerning the various services provided by the centre (housing, food, daily allowances, and

healthcare) may lead to sanctions (in particular, cancellation of the contract).²³

Reception standards in Germany vary significantly between the different federal states.²⁴ For example, the legal minimum space for adults to live and sleep in range between 4.5m² and 7m² living/sleeping space per person, depending on the federal state.²⁵

In Sweden, a number of laws, e.g. the Environmental Code (*Miljöbalk 1998:808*)²⁶, define a few minimum standards on housing, environmental impact, food security etc. In addition, different Government Agencies, e.g. the Public Health Agency of Sweden (*Folkhälsomyndigheten*), provide non-binding guidance, for example on ventilation, noise, and hygiene or food management.²⁷ The main guidelines of the Public Health Agency are collected in the publication 'Guidelines for the Migration Agency's asylum accommodation centres (*Vägledning om Migrationsverkets asylboenden*).²⁸ The Swedish Migration Agency includes the standards in its procurement requirements for a potential operator.²⁹

Detailed standards in legislation

The regime of reception conditions for asylum seekers in The Netherlands has been laid down by several legal

instruments, including the Regulation on Provisions for Asylum Seekers and Other Categories of Aliens (*Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen*).³⁰ These legal instruments are inspired by the EASO guidance.

Basic standards according to the Reception Conditions Directive

At least four EU Member States have transposed the minimum standards set out in the Reception Conditions Directive but do not provide for any more details on how to ensure such standards in practice (Bulgaria, Hungary, Slovakia and Spain).

In Bulgaria there are no minimum standards for housing, food, clothing, daily expenses allowance, healthcare, etc. The Asylum and Refugees Act (*Закон за убежището и бежанците*) only defines the rights of asylum seekers to lodging and food, social and health insurance, accessible medical aid, healthcare services free of charge, psychological consultation, etc. without linking these rights to specific minimum standards.³¹ Only a few provisions can be considered as minimum standards for reception facilities. For example, the distribution of foreigners by floors and rooms must be done in accordance with their ethnicity, country of origin, religion, sex, state of health and marital status.³² Foreigners must also be provided with a bed, bedding, blankets, and sanitary and hygiene accessories and consumables.³³ There are no minimum standards as to the number of bathrooms or toilets.³⁴

In Hungary, besides a ministerial decree laying down basic reception standards, Instruction No. 3/2015 of the Head of the Immigration and Asylum Office on the services at reception facilities, detention facilities and community shelters,³⁵ and Instruction No. 19/2017 of the Head of the Immigration and Asylum Office on the operation of the transit zones³⁶ contain detailed guidance for staff members of the

Office on how to provide the services the law grants to asylum seekers. However, these instructions are not legally binding and they are not available in the public domain.³⁷

In Slovakia, standards for reception conditions for asylum seekers are laid down in the Asylum Law³⁸ in accordance with the Reception Conditions Directive. The Asylum Law thus stipulates that asylum seekers receive free of charge: accommodation, food, basic toiletries, emergency healthcare and pocket money. The extent and conditions for application of minimum standards are regulated by internal norms of the Migration Office.

Minimum standards for reception conditions in Spain are defined in the System of reception and integration for asylum seekers and beneficiaries of international protection (*Sistema de Acogida e Integración para Solicitantes y Beneficiarios de Protección Internacional*).³⁹ This document is a management handbook which is not legally binding.

Different standards depending on the type of reception facility

Reception standards in Italy differ significantly depending on the type of facility. The non-binding 'Tender Specifications Template' (*Schema di capitolato di appalto*) sets out the standards for first-aid and reception centres (*centri di primo soccorso e accoglienza*, CPSA), special reception centres (*centri di accoglienza straordinaria*, CAS), and repatriation centres (*centri di permanenza per il rimpatrio*, CPR). On the other hand, standards for the National Asylum-Seekers and Refugees Protection System (*Sistema di protezione per richiedenti asilo e rifugiati*, SPRAR) are set out in the Decree of the Ministry of the Interior.⁴⁰ While SPRAR facilities must provide evidence of all the supporting documents detailing how many hours a certain person worked, which items were bought, etc. CAS facilities receive a

lump sum per person and do not have to report how the sum was spent.

UNHCR standards and Draft Ministerial Decision

Finally in Greece, there is a legal obligation⁴¹ to provide accommodation to asylum seekers. However, binding standards for reception facilities are not yet in place. UNHCR developed internal standards for its accommodation facilities.⁴² A Draft Ministerial Decision “for the determination of minimum standards for the functioning of facilities for the reception of asylum seekers and unaccompanied minors” was issued for open accommodation facilities for asylum-seekers, unaccompanied children and individuals with specific needs established by the Reception and Identification Service (RIS) in 2014. However, since only four camp-like facilities are officially established under the RIS, these standards do not apply to other camps or accommodations not under the authority of the RIS.

Oversight bodies and procedures

Regardless of whether reception standards are enshrined in law, guidelines or contracts, it is important how their implementation is ensured and monitored. For this purpose strong oversight bodies and procedures are crucial at EU Member State level.

With the exception of Italy, Greece and Hungary, all selected EU Member States have a designated bodies responsible for oversight of reception conditions in place. In Italy, in 2017 the Ministry of Interior contracted oversight services externally as part of the MIRECO (*Monitoring improvement of reception conditions*) project.

Inspections

Regular and unannounced inspections as well as a strong and easily accessible complaint

mechanism for asylum seekers and NGOs ensure an effective oversight system.

In the majority of EU Member States, oversight bodies inspect asylum facilities on a regular basis (all but Greece and Hungary). In at least five EU Member States, the oversight bodies undertake unannounced as well as announced inspections (Austria, Denmark, Finland, Germany and The Netherlands). In France, inspections are unannounced, while in Bulgaria, Slovakia and Sweden, oversight bodies announce their inspections of reception facilities.

In EU Member States where regular controls take place, the inspections take place once a year – with the exception of Austria and Sweden, where oversight bodies come to reception facilities up to four times a year. For some countries, no information on inspections could be provided (Germany, The Netherlands, Poland, Spain and Slovakia). Table 4 lists the responsible oversight bodies and provides an overview of the information collected on inspection practices.

Checks and balances through multiple oversight bodies and procedures

The combination of several oversight bodies, as in Austria, France and Spain, ensures checks and balances in controlling reception facilities.

There are three types of oversight bodies in Spain: The General Directorate for Immigrant Integration under the Ministry of Employment and Social Security is in charge of running and controlling the reception centres. In addition, the General Directorate for Migration controls the reception facilities run by NGOs. Finally, the Ombudsperson and UNHCR control the reception facilities as well as border and detention centres.

Table 4: Overview of official bodies responsible for oversight of reception conditions and their procedure

EU Member State	Main body responsible for oversight	Inspections unannounced (U) or announced (A)	Number of annual inspections per facility/operato	Complaint mechanism
Austria	Federal Ministry of the Interior and provincial governments	A/U	Up to 4	✓
Bulgaria	Ombudsman of the Republic of Bulgaria		1	✓
Denmark	Immigration Service	A/U	1	✓
Finland	Finnish Immigration Service	A/U	1	✓
France	National assessment and quality control agency for social and medical-social establishments	U	1	N/A
Germany	Different for each federal state; mostly State Ministry of the Interior	A/U	N/A	✓
Greece	Reception and Identification Service*	N/A		N/A
Hungary	Immigration and Asylum Office; Public Prosecution Service	A	N/A	✓
Italy	Ministry of Interior, which has contracted external auditors	N/A		N/A
The Netherlands	Inspectorate of Security and Justice	A/U	N/A	✓
Poland	Head of the Office for Foreigners	N/A		✓
Slovakia	Department of Control and Inspection of the Ministry of Interior and the Supreme Audit Office of the Slovak Republic	A	N/A	✓
Spain	Ministry of Employment and Social Security	N/A		✓
Sweden	Environmental and health protection departments and Swedish Migration Agency	A	4	✓

Notes: A=Announced; U= Unannounced; N/A= FRA sources did not identify whether inspections take place or complaint mechanisms exist.

* Though this entity is officially responsible for oversight, NGOs indicated that, in practice, there have been no oversight activities.

Source: FRA, 2017

Providing for layered oversight mechanisms

In **Austria**, the Federal Ministry of the Interior is responsible for overseeing the standards in facilities run by the federal state, and the provincial governments are responsible for overseeing the standards in facilities run by the provinces.

In each facility run by the federal state, a staff member of the Federal Ministry of the Interior exercises on-site control and ensures that the service provider implements the obligations defined in the contract. The head of the facility reports to the federal head of the province (*Landesleitung*), which is subordinated to the competent departments of the Federal Ministry of the Interior. The Austrian Ombudsman Board (AOB, *Volksanwaltschaft*), externally is not an oversight body as such, but controls the facilities operated by the Federal Ministry of the Interior. The AOB investigates cases of maladministration and conducts monitoring visits as National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT).

In **France**, firstly, managers have an obligation to carry out internal assessments of the quality of the *Centres d'accueil pour demandeurs d'asile* services themselves; however, this internal oversight lacks independence.

Second, a specialised private organisation conducts an external assessment of the quality of the services delivered by CADA, which must be accredited by the National assessment and quality control agency for social and medical-social establishments (ANESM).

Finally, public oversight is exercised over the activities of the CADA. This is done at two levels. The Ministry for the Interior enacts standards to regulate the overall conditions for reception. At the local level, prefectures ensure oversight more closely: the Departmental councils for social cohesion are responsible for oversight of the activities of the CADA and have the power to carry out inspections:

Sources: Austria, Federal Ministry of the Interior, Department III/9 (Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung); France, [Code for social action and families](#), Article L. 312-8; France, [France Land of Asylum](#)

Independence

Stakeholders in all EU Member States consider independence of oversight bodies a key element of an effective control mechanism. Oversight bodies are considered to be independent in at least three EU Member States (Austria, Bulgaria and The Netherlands). Independence exists to a certain degree but can be improved in Denmark, Finland, Poland, Slovakia and Sweden, according to the interviewed sources.

In Bulgaria, the Ombudsman of the Republic of Bulgaria (*Омбудсман на Република България*) is in charge of oversight of

reception facilities in its capacity as NPM under the OPCAT.⁴³

The Inspectorate of Security and Justice (*Inspectie Veiligheid en Justitie*) supervises the Central Agency for the Reception of Asylum Seekers or COA (Centraal Orgaan opvang Asielzoekers) in The Netherlands. COA is an independent administrative body falling under the political responsibility of the Secretary of State for Security and Justice. Next to the Inspectorate of Security and Justice there are other inspectorates which oversee certain aspects of the reception centres or facilities like the Health Care Inspectorate (*Inspectie voor de Gezondheidszorg*).

In Denmark, the Danish Immigration Service is responsible for supervising operators of reception facilities.⁴⁴ Although the independence has been improved, as external actors can be involved in the supervision, the Danish Immigration Service is still the same body in charge of running and monitoring the facilities.⁴⁵ Additionally, the Danish Parliamentary Ombudsperson, who is independent, can in his/her capacity as OPCAT authority carry out monitoring visits.⁴⁶

Equally in Finland, reception centres are responsible for reporting to the Immigration Service and its reception unit. If specific needs arise the state run reception centres can be authorised to take responsibility for oversight related activities. They also bear the responsibility for the regional implementation of the oversight Programme.⁴⁷ Oversight is also exercised by the Parliamentary Ombudsman and the Chancellor of Justice as part of their general mandate to oversee legality.

The Head of the Office for Foreigners (*Szef Urzedu do spraw Cudzoziemców*, UDSC) is responsible for overseeing the standards of open centres in Poland. The Social Help Department (*Departament Pomocy Socjalnej*, DPS), unit of the Office for Foreigners (*Urząd do spraw Cudzoziemców*, UDSC) is responsible especially for supervision of physical protection of the open centres and cooperation with other departments to ensure safety and order in the open centres.⁴⁸

In Slovakia, minimum standards of the reception facilities are monitored by the Department of Control and Inspection of the Ministry of Interior, the Supreme Audit Office of the Slovak Republic and UNHCR. Local authorities such as the Regional Public Health Authority and the Regional and District Prosecution Offices also monitor compliance with the law. Observance of human rights is monitored by the Slovak National Human Rights Centre.⁴⁹ Only

UNHCR and the Slovak National Human Rights Centre can be considered fully independent.

In Sweden, the environmental and health protection departments (*Miljöförvaltningen*) are in charge of overseeing reception facilities.⁵⁰ As an operator (*verksamhetsutövare*), the Swedish Migration Agency is also obligated to conduct self-monitoring and to have procedures in place for identifying, preventing and correcting deficiencies in its operations, in accordance with the Environmental Code (*Miljöbalk [1998:808]*).⁵¹ The Migration Agency (*Migrationsverket*) has delegated its own self-monitoring responsibility to its Reception Unit (*Mottagningsenheten*), which is also responsible for the procurement of the accommodation facilities. The Swedish Migration Agency has a series of activities in place to ensure the conditions at its facilities. Each facility centre is inspected when a person moves in and out. The accommodation centres themselves are inspected quarterly. The inspections are announced.

Role of civil society in oversight of reception facilities

The role of civil society organisations in oversight of reception facilities is limited in the selected EU Member States. FRA's sources identified some activities of NGOs related to the oversight procedure only in Austria, Greece and Hungary. For example, in Austria, NGOs or care organisations (performing a 'mobile social service' (*soziale Betreuung*)) regularly visit provincial facilities to provide information, counselling and support.⁵² However, they are not specifically designated for the oversight of minimum standards. The social workers serve as contact persons and an entry point for complaints by asylum seekers.⁵³ Another example is Greece, where NGOs running accommodation shelters for unaccompanied and separated

children have established their own oversight procedures.⁵⁴ In Hungary, civil society organisations (Hungarian Helsinki Committee, MigSzol, Hungarian Association for Migrants) monitor reception conditions in the open refugee camps, but are not allowed to enter the transit zones.⁵⁵

Lack of functioning oversight body in practice

In Greece and Hungary, formal oversight bodies exist. However, FRA's sources indicated that their functioning in practice could be improved. In Italy, the project-based approach to oversight may not be sustainable in the longer term.

There is no competent body for the oversight of reception facilities in Greece in practice, although the law foresees that a department under the Directorate of Reception should be competent for the supervision and evaluation of reception facilities. The Greek Ombudsman, however, reports on reception by conducting regular visits to accommodation facilities.⁵⁶

In Hungary, the law does not explicitly designate an oversight body for the transit zones or open refugee camps. The Public Prosecution Service (*Ügyészség*) covers these locations as part of its more general mandate exercising general review of legality.⁵⁷ The National Public Health and Medical Officer Service (*Állami Népegészségügyi és Tisztiorvosi Szolgálat*) visits all types of reception facilities several times a year to check the sanitary conditions and the accessibility to healthcare.⁵⁸ In addition, UNHCR is present in the transit zones.⁵⁹

The Ministry of Interior of Italy is formally the body responsible for oversight. Facilities of the Protection System for Refugees and Asylum Seekers (*Sistema Protezione Richiedenti Asilo e Rifiugiati*, SPRAR) are supervised by SPRAR itself and are subject to a well-defined financial reporting system. In addition, the Ministry of Interior is implementing a project on 'Monitoring and

improvement of reception conditions' (Mireco) supported by the EU Asylum, Migration and Integration Fund (AMIF). Auditors contracted by the Ministry have carried out inspection missions since May 2017. The authorities established a Permanent Observatory for the Reception of Asylum Seekers to organise the oversight and discuss the findings of inspections. The Observatory also includes UNHCR.

Representatives from the Ministry of the Interior, the United Nations High Commissioner for Refugees (UNHCR), and law enforcement agencies carry out inspections.

Complaints

Asylum seekers can lodge complaints against the conditions of reception facilities in the majority of consulted EU Member States (all except for France, Greece and Italy). However, where data were available, the number of such complaints is very low in all EU Member States.

Follow up

Where deficiencies are identified in facilities, all EU Member States with oversight mechanisms in place request improvements within a defined time limit. Non-compliance can result in ending the contract. However, several EU Member States stated that, in times of high numbers of new arrivals, it was hardly possible to close down facilities with low quality standards (for example, in Austria).

Conclusions: Elements of a well-functioning oversight procedure

The following examples of oversight procedures in different EU Member States can serve as good practices.

- **Regular and unannounced inspections:** Where facilities cannot prepare for visits of oversight bodies, insufficient standards can be more easily identified (Austria, Denmark,

Finland, France, Germany and The Netherlands).

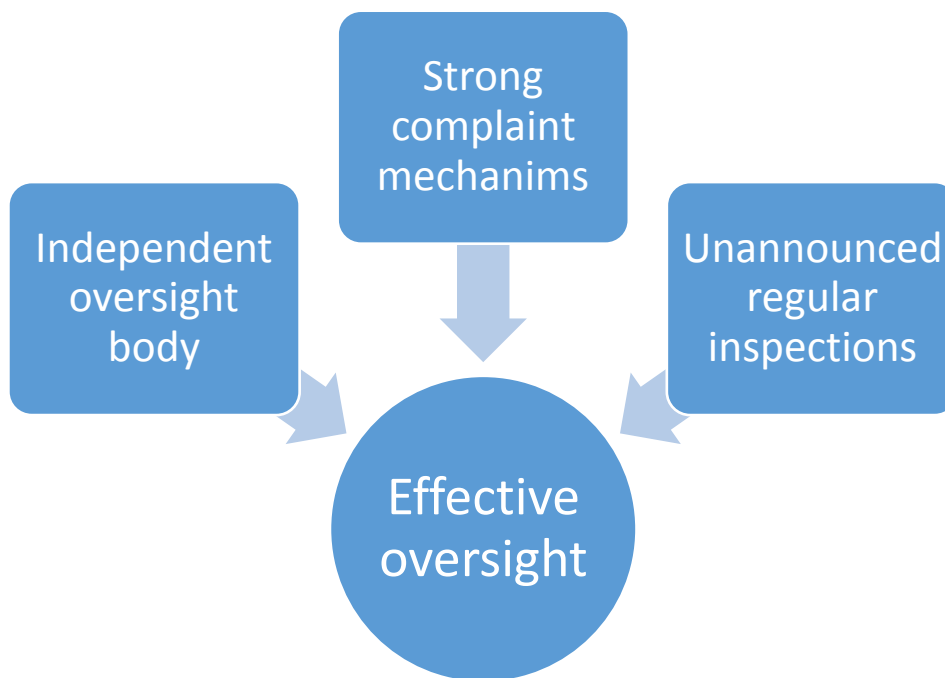
- **Independence of oversight body:** Authorities that do not run reception facilities themselves but contract NGOs or private organisations/ individuals with providing facilities and social services allow for an independent and objective oversight by the authorities (Austria, Bulgaria and The Netherlands).
- **A comprehensive user-friendly complaint system:** Allowing all persons involved – such as asylum seekers, NGOs, accommodation providers, volunteers and legal representatives – to lodge complaints

ensures a transparent oversight mechanism (Austria, Bulgaria, The Netherlands, Poland, Slovakia, Spain and Sweden).

- **Regular training of staff:** Involving non-governmental organisations as well as academic experts in the training organised for the staff of the centres can be noted as a promising practice, including from the point of view of information sharing and confidence building (Finland).

Figure 1 illustrates components that FRA considers important for a well-functioning oversight mechanism for reception facilities.

Figure 1: Elements of an effective oversight mechanism for reception facilities



Source: FRA, 2017

Oversight of reception facilities for children

EU Member States need to ensure full compliance with the best interests of the child, as enshrined in Article 24 of the Charter as well as in the 1989 United

Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms, respectively.

Reception standards specific to children

The majority of EU Member States covered in this report (all but Greece, France,

Slovakia and Spain) have defined at least some standards for reception facilities for children, as the following examples illustrate.

In Austria⁶⁰ and Italy,⁶¹ standards for the reception facilities of unaccompanied children are defined at the state and regional (provincial) level; therefore, they can vary across the country. In Austria, provincial facilities for unaccompanied children are both facilities for asylum seekers,⁶² and social-pedagogical facilities for children in out-of-home care, regulated by provincial child and youth welfare acts (*Kinder- und Jugendhilfegesetze*).⁶³ The provinces define additional standards for accommodations of unaccompanied children in their contracts with accommodation providers, like the size of rooms or qualifications of staff. However, these standards vary between the nine provinces.⁶⁴ In facilities run at a federal level, specific standards aiming to ensure the children's wellbeing are also defined in the contract between the federal state and the operator of reception facilities, ORS Service AG.⁶⁵ The standards vary also between federal states in Germany.⁶⁶

In Denmark, different standards for children are available in laws, administrative orders, guidelines and the contracts between the Danish Immigration Service and the operator. For example, the contract between the Danish Immigration Service and the Danish Red Cross includes a specific section on asylum centres for unaccompanied children.⁶⁷

In Finland, the Reception Act – which refers to the Act on Child Protection, the Administrative Procedure Act and principles of the best interests of the child and participation – defines the standards for unaccompanied children placed in group homes.⁶⁸

In Hungary, unaccompanied children under the age of 14 are accommodated in children's homes, the reception standards

of which are defined by the general laws on child protection.⁶⁹

The Netherlands provides for several legislative instruments laying down standards for general reception centres, in which children stay with their family. The Regulation on Provisions for Asylum-Seekers and Other Categories of Aliens (*Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen*) contains also specific standards for children, such as participation in leisure and outdoor activities.⁷⁰ Additionally, the Healthcare for Asylum Seekers Regulation (*Regeling Zorg Asielzoekers*) stipulates that children have access to providers of youth healthcare.⁷¹ Standards for the physical infrastructure are set out in a special programme of demands (*Programma van Eisen opvanglocaties COA*) by the Central Agency for the Reception of Asylum Seekers (COA).⁷² Furthermore, special standards exist for reception facilities for unaccompanied children.⁷³

Body in charge of oversight

None of the EU Member States covered in this report provides for bodies that are only in charge of the oversight of reception facilities for asylum-seeking children.

The bodies that perform oversight in reception facilities for children are either in charge of overseeing all reception facilities, including those where adults live, or are generally mandated with control of all types of child facilities. For instance, the Inspectorate for Security and Justice, which is one of the bodies in charge of oversight in the Netherlands, and the Immigration Service, which is one of the two bodies in charge of oversight in Denmark, also oversee reception facilities for adults. The Social Supervisory Body, which can carry out oversight in reception facilities for unaccompanied children in Denmark, also oversees different residential facilities for children.⁷⁴ Similarly, the public prosecutor office specialised for children, which is one of the oversight bodies in Italy, can oversee

any kind of facilities that host children. In Bulgaria, the State Agency for Child Protection is responsible for monitoring and intervention in all cases of children at risk, including, but not limited to, reception facilities.

In addition, ombudspersons also perform monitoring tasks completing the work of the bodies in charge of oversight – as reported, for example, from Austria⁷⁵ Bulgaria,⁷⁶ and Greece.⁷⁷

Procedures for oversight

In certain EU Member States (e.g. Austria⁷⁸, Denmark⁷⁹, Sweden⁸⁰), the oversight of reception facilities for children is performed on a regular basis. In others, oversight is performed when necessary (e.g. Bulgaria,⁸¹ Hungary⁸² and The Netherlands).

Formulating indicators to facilitate oversight in Denmark

In Denmark, the newly introduced supervision undertaken by the Social Supervisory Body is carried out on the basis of a comprehensive and professional assessment taking into account the type of accommodation facility and the combination of inhabitants. The Danish Immigration Service has identified a number of non-exhaustive criteria and indicators that should be included in the assessment of the quality of the accommodation centre in practice: teaching and activities, independence and relations, target group, methods and results, health and well-being, organisation and management, competences and physical frames.

Source: Denmark, Danish Immigration Service, ['Kvalitetsmodel for tilsyn på indkvarteringssteder for uledsagde mindreårige'](#), 15 June 2017

In Austria, the child and youth welfare regularly visits federal and provincial reception facilities for unaccompanied children.⁸³ Additionally, some provinces assigned special positions for matters regarding unaccompanied children. The Vorarlberg governmental office, for instance, created the position of a coordinator who regularly visits facilities hosting asylum seeking unaccompanied children, networks with representatives and follows up on complaints.⁸⁴ In Carinthia, the competent department of the Carinthia Provincial Government Office (*Amt der Kärntner Landesregierung*), the head of the facility for unaccompanied children and the child and youth welfare meet weekly to exchange information, work on specific cases and monitor facilities.⁸⁵

Complaints by children

In some EU Member States covered, which have established a complaint mechanism, children can only file complaints through their legal representatives (for example in Finland and Hungary). In others, such as Austria, Bulgaria or Sweden, children can lodge complaints also in their own name.

Offering child-friendly complaint mechanisms

In Sweden, children are provided with an opportunity to speak with the Health and Social Care inspectors alone. It is also possible to lodge complaints through the Inspectorate's website or via a special phone number.

Source: Sweden, Health and Social Care Inspectorate (*Inspektionen för Vård och Omsorg, IVO*)

As an illustration, in Austria, any person can make a call to the child and youth welfare to report a problem, initiating the same

procedures that are applied for nationals in case of a report on a risk for a child's wellbeing.⁸⁶ Children can complain to the social worker responsible for them, the accommodation centre's head, the child and youth welfare offices or the departments for basic care.⁸⁷ In Bulgaria, for instance, there are no special procedures for the submission of complaints

by children accommodated in reception centres. However, child protection legislation allows for children to file complaints and request protection measures.⁸⁸ The Ombudsperson also can receive (oral) complaints from children, including from children accommodated in reception centres.

Stakeholders interviewed in August 2017 (highlights and focus section)

Country	Stakeholders interviewed
Austria	<ul style="list-style-type: none"> • Federal Ministry of the Interior, Department III/9 (<i>Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung</i>); • Federal Ministry of the Interior, Department III/5 (<i>Bundesministerium für Inneres, Abteilung III/5 Asyl und Fremdenwesen</i>); • Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>); • Federal Agency for State Protection and Counter Terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT</i>); • Lower Austria Provincial Government Office, Department Citizenship and Elections (<i>Amt der Niederösterreichischen Landesregierung, Abteilung Staatsbürgerschaft und Wahlen</i>); • Upper Austria Provincial Government Office, Department Social Affairs and Health (<i>Amt der Oberösterreichischen Landesregierung, Abteilung Soziales und Gesundheit</i>); • Vorarlberg Provincial Government Office, Department Community, Social Affairs and Integration (<i>Amt der Vorarlberger Landesregierung, Abteilung Gesellschaft, Soziales und Integration</i>); • Carinthia Provincial Government Office (<i>Amt der Kärntner Landesregierung</i>); • Austrian Ombudsman Board (<i>Volksanwaltschaft</i>); • Caritas Vienna (<i>Caritas Wien</i>); • Caritas Carinthia (<i>Caritas Kärnten</i>); • Caritas Styria (<i>Caritas Steiermark</i>); • Asylum Coordination Austria, UAC (<i>Asylkoordination Österreich, UMF</i>); • Antidiscrimination Office Styria (<i>Antidiskriminierungsstelle Steiermark</i>).
Bulgaria	<ul style="list-style-type: none"> • Ministry of the Interior, Directorate General Border Police (Moi – DGBP) (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП</i>); • State Agency for Refugees (SAR) (<i>Държавна агенция за бежанците, ДАБ</i>); • Ombudsman of the Republic of Bulgaria (<i>Омбудсман на Република България</i>); • State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>); • Ministry of the Interior, Directorate General Criminal Police (Moi – DGCP) (<i>Министерство на вътрешните работи, Главна дирекция „Криминална полиция“, МВР – ГДКП</i>); • UNHCR Bulgaria; • Caritas Bulgaria (<i>Каритас България</i>); • Council of Refugee Women in Bulgaria (CRWB) (<i>Съвет на жените бежанки в България, СЖББ</i>).
Denmark	<ul style="list-style-type: none"> • Danish Ministry of Justice (<i>Justitsministeriet</i>), including the Danish National Police (<i>Rigspolitiet</i>); • Danish Immigration Service (<i>Udlændingestyrelsen</i>); • Danish Parliamentary Ombudsman (<i>Folketingets Ombudsmand</i>); • Danish Red Cross (<i>Røde Kors</i>);

Country	Stakeholders interviewed
	<ul style="list-style-type: none"> • SOS against Racism (<i>SOS mod Racisme</i>).
Finland	<ul style="list-style-type: none"> • National Police Board (<i>Poliisihallitus/Polisstyrelsen</i>); • Finnish Ombudsman for Children (<i>Lapsiasiavaltuutettu/Barnombudsmannen</i>); • Office of the Parliamentary Ombudsman (<i>Eduskunnan oikeusasiamies/Riksdagens justitieombudsman</i>); • Finnish Immigration Service (<i>Maahanmuuttovirasto/Migrationsverket</i>); • Finnish Human Rights Centre; • IOM Finland.
France	<ul style="list-style-type: none"> • Ministry of the Interior (<i>Ministère de l'Intérieur</i>); • Public Defender of Rights (<i>Le Défenseur des droits - DDD</i>); • National Association of Border Assistance for Foreigners (ANAFÉ) (<i>Association nationale d'assistance aux frontières pour les étrangers</i>); • La Cimade (<i>Inter-Movement Committee for evacuees - Comité inter mouvements auprès des évacués</i>); • French Red Cross (<i>Croix-Rouge française</i>); • The Voice of Children (<i>La Voix de L'Enfant</i>); • France Land of Asylum (<i>France Terre d'Asile</i>); • Roya citizen (<i>Roya Citoyenne</i>); • Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>).
Germany	<ul style="list-style-type: none"> • Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (<i>Bundesministerium für Familie, Senioren, Frauen und Jugend</i>); • Federal Office for Migration and Refugees (<i>Bundesamt für Migration und Flüchtlinge, BAMF</i>); • National working group psychosocial centres for refugees and victims of torture (<i>Bundesweite Arbeitsgemeinschaft Psychosozialer Zentren für Flüchtlinge und Folteropfer, BAfF</i>); • Ministerium für Inneres, Digitalisierung und Migration Baden-Württemberg; • Hamburger Behörde für Inneres und Sport; • State Office for Refugee Issues Berlin (<i>Landesamt für Flüchtlingsangelegenheiten Berlin</i>); • Hessian Ministry for Social Issues and Integration (<i>Hessisches Ministerium für Soziales und Integration</i>); • Hessian Ministry of the Interior and for Sports (<i>Hessisches Ministerium des Innern und für Sport</i>); • Bayrisches Staatsministerium für Arbeit und Soziales; • Ministry of Children, Family, Refugees and Integration North Rhine-Westphalia (<i>Ministerium für Kinder, Familie, Flüchtlinge und Integration des Landes Nordrhein-Westfalen</i>); • Niedersächsisches Ministerium für Inneres und Sport; • Workers' Samaritan Federation (<i>Arbeiter-Samariter-Bund, ASB</i>); • Federal Working Committee of the State Youth Offices (<i>Bundesarbeitsgemeinschaft Jugendämter</i>); • Hamburger Behörde für Inneres und Sport and Zentraler Koordinierungsstab Flüchtlinge Hamburg (ZKF).

Country	Stakeholders interviewed
Greece	<ul style="list-style-type: none"> • Greek Asylum Service (<i>Υπηρεσία Ασύλου</i>); • International Organisation for Migration Greece (<i>Διεθνής Οργανισμός Μετανάστευσης – Ελληνικό Τμήμα</i>); • United Nations High Commissioner for Refugees Greece (<i>Υπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες – Ελληνικό Τμήμα</i>); • Doctors of the Word Greece (<i>Γιατροί Χωρίς Σύνορα – Ελληνικό Τμήμα</i>); • Doctors Without Borders Greece (<i>Γιατροί του Κόσμου - Ελληνικό Τμήμα</i>); • Hellenic League for Human Rights (<i>Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου</i>); • National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>); • Center for Disease Control and Prevention (<i>Κέντρο Ελέγχου και Πρόληψης Νοσημάτων – ΚΕΕΛΠΝΟ</i>).
Hungary	<ul style="list-style-type: none"> • Ministry of the Interior (<i>Belügyminisztérium</i>); • Ministry of Human Capacities (<i>Emberi Erőforrások Minisztériuma</i>); • National Police Headquarters (<i>Országos Rendőr-főkapitányság</i>); • Immigration and Asylum Office (<i>Bevándorlási és Menekültügyi Hivatal</i>); • UNHCR Hungary; • MigSzol; • MigSzol Szeged; • Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>); • Cordelia Foundation (<i>Cordelia Alapítvány</i>).
Italy	<ul style="list-style-type: none"> • Ministry of the Interior; • 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>); • Association for Legal Studies on Immigration (<i>Associazione per gli studi giuridici sull'immigrazione, ASGI</i>); • Italian Refugees Council (<i>Consiglio Italiano per i Rifugiati, CIR</i>); • NGO 'Doctors Without Borders Italy' (<i>Medici Senza Frontiere Italia, MSF Italia</i>); • Save the Children Italia Onlus; • United Nations High Commissioner for Refugees (UNHCR); • Italian Red Cross (IRC); • Jesuit Refugee Service 'Centro Astalli'; • Community of Sant'Egidio (<i>Comunità di Sant'Egidio</i>); • 'Melting Pot Europa' project; • NGO 'Borderline Sicilia'; • NGO 'Naga'.
Netherlands	<ul style="list-style-type: none"> • Ministry for Security and Justice: 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'); • Statistics Netherlands (<i>Centraal Bureau voor de Statistiek</i>);

Country	Stakeholders interviewed
	<ul style="list-style-type: none"> • Defence for Children the Netherlands; • Amnesty International the Netherlands; • Stichting LOS; • MiND-the Dutch Reporting Point for Discrimination; • Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>); • UNICEF the Netherlands; • NIDOS.
Poland	<ul style="list-style-type: none"> • Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej, SIP</i>); • Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka, HFPC</i>); • UNHCR Poland; • Ombudsman (<i>Rzecznik Praw Obywatelskich, RPO</i>); • Open Republic Association Against Anti-Semitism and Xenophobia (<i>Otwarta Rzeczpospolita, OR</i>); • Polish Migration Forum (<i>Polskie Forum Migracyjne, PFM</i>); • Ombudsman for Children (<i>Rzecznik Praw Dziecka, RPD</i>); • Head of the Office for Foreigners (<i>Szef Urzędu do spraw Cudzoziemców, UDSC</i>); • Ministry of the Interior and Administration (<i>Ministerstwo Spraw Wewnętrznych i Administracji, MSWiA</i>); • The Rule of Law Institute Foundation (<i>Fundacja Instytut na rzecz Państwa i Prawa, FIPP</i>); • Empowering Children Foundation (<i>Fundacja Dajemy Dzieciom Siłę, FDDS</i>).
Slovakia	<ul style="list-style-type: none"> • Migration Office of the Ministry of the Interior of the Slovak Republic (<i>Migračný úrad MV SR</i>); • Ministry of Interior of the Slovak Republic (<i>Ministerstvo vnútra Slovenskej republiky</i>); • Office of Border and Alien Police of the Police Presidium (<i>Úrad hraničnej a cudzineckej polície P PZ</i>); • Ministry of Labour, Social Affairs and Family (<i>Ministerstvo práce, sociálnych vecí a rodiny</i>); • Public Defender of Rights (<i>Verejný ochranca práv</i>); • Commissioner for Children (<i>Komisár pre deti</i>); • Slovak National Centre for Human Rights (<i>Slovenské národné stredisko pre ľudské práva</i>); • IOM; • UNHCR – Regional Representation for Central Europe; • Slovak Committee for UNICEF; • Human Rights League (<i>Liga ľudských práv</i>); • Islamic Foundation in Slovakia (<i>Islamská nadácia na Slovensku</i>); • Slovak Humanitarian Council (<i>Slovenská humanitná rada</i>); • Mareena Civic Association.

Country	Stakeholders interviewed
Spain	<ul style="list-style-type: none"> • Sub-directorate for Immigrant Integration of the Ministry of Employment and Social Security (<i>Subdirección General de Integración de los Inmigrantes del Ministerio de Empleo y Seguridad Social</i>); • Spanish Ombudsman; • Spanish Committee of UNHCR (<i>Comité español de la Agencia de la ONU para los Refugiados, ACNUR</i>); • Spanish Committee of UNICEF (<i>Comité español de UNICEF</i>); • Jesuit Migrant Service (<i>Servicio Jesuita Migrantes, SJM</i>); • Spanish Refugee Aid Commission (<i>Comisión Española de Ayuda al Refugiado, CEAR</i>); • NGO Accem; • Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzosos de Comillas ICAI-ICADE, INDITEX</i>).
Sweden	<ul style="list-style-type: none"> • Swedish Migration Agency (<i>Migrationsverket</i>); • Swedish Police Authority (<i>Polismyndigheten</i>); • National Board of Health and Welfare (<i>Socialstyrelsen</i>); • The Swedish Association of Local Authorities and Regions (<i>Sveriges kommuner och landsting</i>); • The Health and Social Care Inspectorate (<i>Inspektionen för Vård och Omsorg, IVO</i>); • The Public Health Agency of Sweden (<i>Folkhälsomyndigheten</i>); • Save the Children Sweden (<i>Rädda Barnen</i>); • Swedish Red Cross (<i>Röda Korset</i>).

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- 1 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180, (*Reception Conditions Directive*).
 - 2 Reception Conditions Directive, Recitals 8 and 11.
 - 3 Peek, M., and Tsourdi, E. (2016), 'Asylum Reception Condition Directive 2013/33/EU', in: Hailbronner, K., and Thym, D. (eds.), *EU Immigration and Asylum Law: Commentary*, München/London, C.H. Beck/Hart/Nomos, 2nd edition, Article 28 MN 1.
 - 4 European Commission (2015), *A European Agenda On Migration*, COM(2015) 240, Brussels, 13 May 2015.
 - 5 European Commission (2016), *Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)*, COM(2016) 465 final, Brussels, 13 July 2016.
 - 6 European Asylum Support Office (EASO) (2016), *EASO guidance on reception conditions: operational standards and indicators*, September 2016, p. 7.
 - 7 Reception Conditions Directive, Recital 11.
 - 8 EASO (2016), *EASO guidance on reception conditions: operational standards and indicators*, September 2016, p. 7.
 - 9 *Ibid.*
 - 10 European Commission (2016), *Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)*, COM (2016) 465 final, Brussels, 13 July 2016.
 - 11 For example, Austria, Contract on service provision for asylum seekers between the state of Austria and ORS Service AG ([Betreuungsvertrag Asylwerberbetreuung](#), GZ. BMI-FW1600/0037-IV/5/2011).
 - 12 Austria, [Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über gemeinsame Maßnahmen zur vorübergehenden Grundversorgung für hilfs- und schutzbedürftige Fremde \(Asylwerber, Asylberechtigte, Vertriebene und andere aus rechtlichen oder faktischen Gründen nicht abschiebbare Menschen\) in Österreich \(Grundversorgungsvereinbarung - Art. 15a B-VG\)](#), BGBl. I Nr. 80/2004.
 - 13 Austria, [Bundesgesetz, mit dem die Grundversorgung von Asylwerbern im Zulassungsverfahren und bestimmten anderen Fremden geregelt wird \(Grundversorgungsgesetz - Bund 2005 - GVG-B 2005\)](#), BGBl. Nr. 405/1991, last amendment BGBl. I Nr. 84/2017.
 - 14 Austria, 2nd Conference of the provincial refugee advisors 2014 (2. LandesflüchtlingsreferentInnenkonferenz 2014), Minimum standards for the accommodation in basic care in Austria ([Minimumstandards betreffend die Unterbringung in der Grundversorgung in Österreich](#)).
 - 15 Austria, Upper Austria Provincial Government Office (Amt der Oberösterreichischen Landesregierung); Vorarlberg Provincial Government Office (Amt der Vorarlberger Landesregierung).
 - 16 Denmark, the Danish Aliens Act, Consolidated act no. 412 of 9 May 2016 with amendments ([Udlændingeloven, lovbekendtgørelse nr. 412 af 9. maj 2016 med senere ændringer](#)).
 - 17 Denmark, the Danish Aliens Act, Consolidated act no. 412 of 9 May 2016 with amendments ([Udlændingeloven, lovbekendtgørelse nr. 412 af 9. maj 2016 med senere ændringer](#)), section 42 a 5; Denmark, the Danish Immigration Service (Udlændingestyrelsen), '[Udlændingestyrelsens koncept for tilsyn med asylindkvarteringsoperatørernes opgavevaretagelse](#)', May 2017, p. 18.
 - 18 Denmark, the Danish Immigration Service (Udlændingestyrelsen), '[Udlændingestyrelsens koncept for tilsyn med asylindkvarteringsoperatørernes opgavevaretagelse](#)', May 2017, p. 18.
 - 19 Relevant legislation explicitly referred to in the Reception Act are the Administrative Act, the Administrative Procedure Act, the Public Officials Act, the Child Welfare Act (417/2007), the Social Care Act (14§, 1301/2014) and the Health Care Act (763/1994).
 - 20 Finland, Finnish Immigration Service (Maahanmuuttovirasto/Migrationsverket), Reception Unit.

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- 21 Finland, Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*) website, [Asylum in Finland](#).
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- 23 France, Ministry of the Interior.
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Further information:

After one year of regular reporting, the EU Agency for Fundamental Rights changed the format and Member State coverage of its regular overviews of migration-related fundamental rights concerns. Current reports cover up to 14 EU Member States and are shorter, including main findings for the Member States covered together with a thematic focus section. References to EU Member States are included when specific findings support a better understanding of the challenges which affect several Member States or the EU as a whole.

For the September 2017 *Monthly data collection on the migration situation in the EU – Highlights*, see: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/sept-2017>.

For all previous monthly and weekly reports, see: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>

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Printed by the Publications Office in Luxembourg

