

Humiliated, ill-treated and without protection

Refugees and asylum seekers in Bulgaria



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PRO ASYL
DER EINZELFALL ZÄHLT.

Imprint

Published by:

Friends of PRO ASYL

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Donation Account

Förderverein Pro Asyl
IBAN: DE62 3702 0500 0008 0473 00
BIC: BFSWDE33XXX

Published in April 2015 (German), December 2015 (English)

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1. Summary and calls for action

In the first months of 2015, PRO ASYL has heard shocking accounts from asylum seekers reaching Germany via Bulgaria. These accounts include reports of inhumane and degrading treatment as well as torture. PRO ASYL has written up some of these accounts, mainly from asylum seekers and refugees who arrived in 2014, to serve as an example of the treatment experienced by many who travel through Bulgaria. The majority of the accounts provided are those of Syrian or Iraqi nationals¹.

Following the closure of the Greek-Turkish border in August 2012, the overland flight route to Europe shifted course. This resulted in an increase in the number of asylum applicants in Bulgaria, as can be seen from the numbers of claimants:

- 2012: 1.385 people
- 2013: 7.145 people
- 2014: 11.080 people²

Of the claims made in 2014, over half were made by Syrian nationals.

As is also happening elsewhere, Bulgaria's border zone is becoming increasingly militarised; the government is working towards sealing the border completely. According to Bulgarian authorities, 38.000 people tried to cross the Turkish-Bulgarian border in 2014. Of these, only about 6.000 reached Bulgarian territory³.

The attempts by the Bulgarian government to close the border have resulted in the refoulement of individuals at risk of persecution, contrary to human rights principles enshrined in international law⁴. This has been independently verified by a number of international NGOs, including Human Rights Watch⁵.

In 2014, Frontex provided further resources, through the deployment of 170 additional experts, to assist with the policing of the Bulgarian border. Frontex's 2014 budget for Operation Poseidon Land, which operates in the zones along the Greek-Bulgarian borders, was 2.673.454 , 90 Euros⁶.

¹ PRO ASYL has access to the full case files of the individual examples described here. The quotes are taken directly from the sworn statements of the applicants and the written submissions of their representatives. The names of the individuals have been altered for their protection.

² Eurostat: Asylum applicants and first instance decisions on asylum applications: 2014: 6:

<http://ec.europa.eu/eurostat/documents/4168041/6742650/KS-QA-15-003-EN.N.pdf>

³ <http://www.unhcr.org/551abb606.html> 31 March 2015

⁴ See among others Bordermonitoring Bulgaria 2014: Trapped in Europe's Quagmire: The situation of asylum seekers and refugees in Bulgaria, Human Rights Watch 2014: Containment plan: Bulgaria's Push-backs and Detention of other Asylum Seekers and Migrants, Amnesty International 2014: The Human Cost of Fortress Europe. Human Rights Violations against Migrants and Refugees at Europe's Borders

⁵ HRW 2014: New evidence Syrians forced back to Turkey. <http://www.hrw.org/news/2014/09/18/bulgaria-new-evidence-syrians-forced-back-to-turkey>; Human Rights Watch 2014: Containment Plan: Bulgaria's Push-backs and Detention of Syrian and other Asylum Seekers and Migrants.

⁶ <http://frontex.europa.eu/operations/archive-of-operations/3hITVb>

Those fleeing persecution arrive into a society that has had very little experience in receiving migrants. Racism is widespread and manifests itself in a number of ways, including physical attacks on asylum seekers of other skin colours.

Some of the Iraqi and Syrian asylum seekers who arrive in Bulgaria intend to continue their journeys onwards to Germany, because they have relatives there.

In 2014, more than 20 European member states requested a total of 6.873 transfers of asylum seekers from their territory to Bulgaria, despite the wholly inadequate reception conditions there⁷. These include 4.405 asylum seekers who were to be returned from Germany⁸.

Bulgaria is, after Italy, the country to which the most asylum seekers are to be transferred under the Dublin agreement. However, only 14 transfers were made from Germany. Many German courts prevent return to Bulgaria on the basis of a UN High Commission for Refugees (UNHCR) report of 2014, according to which particularly vulnerable persons should not be transferred⁹.

Bulgaria often grants protection status without interview or consideration of an individual's substantive case. Around 70% of asylum claimants in Bulgaria receive international or subsidiary protection status. Those granted refugee status in another EU member state do not come within the remit of the Dublin Regulation.

The legal status of these people in Germany is precarious. Unlike Dubliners, who cannot be transferred after the statutory period of 6 months, refugees with international protection in Bulgaria can be removed from Germany at any time according to German regulations concerning safe third countries. Germany's regulations relating to residence rights do not take into account the human rights abuses many of these people have experienced in Bulgaria.

About the accounts of the asylum seekers

The following human rights abuses have been described in the oral accounts, sworn declarations and legal representations of the asylum seekers whose cases are included in this report:

- Detention in inhumane conditions
- Denial of access to a toilet for hours at a time
- Ill-treatment through kicking and use of batons
- Humiliation and degradation - being told to strip naked, rotate and kneel as though in prayer and then being beaten with batons
- Rape by officials while being restrained by other officials
- Denial of food as a means of punishment
- Detention in a one metre toilet stall for three days without food

⁷ Novinite, 6. Januar 2015

⁸ According to a small survey conducted by parliamentary representative Ulla Jelpke among others and the LINKE parliamentary group. Supplementary information on asylum statistics for 2014.BT-Drucksache 18/3713:47

⁹ UNHCR observations on the current asylum system in Bulgaria, April 2014

- Asylum seekers (including children) being forced to sleep on the floor without blankets
- Refusal of medical assistance even in cases of emergency. One case involves a doctor refusing to provide a necessary injection despite loss of consciousness of the patient
- Use of clubs or truncheons to force asylum seekers to allow themselves to be fingerprinted, in some cases with the use of such excessive force that the asylum seeker loses consciousness
- Lack of protection from racist attacks in reception centres despite inhabitants being attacked with sticks and iron bars
- Ill treatment of a woman in labour and separation of the newborn from his mother immediately after birth
- Homelessness and refusal to provide assistance following a grant of refugee status in Bulgaria

The incidents described correspond to findings made by human rights organisations reporting on human rights abuses committed against asylum seekers and refugees in Bulgaria, including Amnesty International (2015), UNHCR (2014), Bordermonitoring Bulgaria (2014) and Human Rights Watch (2014).

Particular attention should be paid to the racist violence occurring in Bulgaria. The report published by Amnesty International in February 2015 details the prevalence of violence against minority groups and a lack adequate investigation following the hate crimes.¹⁰

Calls for action

Given the information provided by the asylum seekers and refugees whose cases feature in this report, and the evidence collated by international NGOs, PRO ASYL calls for the following:

- **No more push-backs at the Bulgarian-Turkish border, and a re-opening of the border**

A fence, which already stretches 33km, is to be extended to 82km to seal the Bulgarian border with Turkey¹¹. Huge amounts of money and human resources are being invested to further increase border monitoring in this area. Asylum seekers who manage to cross the border despite these obstacles are refused access to the country and are sent back to Turkey. PRO ASYL demands the Bulgarian government end the push-backs that violate international law, and allow asylum seekers into the country.

- **Bulgaria to respect human rights**

The rights protected by European and national law have to be respected, particularly those enshrined in the European Convention on Human Rights (ECHR). These include the

¹⁰ Amnesty International 2015: Missing the Point: Lack of adequate investigation of hate crimes in Bulgaria

¹¹ <http://www.unhcr.org/551abb606.html>

principle of non-refoulement (Article 33 paragraph 1 of the 1951 Geneva Convention), the right to bodily integrity, and the right to freedom from torture, the prohibition of arbitrary detention and a consideration of the best interests of the child.

- **Investigation into the allegations of torture and mistreatment**

PRO ASYL calls on the Bulgarian government to investigate the allegations of torture and mistreatment. The European Commission, the European Council's Committee against Torture and the Human Rights Commissioner of the European Council should engage with this issue. The Bulgarian government must ensure that human rights abuses against refugees and asylum seekers are subject to criminal investigation.

- **No further returns to Bulgaria**

PRO ASYL calls on Germany and other EU countries to put a stop to returns to Bulgaria both under the Dublin agreement and otherwise. PRO ASYL asks that Germany exercise its ability to assume responsibility for processing the asylum claims of asylum seekers whose cases have not yet been decided by Bulgaria.

- **A right of long term residence in Germany for refugees granted international protection by Bulgaria, equal to that associated with international protection status**

In many cases even those who have international protection status in Bulgaria experience inhumane treatment and have no prospects of integration into the community. Germany has to provide those who are not being returned to Bulgaria a longer-term right to remain in the country. This is essential if people are to overcome the trauma they experienced.

Status under paragraph 25V of the regulation relating to residence is insufficient, however. Those with this status do not benefit from fundamental rights such as the right to family reunion, which is available to refugees and will in future also be available to those granted subsidiary protection. There are also other barriers to successful integration for those with this status.

Refugees who experience humiliation and ill-treatment on racist grounds and for whom there is no prospect of a human and dignified life in Bulgaria in the foreseeable future, should come under the protection of Article 3 of the European Convention on Human Rights. PRO ASYL demands that they are granted the Residence Permit under § 25 (2) of the German Residence Act.

Legislation allowing those granted refugee status in other member states as refugees or as people in need of humanitarian protection to be able to resettle in Germany is required. Such legislation could initially be implemented on a national level.

Moving towards the goal of a common European asylum system would require that European regulations relating to the mutual acceptance of status decisions also ensure that the same effective rights and entitlements flow from the status. The grant of

international protection by one member state should result in the same freedom of movement as exists for European nationals. PRO ASYL asks the German government to take action in relation to these issues.

- **Opening of infringement proceedings by the European Commission against Bulgaria**

PRO ASYL urges the German government speak for the opening of European Commission infringement proceedings against Bulgaria. Respect for human rights is fundamental to the community of the European Union. It is unacceptable that member states within the EU so blatantly violate human rights principles.

PRO ASYL calls on the foreign and interior ministries in Germany to follow through on the commitments made under the 2013 coalition government agreement, according to which “the credibility of the European Union in promoting human rights in the international realm is dependent, to a critical degree, on how consistently it lives by these values and how it deals with abuses of these rights within the Union”.

PRO ASYL calls on the Bulgarian government to ensure that asylum seekers have, as set out in European regulations, access to a fair asylum procedure, as part of which their claims for asylum are individually considered and decided. The Bulgarian government must also ensure humane and dignified reception facilities and conditions and respect the asylum seekers’ human rights.

2. Exemplary case studies

The following case studies have been compiled by PRO ASYL primarily through the sworn declarations and legal representations available to the organisation. For the protection of the individuals involved their names have been changed.

Case study 1

Mr R is a refugee who fled from Iraq. He reports that in October 2012 he entered Bulgaria from Turkey. Shortly after being apprehended by the police he was seriously ill-treated by them. Mr R reports that throughout his detention, first at a police station and consequently in Busmantsi prison, officials subjected him to inhumane and degrading treatment, including rape. He was released from detention in April 2013. In September 2013 he was granted refugee status, after having been fingerprinted and photographed numerous times as part of the identification process, and against his will. Having experienced traumatic violence in Bulgaria, Mr R fled onwards, to Germany.

Apprehension while in hiding

Mr R reports that in October 2012, a trafficker took him and four Syrian asylum seekers to a deserted house in Bulgaria. The doors and windows were barricaded and they had to climb through an opening in the roof to get into the house. They spent several days there. The traffickers threw food through the opening in the roof.

One day they heard footsteps on the roof. Several police officers entered the house. Mr R hid in a wardrobe. He had just seen the police beating up the 16 to 18 year old asylum seekers in an attempt to make them tell where Mr R was. The police officers found him in the wardrobe and held a gun to his head. As he was getting out of the wardrobe one of the police officers kicked him full force in the back, making him fall face down on the floor. Another policeman then put his boot on his back, pushed him down violently with his boot and handcuffed him.

Abuse at the police station

The asylum seekers were taken to a police station. There they were forced to strip naked and were subjected to a physical examination, which Mr R found very humiliating. The policemen then forced him to turn around while still naked, kneel down as if to pray and stand up again. Every time he went to kneel down, he was hit on the buttocks with a truncheon. His two mobile phones and sim cards were taken from him. He and the other asylum seekers were then taken naked to a cell.

Mr R was questioned repeatedly over the first two days. During these interrogations he was shackled, beaten, kicked, spat on and shouted at. "They treated me like the inmates of the torture chambers of Abu Ghraib" is how he described his intolerable experience later.

The police officers showed him several photos, wanting to know whether he recognised anyone. Presumably he was supposed to identify traffickers. When he denied recognising anyone he was beaten again. To avoid further abuse he eventually pointed to one of the pictures at random.

The asylum seekers received neither food nor drink there. A Syrian hostile to the asylum seekers served as their interpreter. He told them they would be taken to a hotel. They were allowed to get dressed and were taken to a van, still in handcuffs. They were told to put their heads between their legs and remain seated throughout the journey, which lasted nine hours. The officials gave them no water and they were not allowed to go to the toilet.

Busmantsi prison

The asylum seekers were taken to Busmantsi prison. There the duty chief of police and a group of other officials met them. The officials were all wearing rubber gloves.

The asylum seekers were made to strip naked and were again subjected to a painstaking physical examination, including a body cavity search. These examinations lasted over an hour; even though the asylum seekers were wearing only t-shirts, light jackets, underwear and trousers. They were obliged to stand naked in an unheated room for the duration.

The officials then demanded they be fingerprinted. When Mr R refused to allow this, they beat him. Frightened of further ill-treatment, he finally agreed. The officials then threw the items of clothing around the room for the asylum seekers to collect. Every time Mr R bent down to pick something up, he was kicked in the behind. As soon as he made a sound he was beaten. His body was covered in blood, bruises, abrasions and cuts. He said repeatedly that he was an asylum seeker from Iraq looking for safety and that he had evidence of this, but the officials were not interested.

After this he was taken to a cell. There were 36 asylum seekers in each of the cells. The corridor and cells were monitored by CCTV. Only in the toilets and showers were there no cameras. The mattresses were filthy and permeated with urine. The place was overrun with insects. In the morning officials threw in five bags containing an apple, 2 slices of baguette and a piece of mortadella sausage. The door to the cell was closed at 10pm and only opened again at 7am. They were not permitted to use the toilet at night and were each given a beaker of water for the night. Herr R frequently wet himself at night. On the fifth day he was interrogated and he asked to be allowed to return to Turkey. He was told he could be returned to Iraq but not Turkey.

Mr R also reported that a delegation from an aid agency visited the prison, but that he could not speak to the delegation as officials surrounded them. Those who spoke to representatives of the NGO were later put in isolation.

Rape by officials

Mr R also spent some of his time in isolation after having argued with one of the officials. He was taken to a shower room. Because there were no cameras in the shower rooms, this is where the officials took the asylum seekers when they wanted to torture them.

Five officials beat him and took his clothes off. They did not hit his face so that there were no visible signs of his torture. Two officials held him down, two others kicked him and the fifth official raped him. After that he was taken to the isolation cell. There was no light in this cell; only a small ray came through a hole.

During the three days he spent in isolation Mr R was abused daily by two of the officials.

After his period in isolation Mr R told the officials that he was unwell. Four days later he was allowed to see a doctor. As a consequence of the rape he had substantial internal bleeding. The doctor refused to examine him. He put some ointment on a dirty piece of paper and gave it to Mr R. Mr R threw it away. A few days later a nurse took pity on him and gave him some ointment in a beaker. The officials found it and threw it away.

Further ill-treatment

During the night, officials came into the cell and shouted at the asylum seekers. Every 15 days Mr R was interrogated. The interpreter was a detainee himself, who was working with the officials. There was not even half a meal per day. As soon as the media or NGOs were due to visit, the inmates were beaten to intimidate them and prevent them from saying anything. When any one of the prisoners disobeyed the no smoking rule, all were punished.

Mr R had his UNHCR papers sent by relatives from Turkey. When he received it, the envelope had already been opened. He told an official he would rather kill himself than make an asylum claim in Bulgaria. The official told him that would not be necessary, as he had UNHCR refugee status. On 13 April 2013, tortured, abused, mistreated, humiliated and starved, he was released from detention.

Sofia Reception Centre

Next, officials took Mr R to a large refugee camp in Sofia. Against his will, he was fingerprinted, photographed and registered again. He was asked again whether he wanted to make an asylum claim, which he said he did not. He was in bad physical condition but again the doctors there refused to treat him.

He was given no longer-term accommodation in the camp, but stayed with other asylum seekers. He tried several times to get hospital treatment for his internal bleeding, which would not stop. Eventually he found an interpreter of Syrian heritage whom he paid to take him to hospital. He was then operated, but had to pay the operation and treatment costs. He also had to pay the interpreters costs- the interpreter took 700 Euros from him.

"With all due respect, one would not believe there are such things as human rights in Bulgaria. We were treated as if we were the number one enemy of the state, like prisoners of war. As though we were plague infested livestock. Why was I tortured and mistreated and detained for 6 months, without charge or sentence? Why? I was detained until 13 April 2013. I wish the people of Germany would pretend to be asylum seekers to see the conditions there with their own eyes and experience them through their own bodies"¹²

In September 2013 Mr R was granted refugee status. He received his status documents in January 2014. He then fled onwards to Germany.

Case study 2

Mr A and Mrs B are a married couple that fled from Syria with the intention of going to Germany. They described their journey from Turkey through Bulgaria in June 2013. They were detained on the Romanian-Bulgarian border. The cell they were in was overrun with vermin, sewage from the toilet dripped through the ceiling and they were refused access to a toilet for hours. The police forced them to register their fingerprints and to make a claim for asylum threatening that otherwise they would be kept in detention and returned to Syria after 6 months. Mr A and Mrs B were eventually granted subsidiary protection status. As they had relatives in Germany they fled onwards to Germany in February 2014, with financial assistance from their relatives. The husband spent several months in a clinic due to his heightened risk of suicide, while his wife is being cared for and supported by her relatives and volunteers from the regional asylum support organisation.

¹² From the sworn witness statement of Mr R

Apprehension at the border

The couple, Mr A and Mrs B, recounted their journey from Syria through Turkey, and from there to the Romanian-Bulgarian border. On the Romanian-Bulgarian border they were apprehended and detained by the border police. The border police pointed their weapons on them, swore at them and pushed them around to intimidate them. With the excuse that they there were being searched for smuggled goods, they were instructed to strip naked. Only after strong opposition from Mr A was a female police officer called, so that his wife did not have to strip in front of the male officers.

Detention in the border area

They report that they were taken to prison and were not given any food for the first two days. They were only given tap water to drink, whose purity the couple was sceptical about. Their cell was tiny and filthy, and there was only a narrow bed full of cockroaches for both of them. The cell was never locked and the door never closed. Sewage water from the toilets on the floor above dripped onto the table. Food was provided once a day. There was never enough. They were often refused access to a toilet when they needed to go, sometimes for hours at a time. Then they were forced to go, through kicks in the behind. Once a day they were allowed out for 30 minutes.

Protest, sentencing and a forced claim for asylum

One day the detainees protested against the inhumane conditions in which they were being kept. To put an end to this and to force them to be quiet, the guards took blankets and bottles away from parents with children.

Mr A and Mrs B had to appear before a court where they were told that they had been sentenced to 6 months custody for illegal entry. They could be released earlier if they gave their fingerprints and made claims for asylum. Otherwise they would be forcibly returned to Syria at the end of the six-month sentence.

The judge told them "We do not need people like you here, go away as quickly as possible. We don't have enough to eat ourselves. Many of our own people live on rubbish". They paid bribes and an acquaintance from Syria was able to arrange accommodation for them 30 km from Sofia so they could be released after 28 days in prison. Those who cannot provide a release address are given no support in finding such accommodation and have to serve the full sentence.

Lack of assistance on recognition and onwards flight to Germany

The couple lived in Bulgaria for 6 months but received no state assistance or financial support. Because they had relatives in Germany, from whom they received financial support, the couple was able to survive and travel onwards to Germany, arriving in February 2014.

Case study 3

Mrs H and Mr S are a married couple from Syria. They arrived in Bulgaria in October 2013. They detail their detention in inhumane conditions and the degrading treatment they experienced from officials in Elhovo prison. The couple was refused food in an attempt to force them to allow themselves to be fingerprinted. In Harmanli camp, to which they were later taken, they slept on the bare concrete floor. There was only one toilet for a hundred asylum seekers. Mr S and Mrs H were then granted international protection status, without having had an interview and had to leave the camp. After months of homelessness the couple fled to Germany. As part of their current legal proceedings, they are undergoing medical assessments in relation to possible psychological illness and the requirement for longer-term hospital admission. The couple have been granted the precarious "tolerated" status ("Duldung"), and remain at risk of transfer back to Bulgaria.

Apprehension in the border region and detention in Elhovo

The couple reports about fleeing from Syria to Bulgaria with the assistance of a trafficker. Once in Bulgaria, they were abandoned in a forested area. After two days a military vehicle turned up. The officials apprehended them and took them to the prison in Elhovo.

There they had to strip naked, had their valuables and their memory and sim cards destroyed. They were told they had to give their fingerprints. Because they initially refused, as a punishment they were denied food and water and were only given one beaker of water a day. After they were denied food for three days they could resist no further and provided their fingerprints.

There were many others in their cell. The walls were swarming with vermin, cockroaches and insects. Their cell was unheated and it was bitterly cold. There were no mattresses or beds. They were given old military blankets but because not everyone had a blanket, many of the asylum seekers slept on the bare concrete floor.

There was only one toilet between 100 asylum seekers. They had to queue up in the morning and it took up to five hours before they could go to the toilet. There were about 45 asylum seekers in each cell. They were given no food or drink and had to provide for themselves. A van from which they could buy provisions at very inflated prices came to the prison. They were only allowed to go to the van once they had paid the officials money.

After this, the couple was then taken to a three-storey prison where they were interrogated by the security forces, not in relation to their claims for asylum, but about whether there were terrorists or fundamentalists within the group of asylum seekers.

Harmanli reception centre

The officials then told them they were being taken to Sofia, however instead they were taken to Harmanli camp, a disused military base with military tents. There were not enough tents for everyone, so some people had to sleep out in the open. There was neither electricity nor sufficient sanitary facilities. On occasion the couple had to queue for three to four hours to use the toilet or to be able to wash themselves.

The tents had holes in them and were pegged directly into the floor. Water permeated through them and it was extremely cold. The Red Cross brought food but it was never enough for everyone. They suffered extreme cold and had insufficient food. They got nothing from the camp staff, which they protested against. Entering and leaving the camp was only permitted with prior permission from camp staff, and was only possible with payment to the officials.

The head of the camp led it as though he were an army commander. He allowed two people who purported to be lawyers into the camp. They told the asylum seekers they could secure their release for 150 Euros. Every day, on the instruction of the camp leader and the two lawyers, two buses laden with 65 asylum seekers left the camp. In exchange five new buses arrived, carrying more asylum seekers. The bus driver let the asylum seekers out somewhere in Sofia. There, they were not accommodated and had to provide for themselves, living on the street.

The asylum seekers in the camp tried to tell the outside world about their plight. When Mrs H attempted to speak to a journalist she was thrown to the ground by a camp employee and was left with cuts and bruises. They received no medical attention. Protests broke out after a representative of the Bulgarian government visited the camp and told the asylum seekers that they would have to remain there for five years. They were then were beaten with truncheons by the camp staff. Mr S was left with an open wound for which he was not treated. After media reports, containers were brought to replace the tents but they were unheated, much too small and were never closed up.

Bulgarian nationals protested outside the camp on a fortnightly basis. The protesters were not concerned about the inhumane conditions, but were protesting the presence of the asylum seekers, demanding that they leave Bulgaria.

Every day there were racially motivated assaults. During the period the couple was in Harmani camp, an asylum seeker was brutally murdered. According their sworn witness statements, there was no police investigation into the crime.

Grant of protection and homelessness

After about three months the couple was once again summoned to provide their fingerprints. One and half months later, they were told they had been granted international protection. They had not been invited to interview. Staff in the camp told them they would only receive the notification of status once they had handed over the keys to their container, which the couple initially refused to do. They eventually handed these over following pressure from the officials and other asylum seekers. They were then handed the decision papers and were immediately put out on the street.

They had been granted asylum and were now homeless. To protect themselves from racist attacks, they joined a group of other refugees and asylum seekers. They paid a Red Cross member to rent them a flat. He had however cheated them, as the flat was already let. The group pooled their money to rent a flat so that they could obtain their residence documents, as they required an address to which the documents would be sent.

Their landlord kept them under constant pressure. They had to pay 2.000 Euros and had death threats made against them, so they left. In the end they were provided for by "Doctors without Borders", although the organisation had insufficient capacity to help the refugees and asylum seekers, who felt badly treated.

Mrs H and Mr S paid a trafficker, who brought them to Germany but took their documents from them.

Case Study 4

Mr C, a Kurdish man from Syria, and his uncle, Mr A, described their journey to Bulgaria. After an initial attempt, during which Mr C was returned across the border, they successfully entered into Bulgaria in December 2013. They were immediately arrested and detained in a cellar smeared with excrement. They slept on the concrete floor. Mr C reports torture and abuse for having refused to allow himself to be fingerprinted. He was locked naked in a toilet stall for three days without food or a blanket. He was tortured several times a day by officials. Mr A was also beaten kicked and spat on so that he would allow himself to be fingerprinted. After further detention in Elhovo prison and then a transfer to the Banya camp, Mr C and Mr A were granted protection status despite never having attended an interview about their reasons for fleeing. Both had to leave the camp following the grant. Mr A reports being subjected to racist attacks. Finally he fled onwards to Germany where he has relatives. In November 2014 both were diagnosed with Post Traumatic Stress Disorder by a psychiatric unit. Both are facing removal from Germany to Bulgaria.

Apprehension in the border region and detention/abuse

Mr C is a Kurd from Syria. He is a Sunni Muslim. He made two attempts to reach Europe. After the first attempt the Bulgarian border officials, in breach of human rights legislation, returned him to Turkey. He reached Bulgaria on his second attempt with his uncle Mr A in December 2013. Mr A says he paid 8.000 Euros for his journey to Europe.

Their arrival in Bulgaria was "like something from a bad film"; according to Mr C. Traffickers took them to a wooded area close to the border, where they remained fully disoriented for 72 hours. Everyone was freezing, hungry and thirsty. Bulgarian police officers found them and took them to a prison in a rundown house with very low ceilings.

They were detained in the cellar. There was mould everywhere and excrement dripped from leaking sewage pipes in the ceiling. Ms A's clothing was soon covered in it. He could not shower or wash. The asylum seekers were given old mouldy military blankets, which stank of urine. The cell was unheated and there were no mattresses. They had to sleep on the bare floor. The children cried from the cold and hunger.

There they were abused, beaten and kicked to force them into providing their fingerprints. These were taken using ink. Because he was the first of the group Mr C was particularly badly beaten because he refused to be fingerprinted, to set an example to the others. On

the second day their fingerprints were to be electronically scanned, and again the officials beat them severely.

Mr C was forced to strip naked and to stay in solitary confinement. This cell was a one-metre toilet stall in the cellar. He had to spend three days there without food or a blanket. He lay on the urine and excrement smeared bare floor. During this time he was beaten and tortured several times a day, by officials. While two of them beat him, the third kicked him. One of the officials used his boot to push his head into the floor until Mr C became bright red and believed his head was going to explode. After this level of violence, Mr C allowed his fingerprints to be taken.

Ms A was also forced to be fingerprinted while two police officers beat him. The interpreter was Afghan and did not speak Arabic. Two officials kicked him with their military boots and he was thrown to the floor and spat on. He was unable to resist further, and was fingerprinted.

Elhovo prison

Mr C and his uncle Mr A were then transferred to Elhovo. On arrival, Mr C was forced to strip. During his examination he was forced to turn around until he felt ill. The officials jeered and humiliated him. He was interrogated twice, during which he asked to be returned to Turkey. The officials refused saying they could return him to Syria, which he refused.

According to Mr A they were fed once a day, but the food was insufficient. Some of it was rotten. Mr A was in bad physical condition but received no medical attention. He was once again subjected to violence to force him to provide his fingerprints. He was interrogated again and forced to sign papers he did not understand. When he asked what the documents were, he was threatened with life imprisonment. He also asked repeatedly to be returned to Turkey.

Due to overcrowding in the prison, for a period of 8 days they both had to sleep next to the toilet. The stench was horrific. The toilets were broken, and there were puddles of urine all over the floor. 150 asylum seekers had to share one shower and a toilet. To draw attention to and protest their terrible situation they and other asylum seekers went on hunger strike.

On the third day they and other 12 detainees were taken to a three metre by three-metre cell. The glass in the windows was broken or totally gone. The room was unheated and the metal beds had no mattresses. It was overcrowded. Mr A shared a military blanket with his nephew. They were there for a month. There were "shopping days" - two days a week detainees who had better relationships with the officials were taken to a supermarket which belonged to the wife of the director of the prison. If anyone needed anything from the super market they had to pay a bribe to the officials.

Protection status without consideration of the case

Mr C and Mr A were later taken to Banya camp where they remained for 2 months. The buildings were run down, damp and mouldy. Food and drink were only provided when

representatives of the NGOs or journalists visited. The camp officials tried to give NGOs and journalists the impression that the asylum seekers were regularly provided food, which was not the case. Other than during these visits the asylum seekers had to provide their own food, paying for it and for the bribes to the officials to get a permit to leave the camp.

Then they were told that they had been granted subsidiary protection. This astonished both of them, as they had never been asked about their reasons for seeking asylum. After notification of the decision they were given two days to leave the camp. They had to pay bribes throughout the bureaucratic process of issuing the documents.

Homelessness and racist attacks

They found accommodation with another family for two nights, but left due to overcrowding. Mr C and his uncle slept on the street. Then they were given the option of renting a flat which was so run down it was due to be renovated in the next five days. They were accommodated for a short period by an acquaintance. Then they had to pay an excessive deposit and two months rent up front for the flat. There was no financial support from the Bulgarian state. Both hardly ever left their rooms and certainly not after dusk, as there had been several attacks on asylum seekers and refugees.

One evening Mr A was with friends when they were attacked by a group of Bulgarians.

"After dusk fell, the applicant (Mr A) was unable to leave his "flat". The attacks on asylum seekers and refugees, in particular those of Arab origin, took place during the evenings and at night. One evening when the applicant was with a friend he was attacked by a group of 5 Bulgarians. The applicant was able to escape them but his friend Mr G was not. The Bulgarians threw the applicant's friend to the ground. Four of the attackers stood on his arms and legs while the fifth jumped up and down on his body as though it were a trampoline. The attackers only left when the headlights of an approaching car scared them off. The friend was severely injured and had countless broken bones. Another Iraqi refugee named N was thrown from a 2.5 metre high bridge after having been stabbed. He cannot move his legs properly anymore and walks with a limp".¹³

Onward flight to Germany

Mr A and his nephew Mr C then met someone who drove them for 48 hours to Germany. Mr A has not seen his wife and children for months. He fled to bring his family to safety. Mr A experiences severe difficulties sleeping and has panic attacks.

"Life in Bulgaria is hell. The whole period in Bulgaria was full of suffering, abuse and humiliation. Neither the officials nor the people were good to refugees and asylum seekers".¹⁴

¹³ From the sworn statement of Mr A

¹⁴ From the sworn statement of Mr A

Mr C is of the opinion that “there is no difference between the state apparatus in Syria and that of Bulgaria. In both human rights are officially and ostensibly upheld while in practice they are trampled underfoot”.

He stressed several times that he would rather return to civil conflict in Syria than return to Bulgaria.

Case study 5

Family K is from Syria. In Bulgaria they were detained in Svilengrad prison in conditions that breach human rights standards. In Pastrogor camp, to which they were later taken, they were denied medical attention even when it came to an emergency. When Mrs K lost consciousness, a doctor arrived not until an hour and a half later, but refused to give her the necessary injection. Due to their terrible experiences in Bulgaria the family continued their journey to Germany. The family (including their two grown-up sons and one underage son) are currently in a church centre. Mrs K suffers from extreme posttraumatic stress disorder.

The family is from a suburb of Aleppo. The mother was a teacher in a primary school, the father an electrical engineer. The oldest daughter (currently in Turkey) and their adult son were studying while the younger siblings attended school. A year before they left Syria, a bomb destroyed the family's home. Another bomb destroyed the school where the mother was teaching. The area where they were living was completely destroyed. They lived in fear of their lives as Islamist groups were targeting the Yazidi people.

Apprehension in the border area and detention in Svilengrad prison

The family fled from Syria to Bulgaria. They report that they were captured by police and detained in Svilengrad prison for a period of four days. About 50 asylum seekers were held in a room of about 20 square metres. 20 to 30 asylum seekers were kept outside. There was only one toilet and shower between all of them. During the four days in prison they were only once given lunch. Other people received provisions from relatives, which they shared with the other asylum seekers. There were no interpreters. Mr K had 200 dollars, which were taken from him. Their fingerprints were taken without an explanation of the purpose for which they were taken.

Temporary reception centre Pastrogor

After this they were taken to Pastrogor camp. Guarded by police, people were only allowed out of this camp for very short periods. About 30 to 40 families lived there. There was a large room that was divided by blankets and sheets into several makeshift smaller rooms for the families. The hygiene was awful. There were no interpreters here either and they were repeatedly given papers in Bulgarian, which they were asked to sign but did not understand. They were told nothing about claiming asylum.

On one occasion the mother suffered an attack of weakness and fainted. It took an hour and a half before a doctor came. He said she needed an injection but refused to give it to her, pressing the syringe into her husband's hand before leaving. After protracted negotiations they managed to arrange for a taxi to take them to a hospital.

"Three incidents in particular stick in our minds from our time in Pastrogor. Firstly I (Mrs K) suffered a dizzy/weak spell during which I lost consciousness. My family members pleaded with a police officer to call the emergency doctor. Despite this it took an hour and a half before a doctor arrived. He examined me briefly before saying I needed an injection for low blood pressure but he himself would not administer this. He gave my husband the needle and told him he had to do it. Then the doctor left without having given me the injection. My husband was horrified; he has no medical background and could not inject me. After long discussions with the guards, they finally called a taxi to take me to hospital. There I was finally treated; the nurse gave me the injection.

The second incident I want to mention involves a young Syrian man. He had been in the camp for some time and was very frustrated and psychologically close to the edge. He tried to commit suicide by cutting his own neck with a knife. He was bleeding profusely. Instead of administering first aid the police stood around and prevented other asylum seekers from helping him. They kept saying an emergency doctor had been called, but no help came. The other asylum seekers argued vehemently with the guards; it was only because of this intervention by the other asylum seekers that the guards called a taxi to take the man to hospital, given that the emergency doctor still hadn't arrived. We do not know whether the young man survived".¹⁵

The family heard about racist attacks from the other asylum seekers and was also informed that they would be thrown out of the camp if they were granted refugee status. They pre-empted this and left the camp after five days, before they had even been granted refugee status. Another family supported them and rented them an apartment.

Onward flight to Germany

They lived first in Svilengrad and Sofia and then fled onwards to Germany. The mother is seriously psychologically affected, not only by the bomb attacks in Syria but also by their detention and the threats experienced in Bulgaria. Initial assessments by psychologists have diagnosed that she is suffering from posttraumatic stress disorder and recurrent depressive episodes. She is awaiting a full psychological assessment.

In the meantime the family's integration in Germany is progressing well. In the half year the family has been in Germany the family members have learnt to speak very good German. The youngest daughter is in school where it has been noted that she is highly motivated to learn German, is making rapid progress, has an excellent work ethic and excellent social skills. She also completed a work experience program. The younger son also attended German classes and plays in a football club. Both have been attending school since the winter term with excellent results and good reports. The eldest son also speaks fluent German. The parents are very motivated to learn and are continually improving their language skills. They are being given free classes in the church centre.

¹⁵ From the sworn statement of Family K.

Case study 6

On the flight from Syria with their children, couple H arrived in Bulgaria in August 2013. They tell of detention in inhumane conditions. The cell was cold, there were no blankets and the children became sick. Even after the family had been taken to a reception centre they experienced degrading treatment, a refusal to provide assistance and corruption. Due to the indefensible conditions in Bulgaria, the family continued their journey to Germany where they have relatives. The family has received notice of their liability to removal. They had a baby in February.

Apprehension and detention in the border area

The couple tells of their arrival in Bulgaria in summer 2013. They were detained with their children on arrival. They were not given any blankets; the children became ill.

"The room temperature in the cell was under ten degrees. We had to sleep on the bare concrete floor. They did not even give us a blanket for the children. We covered our children with items of clothing we had in the bag we had brought with us. We spent three days in these conditions. There were four families in our barred cell about 20 people. All the children became ill, some of them with very high fevers. Then we were told 'baggadg'. That is the only thing we understood and meant "you will be taken elsewhere".¹⁶

The reception centre

After their detention the family was taken to a reception centre for asylum seekers. They were given a room that was overrun with cockroaches and was mouldy. Their daughter suffered three electric shocks because the electric cables were exposed to the damp air of the rooms.

When the family asked to send their children to school this was refused because they had no right to education. The parents did not let their children leave the camp because they were worried about racist attacks. Their son fell ill and was refused medical attention. The family-members reported about an occasion in the camp: They saw an elderly lady who was refused medical treatment, so she died of hypothermia in the courtyard of the camp. Mr H also referred to a racist attack against a refugee, who was attacked with a knife.

Employees of the camp had taken the family's identity documents. To get these back, they had to provide their fingerprints. After an interview, during which the family confirmed they had left Syria because of the war, they were given back their documents and told to leave the camp within 5 days.

Homelessness and onwards flight to Germany

The family looked for accommodation without success. After five days of being without shelter, they returned to the camp and paid the officials so they would be allowed to stay.

¹⁶ From the sworn statement of couple H

After 18 days an Iraqi living in Bulgaria said he was willing to provide the family with accommodation. The accommodation had no heating, and water dripped from the walls.

Finally the couple decided to pay a trafficker to take them to Germany, where relatives of theirs live.

Case study 7

Mr S fled Syria In May 2013, arriving in Bulgaria after passing through Turkey. He reports that during his detention in the border region he was seriously ill-treated, tortured and beaten by two police officers until he became unconscious. Mr F was forced to make an asylum claim to be released from detention. He was then taken to Pastrogor camp. There also the conditions were abysmal. After staying in the camp Mr F became homeless and was subjected to racist attacks. In February 2014 he continued his flight to Germany where his brother lives. He has been granted status, which protects him from removal, but does not however allow him to apply for family reunion with his wife who remains in Syria.

On his arrival in Bulgaria in May 2013, Mr S was detained on the Bulgarian- Turkish border and taken to a prison. He and the other asylum seekers had to strip naked in front of the police officials. He was reluctant to provide his fingerprints; so two police officers attacked him with rubber truncheons. He was taken – still naked- along with four other asylum seekers to a cell without windows. Only after several hours their clothing was returned to them. Even after this, Mr S refused to provide his fingerprints.

The asylum seekers received almost no provision and were frequently refused access to the bathroom; many of them wet themselves repeatedly. The police reacted by beating people to the point that they lost consciousness, by putting them into isolation and by humiliating them. After six days resistance, Mr S allowed his fingerprints to be taken because he feared for his life.

Lyubimets prison

After this, Mr S was transferred to Lyubimets prison. Here also Mr S was made to strip naked and was severely ill-treated using truncheons. The officials obliged him to sign papers whose content he did not understand. Because he refused to sign them the police pressured him and beat him increasingly severely. They threatened to beat his genitals with a truncheon. Mr S signed the documents for fear of further violence.

The officials then took him to one of the ten cells on the corridor. 20 to 30 asylum seekers were held in each of the cells. After two days of receiving no food, Mr S asked one of the officials for food. As a result he was taken to a rubber isolation cells and was kicked and beaten. He again had to strip naked. Every day two police officers came and hit and kicked him. He had to spend a week in this isolation cell.

When he was returned to the shared cell he was given food that had gone off and became ill with food poisoning. The prison doctor initially refused to treat him. Only when he paid him money was the doctor prepared to administer injections. Mr S continued to suffer very high temperatures. It was only after other asylum seekers protested that he was taken to the prison doctor who gave him a tablet. Then he was returned to the cell where he lay on the cold floor without a blanket or mattress.

In total Mr S was put into isolation on three occasions. The second time he was placed in isolation because he refused to make an asylum claim and a third time because he criticised the conditions of detention during an interview with a Finnish TV program. Because he could no longer take the conditions in detention, he finally claimed asylum in June 2013. Only then was he released and taken to Pastrogor camp.

Pastrogor reception centre

Here the residents were refused medical assistance, the conditions in the small rooms were abysmal and the asylum seekers had to pay for and obtain their own food. Mr S had to rely on the financial support of his brother who was studying in Germany, although this assistance was barely enough to survive on. Mr S reports that some people died because of the lack of provisioning in the camp. He tried to escape but was caught by border guards and returned to the camp. After five days he was obliged to leave the camp.

Racist attacks

He stayed with a friend in Sofia. One night the windows were smashed and the door was kicked in. He assumes the attack was by racists. They forced themselves into the room, hit him and took all his valuables. He was not the only ones who were affected. In the whole area houses in which Arab people lived were broken into. The police conducted no investigations into these crimes.

"On one occasion, when I was on the street in broad daylight, with another refugee, a group of about 10 Bulgarians approached us and started hitting us. We were both lying bleeding on the floor and they kicked us. Passers by watched but did nothing. They looked through our pockets and took what they could. I had a mobile telephone and 100 euro. They made off with it. Nobody helped us".¹⁷

Mr S was homeless for part of the time he spent in Bulgaria. While on the streets he was again subject to racist attacks. After a difficult search for accommodation he eventually found somewhere to stay. Because of his fear of racially motivated attacks he hardly left the flat. Finally he was able to leave Bulgaria with the help of a trafficker and travelled to Germany.

¹⁷ From the sworn statement of Mr S

Case study 8

Family H fled Syria with their ten-month-old daughter. They travelled through Turkey to Bulgaria. Mrs H, who was pregnant during the journey, tells of their detention after they were apprehended by border officials, and of the trauma of the birth of her son in a Bulgarian hospital. The newborn was not given back to his mother for 2 days. After the horrific experience in Bulgaria the couple fled from Bulgaria to Germany in May 2014 where both have siblings. Mrs H was diagnosed with post-traumatic stress disorder. Following a court case the removal directions to Bulgaria were cancelled. The couple now has a precarious “tolerated” status (“Duldung”) and remains liable to transfer to Bulgaria.

ISIS supporters persecuted Mrs H and her family. Her father was beheaded; one of her sisters was kidnapped. Following this Mrs H fled the country while pregnant, with her husband and her then ten month old daughter with the aim of getting to Germany where another of her sisters lived. Their flight led them across the Turkey to Bulgaria, where they were - after crossing the border - detained and held for a week. They were forced to strip naked in front of the border guards who filmed them while insulting them. They were refused food.

After their detention in the border region the family was taken to a camp near Sofia. In the dilapidated old school building there was no heating, seldom electricity and running water for only a few hours a day. They slept in a large room with about 100 others. They had to pay for food themselves. Donations from NGOs were withheld from the asylum seekers by the camp staff.

Mrs H had further traumatising experiences during her 8-month stay in Bulgaria, particularly during and after the birth of her son. After the delivery the newborn was taken away and she was not allowed to see him for two days; he was not even brought to her for breast-feeding. Mrs H reports that before and during the birth she was ill-treated and hit by staff working in the hospital. She received hardly any medical assistance during and after the birth.

Mrs H went to hospital in early November 2013: “I was there for two days and no one came to see me”. After the birth she was unable to see her son for two days. Mrs H reports that she was very afraid that her son would be taken from her.¹⁸

“I had no opportunity to get medical help while in Bulgaria. My child was very sick with asthma and a cough. But there was no doctor and we had no money for medication”. A Syrian man who had lived there for a longer period gave her a juice for the children. Despite this the children were very sick and coughing a lot”.¹⁹

The family was given subsidiary protection in Bulgaria. After the grant the family had to leave the camp, but was unable to find accommodation or work. Due to the children’s ill health and the threat of homelessness the family left Bulgaria. Once in Germany, relatives immediately ensured that the children were given antibiotics.

¹⁸ From the medical report on Mrs H

¹⁹ From the medical report of Mrs H

After about three months in Germany the family was told by the Ministry of Migration and Refugees that there were not entitled to asylum and that there had been a decision to remove them to Bulgaria. As part of the legal case challenging this order, a psychiatrist assessed Mrs H. She has been severely traumatised by her experiences both in Syria and on her flight and can hardly sleep because of nightmares. She has been diagnosed with post traumatic stress disorder.

In his medical report the psychiatrist made a prognosis of severe deterioration of her psychological condition and a high risk of suicide should she be removed to Bulgaria. The outcome of the case was that the immediate removal to Bulgaria was avoided. Since then the family have a precarious "tolerated" status, living under threat of a future removal to Bulgaria.

Case study 9

The Kurdish-Syrian family P fled Aleppo with their three children aged between four and seven years of age. They travelled through Turkey to Bulgaria. After they were apprehended by the Bulgaria police in the border area, they endured six hours outside in the cold and were then detained in conditions which breached their human rights. In a prison they were woken every morning with prods from a stick. In Hermanli camp and a camp in Sofia the children became ill but were given no medical treatment. There were racist attacks on the camp. The family was eventually granted status and had to leave the camp. With the help of a trafficker they travelled to Germany. The six-year-old daughter and seven-year-old son are suffering post traumatic stress disorder. The family members have received notice of intention to remove them. The appeal against the decision is pending.

Escape from Aleppo

The Kurdish-Syrian family is from Aleppo. The father was a pharmacist and the mother a teacher. The fighting and bombardment of Aleppo hugely affected the family. The government wanted the father; he was on a list of those who were to be arrested because he had helped the injured and given them medical attention. Because of the bombardment the family fled to Afrin, where the father ordered medication for the injured. One of the parcels of medication fell into the hands of IS. When the family discovered this they fled Syria on foot to Turkey.

Capture and detention in the border zone

A trafficker took them across the Turkish-Bulgaria border, where the police apprehended them in November 2013. They were detained and spent a week and five days in various prisons in Chowo. Directly after they were apprehended the whole family was made to wait for six hours in the extreme cold. Then they all had to take their clothes off. The police

took the medication that they had brought for the children. They slept in a freezing room without blankets or toilet facilities. Then they were transferred to another prison.

The mother was accommodated with the children and another hundred or so other women and children, while her husband was accommodated separately with the men. In this prison they were woken every morning at 5am by being prodded with a stick, in order to be counted. The room in the prison was partitioned with mental wire, like in a chicken coop. They felt like animals. They remained in this prison for about a week. Then they were again transferred to another prison, where the mother was again accommodated with the children, in a small room together with 25 other people. Everything was filthy but at least they had food and drink.

Life in the reception centre

Eventually the family was transferred to a camp in Hermanli, which was made up of tents, and in which there were no heating facilities despite the winter cold. There was no shower. The hygiene facilities were very poor. The 4-year-old son fell ill with diarrhoea and vomiting but there was no doctor.

The camp was attacked from the outside. They threw stones at the asylum seekers until the police stopped them. Nevertheless the children were terrified and did not dare go outside, barely leaving the tent. After about a month, with the help of a volunteer interpreter, the family was transferred to a permanent reception centre in Sofia. The family now had a small room in which six of them lived (the brother of the mother had fled with them).

The sanitary conditions were awful. There were cockroaches everywhere, many of the children were sick, some with measles. The family's three children also fell ill. They had high fevers, coughs and colds, allergic reactions and lice. The father bought medication and treated the children himself. There was no doctor in the camp. A doctor was only called when there were serious injuries or emergencies.

In the camp, the anxiety and panic attacks, which the 6-year-old daughter had developed while fleeing Syria, worsened. She felt a man was following her. The parents could not tell whether this fear was real or imaginary, but in any case the daughter no longer left the room and cried day and night. The parents thought the daughter was going mad. There was no psychological support and no paediatrician.

Initially there was no food provided at all in the camp. In the last month they were given food once a day but they had to queue for hours to get this. The family was able to survive because relatives sent them money. The mosque also provided as much assistance as it could; once a month each family could come and receive food and clothing,

There was no option for the children attend school. Because everything had to be bought, the father tried to find work but he was refused permission to work. He then tried to find work directly asking whether there were jobs available. He asked a pharmacist but was told "we have nothing for you, go to Germany, even our children are going to Germany".

In general they experienced hatred from the population. They were told repeatedly that they were stealing jobs from the Bulgarians. They also witnessed several demonstrations against refugees in Sofia.

Homelessness on grant of status

After they received notice that they had been granted international protection, they were told to leave the reception centre. They refused, as they had nowhere to go but were violently forced out. They were told, "go to Germany". But at the time they had not received their documents, which is why the officials tolerated another family in the camp accommodating them.

After three days they finally received their documents and came to Germany, with the assistance of a trafficker, where they made a claim for asylum. On 26 June, they had an interview to decide the member state responsible for processing their claim, in which they truthfully declared their stay in Bulgaria. On 5 November 2014 there was an interview in relation to the asylum claim. They provided a medical certificate evidencing their 6-year-old daughter's severe post traumatic stress disorder. In the decision of 16 February 2015 the federal office acknowledges it and states "the welfare of the child should be a primary consideration even when determination safe third country assessments". Because of this there was no removal order but "as a more measured means, a notice of liability to removal".

Responsibility for the "actual implementation of the removal directions lies with the relevant office for the registration of foreigners, thus the decision to remove to the relevant third country member state does not interfere with the welfare of the child" the decision stated. On the same day the family received notification of their liability to removal. An appeal has been lodged. There is now an expert medical report certifying that the 7-year-old son and the 6-year-old daughter are experiencing severe post traumatic stress disorder.

3. Human rights abuses against refugees and asylum seekers in Bulgaria

The accounts provided to PRO ASYL, which describe the untenable situation in Bulgaria, match descriptions of the situation already published by other human rights organisations.

Abuse, police violence against asylum seekers, refoulement at the Bulgarian/Turkish border and violent, racially motivated attacks have been extensively documented in reports published this year alone. Physical and psychological abuse of asylum seekers and the serious deficiencies in Bulgaria's reception facilities and asylum system have been reported by organisations such as Amnesty International (2015), UNHCR (2014), Bordermonitoring Bulgaria (2014) and Human Rights Watch (2014).

Nationalism and political tendencies towards the extreme right wing as well as precarious economic conditions are the backdrop to a far-reaching racism, which exposes asylum seekers, and refugees to degradation, humiliation, discrimination and violence.

The reports refer to serious violations of article 33 of the 1951 Geneva Convention, Article 1 of the UN Convention against Torture, Article 3 of the European Convention on Human Rights and Article 4 of the EU Charter of Fundamental Rights (prohibition of torture and inhumane and degrading treatment). The arbitrary detention of asylum seekers also breaches Article 5 of the ECHR (the right to liberty and security).

3.1. The Syrian refugee crisis and the escalation of violence against asylum seekers

There has been a substantial increase in the incidences of violence against asylum seekers in Bulgaria since 2013, when those fleeing Syria increasingly made their way towards Bulgaria.

Since the summer of 2013 asylum seekers- mainly from Syria- have tried to reach Europe overland, through Turkey and Bulgaria. In 2013 about 11.500 asylum seekers crossed the Turkish-Bulgaria border; in total there were about 16.700 attempts to cross the border²⁰. Within a very short space of time the number of registered asylum seekers rose steeply. In 2012 about 1.385 people claimed asylum while in 2013 that number had risen to 7.145²¹. The increase in the numbers of asylum seekers was noticeable from July 2013 onwards and peaked in October/November 2013²².

Since the massive fortification of border controls on the Turkish- Bulgarian border and an increase of incidents of refoulement²³ there was a noticeable fall in the number of attempted crossings and asylum applications. From January to June 2014, UNHCR put the number of asylum seekers in Bulgaria at 1.514, compared to the 3.600 who crossed the border in October 2013 alone²⁴.

During the second half of the year there was another increase in the number of border crossings. According to the Bulgarian authorities a total of 38 500 asylum seekers attempted to cross the border illegally. About 6000 of these people – mainly from Syria, Afghanistan and Iraq – reached Bulgaria.²⁵ Despite unlawful push-backs and a significant increase in controls at the Turkish-Bulgarian border, they managed to reach EU territory.

Cooperation with the Turkish authorities to hinder border crossings was also going relatively “well”. By the end of October the General Secretary of the Bulgarian Minister for the Interior, Svetlozar Lazerov, announced that since the beginning of 2014 a total of 15.126 people had been prevented from crossing the border from Turkey to Bulgaria.²⁶ 4.000 people are said to have been apprehended by the Turkish authorities, who had been

²⁰ <http://www.unhcr.org/551abb606.html>

²¹ Eurostat 2014: Asylum applicants and first instance decisions on asylum applications: 2013:6

²² EASO 2014: EASO Operating Plan to Bulgaria. Stock taking report on the situation in Bulgaria 5

²³ see Bordermonitoring Bulgaria 2014 HRQ

²⁴ UNHCR 2014: Syrian refugees in Europe: What Europe Can Do to Ensure Protection and Solidarity: 8

²⁵ <http://www.unhcr.org/551abb606.html>

²⁶ Novinite 24 October 2014

alerted to their presence by the Bulgarian border patrols. Over 3.000 people are said to have been taken to detention centres.²⁷

While there was a reduction in the number of border crossings in 2014, particularly during the first half, at the same time the number of people seeking international protection rose. While in 2013 7.145 people made asylum applications in Bulgaria²⁸ in 2014 there was a 55% increase to 11.080 asylum applications.²⁹ Syrian asylum seekers made over half of these asylum applications.³⁰

It should be noted that asylum seekers report that asylum claims are often recorded without the knowledge of the applicant. Simply being fingerprinted counts as lodging an asylum application, according to asylum seekers arriving in other European countries from Bulgaria.

Due to the conditions in which asylum seekers and refugees live in Bulgaria, thousands have left Bulgaria to seek protection in other EU countries. But these people live with the constant threat of return to Bulgaria. The Dublin III agreement rules that asylum seekers have to complete the asylum procedure in the first EU country they entered. Those who have been granted protection status in Bulgaria are threatened with removal back there; From Germany because of the regulation relating to safe third countries.

Protection status without having lodged an asylum claim

In many cases asylum seekers are granted protection status by the authorities, without having made a claim for asylum. Often this happens after they have been forced to provide their fingerprints. Asylum seekers are frequently forced to sign forms whose contents they are unaware of, including asylum applications. Many asylum seekers report that there was no substantive interview relating to their reasons for claiming asylum. In many cases the only "interview" consisted of forcibly providing fingerprints under the threat of violence. In these cases there are no statements from the asylum seekers as to the persecutory treatment they experienced or their reasons for fleeing. Many asylum seekers say explicitly that they did not want to make an asylum claim in Bulgaria but they were threatened with longer-term detention if they did not³¹. After the decision on their status without a full consideration of their claim, an order to leave the camps and a life of homelessness and destitution the streets followed.

3.2. Militarisation of the border and push-backs

Since November 2013 1 500 police officers have been deployed to assist with the sealing of the Bulgarian-Turkish border, as one of the measures to strengthen border controls under the "Plan to contain the crisis stemming from the increased pressure of migration flows

²⁷ Novinite 24 October 2014

²⁸ Eurostat 2014 : Asylum applicants and first instance decisions on asylum applications: 2013: 6

²⁹ Eurostat 2015: Asylum applicants and first instance decisions on asylum applicants 2013:6

³⁰ Eurostat 2015: Asylum applicants and first instance decisions on asylum applications 2013:8

³¹ NDR, March 2015

into Bulgaria's national territory" under which access to Bulgarian territory is to be prevented as far as possible.

At the end of 2013, in the proximity of the Turkish city of Edirne, construction started on a 33 kilometre long border fence. The fence was completed in July 2014³². At the end of 2014 the Bulgarian government announced a planned extension of 82 kilometres³³.

In 2013 and 2014 the EU border patrol agency Frontex was active both on the Greek-Turkish as well as the Bulgarian-Turkish border as part of Operation "Poseidon Land". On 15 January 2014 Frontex deployed 170 additional experts³⁴ to the region. Frontex's 2014 budget for Operation "Poseidon Land" was about 2.673.544,90 Euro³⁵.

The border surveillance system Eurosur has also been operational in Bulgaria since the beginning of 2014. Stationary and mobile cameras and movement monitors were set up along a 58 kilometre long stretch of the southern Turkish-Bulgarian border in March 2014. Bulgaria has apparently invested about 20 million euro in the surveillance system, and about 15 million euro was contributed from the EU fund for projects on the EU's external borders.³⁶ In 2015 a further 100 kilometres of the border are to be monitored by the 24-hour surveillance system.³⁷

The Bulgarian border officials are not hesitant about carrying out illegal push-backs in the name of "border security"³⁸. Such refoulement prevents access to the asylum procedure, in breach of human rights principles.

In a report from April 2014 Human Rights Watch documented 44 cases of refoulement in breach of international law along the Turkish-Bulgarian border³⁹. Further research has produced corroborating reports of this practice. Cases involving similar brutal push-backs at the Turkish-Bulgarian border were documented by Bordermonitoring Bulgaria in April 2014.⁴⁰ In September Human Rights Watch publicised further cases of refoulement, which had occurred in August 2014⁴¹, and which involved around 43 Syrian asylum seekers. At the end of October the Bulgarian Interior Ministry declared that a total of 15.126 people had been prevented from crossing from Turkey to Bulgaria.⁴²

On 12 and 13 March the local press reported deaths in connection with a push-back operation. 12 Yazidi asylum seekers from Iraq are said to have been forced back into Turkey through the use of severe violence. Two asylum seekers are said to have frozen in

³² NZZ 23 December 2014

³³ <http://www.unhcr.org/551abb606.html>

³⁴ Minister of Interior: Report on the measures to Manage the Crisis: 13. IN Human Rights Watch 2014

³⁵ <http://frontex.europa.eu/operations/archive-of-operations/3hITVb?slug=poseidon-land>

³⁶ Amnesty International: The Human Cost of Fortress Europe. Human Rights Violations Against Migrants and Refugees at Europe's Borders: 18

³⁷ Amnesty International: The Human Cost of Fortress Europe. Human Rights Violations Against Migrants and Refugees at Europe's Borders: 18

³⁸ PRO ASYL 2014: Bulgarien: Brutale Push Backs an der türkischen Grenze

³⁹ Human Rights Watch 2014: Containment Plan. Bulgaria's Pushbacks and Detention of Syrian and Other Asylum Seekers and Migrants: 14ff

⁴⁰ Bordermonitoring Bulgaria 2014: Child beaten at EU border: Brutal Push Backs continue in Bulgaria 25.4.2014

⁴¹ Human Rights Watch 2014: Bulgaria: New Evidence Syrians forced back to Turkey

⁴² Novinite 24 October 2014

the border area. One of them had had his leg broken by the Bulgarian border police⁴³. On 31 March 2015 UNHCR called on Bulgaria to fully investigate the deaths of these Iraqi asylum seekers.⁴⁴

By early April 2014, the European Commission had already initiated infringement proceedings against Bulgaria because of the numerous reports of push-backs at the Bulgarian-Turkish border⁴⁵.

Due to the increased border controls and the serious human rights abuses through push-backs at the Turkish-Bulgarian land border, asylum seekers are increasingly using the route across the Black Sea to get to Bulgaria. Until now those who use this route are trying to get to Romania but there have also been apprehensions in Bulgaria's territorial waters.

3.3. Police violence at the border and detention “Like in a terrible film”

Asylum seekers report severe ill-treatment including rape and torture, shortly after crossing the Bulgarian border from Turkey⁴⁶. The reports show similar patterns of serious violence. After crossing the border the asylum seekers often find themselves lost in the forests in the Turkish-Bulgarian border area. After hours or days in which the asylum seekers experience hunger, thirst and cold, Bulgarian border officials or soldiers apprehend them. Already at this stage there are beatings, kicks, threats of gun use. They are then forcibly taken to detention centres where they stay in inhumane conditions.

In some cases these are the larger detention centres such as Elhovo, Lyubimets or Busmanti, in other cases they are derelict barracks or cellars, whose location the inmates cannot explicitly pin point (such as those in the area around Svilengrad and Roce). The reports are defined by horrific experiences: unacceptable sanitary conditions, and provision that is insufficient for survival. Ill-treatment, humiliation and the use of violence to force fingerprinting as well as overcrowding are common threads that run through all the reports. Again and again there are reports of families being detained for days without protection from the cold, sometimes in combination with deliberate deprivation of food and liquids⁴⁷. PRO ASYL even has access to a report documenting extremely violent rape.

Under Bulgarian law detention of asylum seekers is not permitted. Despite this, asylum seekers are regularly detained. After being apprehended at the Turkish- Bulgarian border, they are arrested by the border police for “illegal border crossing”. Many never find out whether proceedings have been initiated against them and receive no legal advice.

⁴³ BGN News 12 March 2015

⁴⁴ UNHCR, 31 March 2015: UNHCR concerned by border practices after deaths of two Iraqis at the Bulgaria Turkey border <http://www.unhcr.org/551abb606.html>; Novinite 1 April 2015

⁴⁵ ECRE, 4 April 2014: <http://ecre.org/component/content/article/70-weekly-bulletin-articles/666-european-commission-launches-infringement-procedures-against-bulgaria-and-italy-for-possible-refoulment-of-syrian-refugees.html>

⁴⁶ see for example: Bordermonitoring Bulgaria 2014: 12ff

⁴⁷ PRO ASYL, 23 May 2014:

http://www.proasyl.de/fileadmin/proasyl/fm_redakteure/Presserkl_Anhaenge/Erniedrigende_Behandlung_Syrische_Flu_echtlinge_in_Bulgarien.pdf

A study by the Centre for Legal Aid/Voice in Bulgaria documents that in most cases detention by border guards lasts three to six days, but in some cases extends to one to two and a half months (the organisation had conducted 478 interviews with asylum seekers between September 2013 and December 2014).⁴⁸ On top of this, asylum seekers were detained after making a claim for asylum until they have been registered with the state agency for asylum seekers (SAR).⁴⁹

Asylum seekers report that officials in Elhovo prison forced them to strip and to hand in their valuables and mobile phones. Humiliating practices, which include examinations for which detainees were naked and forced to turn around repeatedly, get up and sit down, have already been documented in earlier reports.⁵⁰ Individuals are forced to give their fingerprints, in some cases by withdrawing provisions, asylum seekers report. Food was provided only once a day and in many cases the food had gone off. The cells were totally overcrowded overrun with vermin and cockroaches. The rooms were not heated and there was no bedding or mattresses- the asylum seekers had to sleep on the bare concrete floor. More than 100 people shared a toilet.

3.4. Racist attacks and homelessness: “Life in Bulgaria is hell”

Reports of racist attacks against asylum seekers and Roma in Bulgaria are many, and suggest a shockingly high level of violence.⁵¹ The assaults range from verbal attacks and humiliation to discrimination and physical attack, sometimes of an extremely brutal nature.

Such harassment and attacks affect individuals during their search for work or accommodation, when going to visit the doctor as well as on the street. All those in the reception camps are affected by attacks on these camps. Discriminatory violence does not just affect the individual involved but their whole community. Racially motivated violence’s breaches a number of human rights, which Bulgaria is obliged to protect under international law. This includes the right not to be discriminated against, the right to life and physical integrity as well as the right to be free from torture or inhumane treatment.

⁴⁸Centre for Legal Aid/Voice in Bulgaria and ACET 2015: Vulnerability and Protection: Identifying vulnerable persons among asylum seekers in Bulgaria: 7

⁴⁹ Center for Legal Aid/Voice in Bulgaria and ACET 2015: Vulnerability and Protection: Identifying vulnerable persons among asylum seekers in Bulgaria:7

⁵⁰ Bordermonitoring Bulgaria 2014:12

⁵¹ ECRI report on Bulgaria. Published on 16 September 2014, Bordermonitoring Bulgaria 2014: 32ff, Amnesty International 2015: Missing the point. Lack of Adequate Investigation of Hate Crimes in Bulgaria

3.4.1. Inadequate investigation into racially motivated violence

There is very rarely any criminal investigation into racist abuse and violence against minority groups in Bulgaria.⁵² In a report published in February 2015 about violence against minority groups, Amnesty International criticised the absence of investigation into these crimes⁵³. Of the 50 migrants, asylum seekers, Roma and ethnic Turks interviewed, 30 reported having been the victim of racially motivated violence.⁵⁴

There are serious miscarriages of justice which occur in Bulgaria in the prosecution of racially motivated violence. Instead of prosecuting racially motivated violent offences as such, charges are brought in the category of hooliganism.⁵⁵ Although there may not be a difference in the sentencing of this crime in comparison with crimes which are racially motivated, it means they are treated as a different type of offence and this incorrect categorisation obscures the motivation behind these brutal offences, which target minority groups specifically. This was even upheld by the European Court of Human Rights in Strasbourg in a Judgment in March 2014 in the case of *Abdu v Bulgaria*:

“When investigating violent incidents triggered by suspected racist attitudes, the state authorities are required to take all reasonable action to ascertain whether there were racist motives and to establish whether feelings of hatred or prejudices based on a persons ethnic origin played a role in the event. Treating racially motivated violence and brutality on an equal footing with cases lacking any racist overtones would be tantamount to turning a blind eye to the specific nature of acts which are particularly destructive of fundamental human rights. A failure to make a distinction in the way in which situations which are essentially different are handled may constitute unjustified treatment irreconcilable with Article 14 of the Convention”.⁵⁶

As documented in the report published by Bordermonitoring Bulgaria, nationalism and extreme right wing political tendencies manifest themselves through both institutional discrimination- up to the highest political level- and through attacks by the population⁵⁷. The Council of Europe’s European Commission against Racism and Intolerance made this clear in their 2014 report “racist and intolerant hate speech in political discourse is escalating; the main target is now refugees”.⁵⁸

There has been a particular increase in islamophobic hate speech in Bulgaria. The one time director of the governmental refugee agency, Nikolai Tchirpanliev, when questioned during an interview about whether the Syrian refugees were really telling the truth about conditions in the Bulgarian camps said “it is well known that Arabs tend to lie. That is how this ethnic group is. This is how they live”.⁵⁹

⁵² ECRI report on Bulgaria 2014:16

⁵³ Amnesty International 2015: Missing the Point. Lack of Adequate Investigation of Hate Crimes in Bulgaria

⁵⁴ Amnesty International 2015: 8

⁵⁵ Amnesty International 2015: Missing the Point. Lack of Adequate Investigation of Hate Crimes in Bulgaria: 27

⁵⁶ European Court of Human Rights, *Abdu v Bulgaria* (application no 26827/08) 11 March 2014

⁵⁷ Bordermonitoring Bulgaria 2014:32

⁵⁸ ECRI Report on Bulgaria. Published on 16 September 2014: 9

⁵⁹ Balkan Insight 28 November 2014

Political forces such as the far right party ATAKA, who have had seats in parliament since 2005, fuel xenophobic and racist attitudes in the population⁶⁰. The head of the party is known for his openly racist views, such as in relation to the “gypsification” of Bulgaria, a theory which criminalises all of the Roma people. He has also received attention for his calls to forbid the construction of mosques to prevent the spread of Islam, and the publication of anti-Semitic books⁶¹. Other ultra nationalist parties and groups such as the NFSB (National Front for the Salvation of Bulgaria) or the BNU (Bulgarian National Union) are instrumental in promoting a racist political discourse.

Racist hate speech took on a new dimension following the arrival of a large number of Syrian asylum seekers at the end of 2013. Some politicians, including the then interior minister Tsvetlin Yovchev, declared that the asylum seekers were a burden and represented a danger to society⁶². A wave of protests against the establishment of more reception centres for asylum seekers followed, as did an increase in incidents of racially motivated violence.⁶³

Iliana Savova, leader of the refugee and migrants program of the Bulgarian Helsinki Committee stressed that the increase in racially motivated violence did not stem from the increase in numbers of asylum seekers in Bulgaria “Responsibility for the increase in hate crime and negative attitudes towards asylum seekers within the population lies with those in power, because nearly all political parties are spreading hate through the media. This strategy is again being deployed in poorer societies when those in power have failed and want to draw attention from their mistakes by identifying a recognisable ‘enemy’”.⁶⁴

3.4.2. Racist attacks on asylum seekers

Public campaigns against asylum seekers have repeatedly resulted in violence against asylum seekers or those who are seen to be such. In November 2013 a man of Turkish origin was brutally attacked by neo-nazis because he was taken to be an asylum seeker⁶⁵. The cases documented by PRO ASYL also describe racially motivated violence against asylum seekers as well as everyday discrimination.

These experiences of violence by asylum seekers and refugees are traumatic. Asylum seekers are looking for, and need, security. Often it has taken a huge effort for them, like for most Syrians, to escape war. Many have experienced grave suffering and lost family members. Many are weakened by illness and are traumatised by the atrocities experienced and/or witnessed. The racist attacks in Bulgaria affect them severely, reopening mental wounds and causing new injuries. Even if they have sufficient material provision- which is rarely the case in Bulgaria- they do not feel safe. They are in fact not safe, as safety requires

⁶⁰ 2013 Akta was voted into parliament for the third time with 7.39% of the vote winning 23 of 240 seats.

⁶¹ ECRI report on Bulgaria 2014:15

⁶² Le Courriers des Balkans, 14 November 2013

⁶³ ECRI report on Bulgaria 2014:16

⁶⁴ Al Jazeera 3 March 2015

⁶⁵ Amnesty International, 2 December 2013: Bulgaria must reign in xenophobic and racist violence after seven attacks in a month: <http://www.amnesty.ca/news/news-releases/bulgaria-must-rein-in-xenophobic-and-racist-violence-after-seven-attacks-in-a-mon>

a stable environment which allows people to find themselves and overcome the trauma they have experienced. The racist climate to which they are exposed in Bulgaria prevents this, even once they have been granted international protection.

Those who flee onwards from Bulgaria to another European country, regardless of whether they have been issued protection status or not, often fear return to Bulgaria more than they fear return to their destroyed countries of origin.

3.5. No prospects and “zero integration”

In a detailed monitoring report about the integration of refugees, the Bulgarian Council on Refugees and Migrants speaks of 2014 as a “year of zero integration”⁶⁶, a view echoed in the Bulgarian Helsinki Committee 2015 report⁶⁷.

For the first time since 2005 there was no integration program, which has previously laid out what support is to be provided to refugees and provided the financing for such support⁶⁸. Instead, an ambitious integration strategy for 2014-2020 was developed, however there are as yet no concrete plans for its implementation and no financing secured. For these reasons Bulgarian organisations fear that “zero integration” will continue through 2015.

While asylum seekers are accommodated in the various camps in very difficult circumstances, they at least have a roof over their heads, rudimentary provisions and theoretically at least, access to medical care. Those with international or subsidiary protection status are totally without support and expected to be totally self-reliant. Given that in 2014 there were 11.080 asylum seekers and 7.000 who were granted protection status, this represents a catastrophic situation⁶⁹.

Refugees with international protection receive no assistance in looking and paying for accommodation. They receive no social support, have de facto no access to the health system, can't take up any educational opportunities and find it very difficult to secure work. Families with small children, ill and /or traumatised people end up homeless and have no prospects of a dignified life in Bulgaria.

⁶⁶ Bulgarian Council on Refugees and Migrants, Annual Monitoring Report on Integration of Beneficiaries of international protection in Bulgaria, Sofia, December 2014

⁶⁷ Bulgarian Helsinki Committee and the European Council on Refugees and Exiles 2015: Asylum Information Database, Country Report: Bulgaria

⁶⁸ Asylum in Europe, 9 September 2015

⁶⁹ Eurostat 2014: Asylum applicants and first instance decisions on asylum applications 2013: 6/12

3.5.1. Camp or homelessness

For asylum seekers, and particularly for refugees with protection status, homelessness is one of the most pressing concerns. There is insufficient capacity in the reception centres to accommodate asylum seekers on a longer-term basis.

The current policy, as reported and corroborated by the Bulgarian Refugee Council, the Bulgarian Helsinki Committee and other organisations, is that only asylum seekers who are still in the asylum system have a right to be accommodated. After being granted refugee status as in need of international protection, the refugees usually only have 14 days before they have to leave the camp. Only in exceptional cases, the particularly needy are allowed to stay for up to six months. This very short “grace period” was already identified in 2012 as a significant risk factor resulting in the high rates of homelessness for refugees⁷⁰. Due to the absence of an integration program since 2014 the situation has become even more difficult, as refugees receive no financial support (for accommodation or benefits), and are therefore solely reliant on their own, often non-existent, resources.

Refugees with international protection cannot access the communal shelters for the homeless or social housing, as this would require at least one family member to have Bulgarian citizenship and to have been registered in the local municipality for a continuous minimum period. The only option is therefore to find accommodation through members of the community, friends or agents. Refugees who can afford to rent privately are vulnerable due to their very precarious situation and are often victims of fraud or exploitation. Rents are charged at twice or three times the usual rates as soon as the landlord realises that the potential tenant is a refugee, according to Maria Shestakova of the NGO “refugee project”⁷¹. There are frequent reports of refugees being thrown out of supermarkets being told that there is insufficient food for the Bulgarian population and therefore definitely not enough for those who are not Bulgarian.

Refugees without work or financial support from relatives abroad remain homeless. This is an unimaginable burden for the often traumatised refugees and represents a total lack of protection.

Added to this is the further difficulty that without accommodation access to other state or medical support is impossible. To be issued with a refugee document for example, a residential address is required.

Meanwhile in the accommodation facilities for asylum seekers the situation is also very difficult. Although many of the reception centres in Bulgaria were renovated for the cost of 6.8 million Euros (of this about 5.6 million Euros was from EU funds) the conditions remain bad⁷². Currently 3.800 asylum seekers are living in the reception centres; about 700 of these have been issued with protection status.⁷³

⁷⁰ Pamporov, A., Vankova, Z. and Shishkova, M. (2012): Where is My Home? Homelessness and Housing amongst Asylum Seekers and Refugees in Bulgaria. <http://www.refworld.org/pdfid/51b57c864.pdf>

⁷¹ Jungle World 22 January 2015

⁷² European Commission 2 November 2013 http://europa.eu/rapid/press-release_MEMO-13-1075_en.htm?locale=en

⁷³ Novinite 5 March 2015

Asylum seekers report overcrowded accommodation in which there are food shortages and catastrophic sanitary conditions and in which corrupt Bulgarian staff is making a financial profit from the desperation of the asylum seekers.

Following traumatic experiences of detention, many asylum seekers are taken to reception camps such as the now infamous Harmali camp. The military tents set up in the courtyard of the run down decommissioned military base were only replaced with containers at the end of 2013, after reports of the indefensible conditions in Hermanli reached the European public⁷⁴. The containers were unheated and much too small for the asylum seekers accommodated in them. In the reception centres asylum seekers are still met with inhumane conditions; there are insufficient sanitary facilities, infrequent electricity and insufficient food.

Support organisations and the media are only rarely allowed into the camps and the asylum seekers are told not to speak to them when they are. Necessary medical treatment is withheld. Again and again there is violence and other ill treatment by staff.

In January 2015 in a letter to the Bulgarian prime minister Bojko Borissow and all the parties represented in Parliament the Mayor of Harmanli, Hristo Liskov called for the camp to be fenced in, effectively detaining the asylum seekers.⁷⁵

3.5.2. Lack of social welfare

Given that, as previously detailed, in 2014 there was no national integration program for those granted refugee status as needing international or subsidiary protection, it was practically impossible for these individuals to exercise their socioeconomic rights. Without language skills or social workers who could have supported the refugees, the situation has worsened. According to official data published in the monitoring report of the Bulgarian Refugee Council, the Bulgarian state only made social welfare payments benefits in 12 cases.⁷⁶ This is in the context of 7000 people having been granted status in 2014 alone.

3.5.3. No access to the labour market

At the end of September 2014, 24 refugees with international protection were registered as jobseekers with the Bulgarian Ministry of Employment. 55 refugees and people with subsidiary protection had sought advice from the Ministry. Seven had found employment.

In interviews with 174 individuals with protection status, the Bulgarian Refugee Council learnt that of those in employment, most worked without a contract, in part earning only

⁷⁴ Doctors without borders 13 December 2013; Tausende Fluechtlinge aus Syrien- Wintervorbereitungen muessen dringend erfolgen: <https://www.aerzte-ohne-grenzen.de/article/tausende-fluechtlinge-aus-syrien-wintervorbereitungen-muessen-dringend-erfolgen>

⁷⁵ Novinte 22 January 2015

⁷⁶ Bulgarian Council on Refugees and Migrants, Annual Monitoring Report on Integration of beneficiaries of International Protection in Bulgaria, Sofia, December 2014:49

15 Bulgarian Leva (less than 8 Euros)⁷⁷ a day. This is insufficient for a family to live off in Bulgaria. It was also reported that some employers exploit the refugees, some of whom are not paid their wages in full. Those without work or other means of financial support live in life threatening poverty.

When assessing access to the labour market, the Bulgarian Refugee Council identified the following as particularly problematic: inadequate language skills, lack of documented evidence of educational and professional achievements and the fact that many refugees are unable to provide an address, a requirement before advice is provided by the Ministry of Employment.

While SAR, the refugee agency, has previously provided language courses, since July 2014 these are no longer available given the lack of a national integration program which would allocate funding for these courses.

Since then Caritas Bulgaria provides language courses for asylum seekers in the reception centres, with support from UNHCR. Between August and November 2014 48 children and 12 adults were awarded a language acquisition certificate after having completed the courses. Among the graduates were 8 refugees with international protection.

Until 2014 SAR also financed professional training courses. 25 refugees obtained professional qualifications through such courses. Now these training courses are no longer available. Caritas Bulgaria was able to help 19 asylum seekers obtain a professional qualification.

Given that there were 11.000 asylum applications and 7.000 individuals recognised as refugees in 2014 alone, the figures show that effective integration of refugees into the labour market is negligible.

3.5.4. Lack of access to the education system

The vast majority of the children of refugees and asylum seekers in Bulgaria do not attend school. In 2014, 15 refugee children entered the education system, having passed an entrance exam. In the school year of 2014/2015 45 children were registered at schools, of whom 19 had already left the county. The authority responsible for asylum seekers, SAR, reports that 825 minors have been registered as present in Bulgaria.

Through interviews with asylum seekers and refugees the Bulgarian Refugee Council identified a range of problems faced by children of asylum seekers/refugees, including:

- A lack of information about the school system in the languages understood by the refugees
- An absence of means of transport between the reception centres and schools
- A lack of financial resources to pay the costs of attending school

⁷⁷ Bulgarian Council on Refugees and Migrants, Annual Monitoring Report on Integration of Beneficiaries of International Protection in Bulgaria, Sofia, December 2014

3.5.5. Lack of access to medical care

There is no guarantee of access to medical care for those who have been granted refugee or subsidiary status. While their claims are being processed and they remain in the reception centres, asylum seekers are theoretically able to access medical assistance there, or to be transferred from there to hospitals or clinics. However, as the cases detailed by PRO ASYL show, in practice this is far from certain with asylum seekers having to fight hard to secure essential medical treatment.

As soon as their claims have been processed, the refugees must leave the reception centres, as previously described. Once they have left the camp there are a number of barriers to accessing health care.

There is a monthly contribution to be paid towards healthcare, and refugees and those with subsidiary protection have to pay this themselves, as there is no state support for medical care. However this contribution does not cover medication or psychological treatment, which are exactly the provision traumatised refugees and victims of torture most need.

Even those who do make the monthly contribution towards health care rarely benefit from the system. To obtain any medical treatment, one needs to be registered on a general practitioner's list, which means that even those who are insured (having made the monthly payments) cannot access the treatment if they are not registered with a general practitioner. It is the general practitioner who is able to prescribe medication or make referrals to specialists.

Employees of "The Voice in Bulgaria" and "Doctors without Borders" agree that this is a significant hurdle for various reasons, not least because the general practitioner's patient lists are limited in number. This means some doctors will not have any free spaces to give to refugees. At the same time practitioners who have spare places on their lists are often unwilling to give these to refugees. Prejudice and stereotyping plays a role, but so too does the experience that refugees very rarely remain where they have registered, instead fleeing onwards. The doctors then face a significant bureaucratic and administrative hassle to free up the place on their list again. To mitigate this risk, refugees are not given the places on the lists.

The Bulgarian Refugee Council reports of a survey of the 130 general practitioners, which found that only four were prepared to take refugees onto their patient lists. An absence of language skills and a lack of awareness of how the Bulgarian health system works complicate the situation further.

Therefore, even once they have been granted refugee status, those who suffer from serious illnesses are often unable to access treatment, risking their health.

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Annex: Statistics

BULGARIAN STATE AGENCY FOR REFUGEES
Information for asylum seekers and decisions taken
01.01.1993 - 28.02.2015

<i>Year</i>	<i>Applications submitted</i>	<i>Refugee status granted</i>	<i>Humanitarian status granted</i>	<i>Refugee status refusals</i>	<i>Terminated procedures</i>	<i>Total number of decisions</i>
1993	276	0	0	0	0	0
1994	561	0	0	0	0	0
1995	451	73	14	6	28	121
1996	283	144	13	28	132	317
1997	429	145	2	28	88	263
1998	834	87	7	104	235	433
1999	1349	180	380	198	760	1518
2000	1755	267	421	509	996	2193
2001	2428	385	1185	633	657	2860
2002	2888	75	646	781	1762	3264
2003	1549	19	411	1036	528	1994
2004	1127	17	257	335	366	975
2005	822	8	78	386	478	950
2006	639	12	83	215	284	594
2007	975	13	322	245	191	771
2008	746	27	267	381	70	745
2009	853	39	228	380	91	738
2010	1025	20	118	386	202	726
2011	890	10	182	366	213	771
2012	1387	18	159	445	174	796
2013	7144	183	2279	354	824	3640
2014	11081	5162	1838	500	2853	10353
2015	2117	626	41	71	865	1603
Total	41609	7510	8931	7387	11797	35625

Quelle: State Agency for Refugees

www.aref.government.bg/docs/Applications-Decisions-1993-2015%20-%20english215.xls

