

AMNESTY INTERNATIONAL BRIEFING

REFUGEES IN BULGARIA
TRAPPED IN
SUBSTANDARD
CONDITIONS

**AMNESTY
INTERNATIONAL**



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INTRODUCTION

Since July 2013, Bulgarian media has begun reporting on the rapidly growing numbers of refugees and migrants apprehended on the border with Turkey. Whereas the total number of people crossing the border irregularly was about 1,700 in 2012, it reached 10,200 in 2013.¹ The numbers escalated in October 2013 when 3,600 refugees and migrants entered Bulgaria. Most of them were from Syria, the second largest group amongst them was Afghan nationals.

Bulgarian authorities failed to take adequate measures to respond to the large number of people arriving in Bulgaria. Hundreds of people in the need of international protection ended up living for months in substandard conditions without access to asylum procedure. On 29 November, the European Commission made public that it provided 5.6 million Euros to Bulgaria in support of “managing the increased influx of asylum seekers and improve the situation on the ground for refugees.” The funding was provided for improvement of the reception and accommodation for asylum seekers and in ensuring their access to medical and psychological care.²

The growth of the number of refugees coming to Bulgaria seems to coincide with intensified efforts by Greece to seal off its border with Turkey. Amongst measures taken, with the financial support provided by the EU, the Greek government invested millions of Euros on surveillance, policing and building a fence.

While the Bulgarian authorities proved unable to adequately respond to the needs of the large number of refugees – many of them fleeing war – they were prompt in taking measures to enhance the policing of the border, including deploying additional police officers and starting the construction of a 30 kilometres-long fence. Increased policing of the border was noticeable in mid-November 2013, when some 1,200 additional police officers assisted by a number of officers from Frontex, the European Border Agency, had been reportedly deployed to the Bulgaria-Turkey border.³

‘Fortress Europe’ is thus showing its face in a new member state. And those most vulnerable and in need of a protection are paying the real price for it.

DETENTION IN THE BORDER POLICE CUSTODY

"We crossed the border and they arrested us. We were hungry. When we came here, it was a shock... We want to apply for asylum, we just don't know how to do it."

A Syrian man, father of three held in Elhovo border police custody in November 2013.

The majority of refugees and migrants enter Bulgaria irregularly, without documents, through the woods on the border with Turkey. After crossing the border they are stopped and taken to the border police custody. Under the Law on Foreigners, when a person enters Bulgaria without the required documents, he or she is considered an 'illegal immigrant'. The first experience of those entering Bulgaria in this manner is detention in border police facilities and the threat of being deported.

The border police custody in the town Elhovo hosted about 500 people at the time of Amnesty International's visit in early November 2013. Until July, the police would apprehend not more than 15 people per day. As the numbers of refugees and migrants significantly rose during summer 2013, the border police turned an unheated old gym consisting of six large cage-like courts into additional detention facility. *"One [court] for Africans, one for Afghans and one for Syrians..."* explains one of the asylum-seekers. The gym offers substandard accommodation. Some people are sleeping on benches covered with blankets but the majority has to cope with sleeping on the floor. The sanitation facilities are inadequate – there are less than 10 toilets, they are dirty and insufficient for 500 people, many reported that they were using plastic bottles instead.

Although under the Bulgarian legislation,⁴ the border police should not detain people for longer than 24 hours, in practice this extends from two to four days in the case of Syrian nationals. People of other nationalities reportedly stay at border police custody for up to 10 days. From there they are transferred to a "distribution centre" located a few streets away from which people are placed to different facilities according to their legal status. Those who apply for asylum are transferred to one of the reception centres under the State Agency for Refugees. As a result, their deportation order is suspended and they shall not face the prospect of detention while they are in the asylum-procedure. The rest are transferred to detention centres for irregular migrants.

People detained in the Elhovo "distribution centre", visited by Amnesty International in November 2013, did not have access to official information and any assistance regarding their legal status. Most of those Amnesty International spoke to reported that they didn't understand what was written in the deportation and detention orders as well as other documents given to them and that they lacked information on their status and the possibility of applying for asylum.

The Elhovo "distribution centre", is a school turned into a detention facility where families, single women and men spend one to four days. Each corridor is secured with locked bars; shared rooms are equipped with bunk beds with blankets.

“EMERGENCY” RECEPTION CENTRES

“We are forgotten here, we are... invisible.”

Z., a Syrian man, in a closed, camp-like, centre for asylum-seekers in Harmanli

Once the numbers of asylum seekers in Bulgaria reached 6,000 in late September 2013, the State Agency for Refugees announced that the reception centres reached full capacity.⁵ In a response to what they called “an influx of migrants”, the Bulgarian authorities opened new four reception centres. Two are located in abandoned schools in Sofia in the districts Voenna Rampa and Vrazhdebna, one in a former military complex in the town of Harmanli and one in a former summer camp in Kovatchevtsi. Without being converted into accommodation facilities, the “new” centres offer wholly inadequate living conditions.

HARMANLI

The biggest of the “emergency centres” for refugees is in the town of Harmanli, about 30 kilometres away from the Turkish border. This closed centre, effectively a detention centre was opened in mid-October. At the time of Amnesty International’s visit, the length of the stay varied between a few days and a month.⁶ Harmanli accommodates over 1,000 asylum seekers, mainly from Syria and Afghanistan, in tents, containers and a dilapidated building. People living in tents have no access to sanitation facilities. Although there are four toilets in a building at the entrance of the centre, they are frequently blocked and hardly adequate for the hundreds of residents. The tents are unheated and the residents sleep either on thin mattresses or on old foldable beds. In December, the authorities started relocating people from the tents to the unfinished buildings in the complex. Although it was snowing and the temperatures were below 0 degrees, there were reportedly still about 10 families with children staying in the tents as of 10 December.

At the time of Amnesty International’s visit, in November 2013, about 200 people were “accommodated” in a disused building and sleeping in two large rooms full of smoke from improvised stoves. Pregnant women, little children, as well as men and women of various ages had to cope with lack of beds and blankets; lack of access to medicine and food.

In the absence of government-run supply of food for refugees and migrants, a group of volunteers, Friends of Refugees, started to organize regular food distribution to Harmanli and other centres. The food deliveries organized by volunteers and charities include mainly potatoes, rice, beans, fruits and bread. Other products are sold informally – by those who manage to get a permission to leave the closed centre in Harmanli – for a price reportedly five times higher than in the local shops. “Some of us don’t have money [anymore] and we need food...” explained one of the Syrian refugees detained in the centre.

Harmanli hosts a large number of people in need for medical care, including women in advanced stages of their pregnancies, people injured during the war, individuals suffering chronic diseases and mental health problems. Despite this, there is no medical care provided – except for emergencies – and no access to psychological counseling. In a response to the lack of access to medical and psychological care for asylum seekers that is required by the EU legislation, a humanitarian organization, Médecins Sans Frontières announced in

November that it will open a health post in the Harmanli camp.⁷

Bulgarian authorities admitted that this reception centre is not an adequate accommodation facility and stated that it was opened as an emergency solution. “Harmanli is the last resort but currently it’s the only solution we have,” the deputy Minister of Interior, Plamen Angelov told Amnesty International.⁸

In November 2013, the State Agency for Refugees had no capacities to administer asylum applications in Harmanli.⁹ Some of the estimated 1,000 residents were occasionally taken to interviews for the purposes of their asylum applications to a nearby reception centre in Pastrogor. The majority, however, hadn’t had their interviews yet even though they had lodged asylum applications two or even three weeks ago. In general, people detained in Harmanli lacked information on their status and the length of time they were going to spend in the centre. The overall feeling among people in the centre was that they were being held in prison conditions.

“At the borders, they told me that I’ll get my documents in Harmanli. I got here and I don’t know anything... They told us that this will be a camp just for Syrians, that Syrians are treated differently...” explains Devar, a medical student from Syria.

There are over 3,300 Syrian refugees living outside the reception centres in Bulgaria. The way out of Harmanli is through a person who – upon a payment that varied between 100 and 200 Euros – provides an asylum seeker with a proof of address. The State Agency for Refugees then registers the person as living in an external address and no longer requires them to remain in the reception facilities. This also means that the authorities are no longer obliged to provide financial allowance to asylum seekers¹⁰ living at a private address. In practice, the system very often attracts fraudsters who take money from people for a promise of accommodation that they never deliver. A number of asylum-seekers are thus rendered homeless and vulnerable in the streets of Sofia.

This was the case of a 35-year old man from Syria who died in Sofia in mid-November 2013. After being released from Harmanli and left without any accommodation in the capital, he and his family sought shelter in a centre for asylum-seekers Voenna Rampa. He was already unwell when they were admitted at the centre and died of a heart-attack on 21 November.

VOENNA RAMPA

“Many people come to Bulgaria because they are running away from the war. But after this [experience] many of them prefer Syria,” M. a Syrian asylum-seeker in Voenna Rampa, 27 November 2013.

Those who managed to leave Harmanli ended up in another emergency centre in Voenna Rampa, a district of Sofia. It is an “open” reception centre guarded by police and a security company. On average, people had been staying there for about a month and already had their interviews for asylum application.

The centre was opened in September 2013 in an abandoned school. At the time of Amnesty International’s visit in November, the centre provides accommodation for about 800 people, including 390 children. Many of them are sleeping on the floor, some on mattresses others

only on blankets. The government is not providing food for this emergency centre and asylum-seekers rely on donations. The financial allowance¹¹ can barely cover expenses for food, medicine and other needs. One of the biggest concerns of people interviewed by Amnesty International was access to health care. The state does not provide for a doctor or a nurse based in the centre. There is no assistance in the form of psychological or trauma counseling. The head of the centre in Voenna Rampa admitted that access to healthcare is indeed a problem along with overcrowding and sanitation.

Barzam is accommodated with about 60 other people in a gymnasium of a former school. *“It is snowing now and it is very difficult to live here. The heating [in the gymnasium] hasn't been working for the past three days... We were given some extra blankets but it was very cold. There are families with small children...”* The heating in the centre was eventually repaired but concerns over cold and fear of the coming months among people persisted.

VRAZHDEBNA

The “emergency” reception center in Vrazhdebna, a district in the outskirts of Sofia is packed with asylum seekers. Although it is an open reception centre, its residents are free to come and go only during the day – they are locked up at night. The length of their stay in this provisional accommodation varies between two weeks to two months. A dilapidated building hosts about 400 people. Over 80 per cent of them are from Syria. Bulgarian authorities told Amnesty International of improvements made to the living conditions in Vrazhdebna, including ensuring heating and basic repairs such as replacing broken windows. However, during Amnesty International’s visit in the centre in November, men women and families – many of them with young babies – were living in overcrowded conditions. Most of them complained about the lack of information over the situation and were unsure of how long will have to stay there.

TOWARDS CLOSED CENTRES FOR ASYLUM-SEEKERS?

There is a general acknowledgment in Bulgaria that its asylum system was not prepared for large numbers asylum-seekers and that it needs to be reformed. Regrettably, rather than pursuing the necessary changes by ensuring access to the asylum procedure and adequate reception conditions, Bulgarian authorities are taking measures that may worsen the current crisis and lead to further violations of the rights of refugees, such as detention of asylum seekers which under international law can happen only under exceptional circumstances.

On 14 November, the government adopted an amendment of the Law on Asylum and Refugees to introduce general detention of all asylum seekers. Under the amendment, the detention in “centres of closed type” will affect all asylum seekers regardless of their vulnerability, age or special needs. International standards require that detention of asylum-seekers only be used as a measure of last resort following an individual assessment of each case and only after non-custodial alternatives have been considered.

Recognized refugees should never be detained for immigration purposes. In a statement on 22 October 2013, the United Nations High Commissioner for Refugees states that “most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition... since they will have a well-founded fear of persecution linked to one of the Convention [1951 Convention relating to the Status of Refugees] grounds.”¹²

Whilst the Bulgarian asylum system fails to ensure timely and unimpeded access to asylum procedure and provide adequate reception conditions, the authorities opt for measures that infringe on the rights of asylum-seekers. Rather than addressing the existing problems of the State Agency for Refugees to process the large number of application and to accommodate asylum-seekers in adequate reception conditions, the amendment risks legalizing the situation when asylum-seekers are locked up in camps for the duration of the asylum procedure. In its criticism of the amendment of the Law on Asylum and Refugees, a local NGO, the Bulgarian Helsinki Committee highlighted that it is not in compliance with the EU Directives¹³ on reception conditions and asylum procedures.¹⁴ They also expressed concerns that the provisions of the amendment will further complicate the asylum procedure.

RECOMMENDATIONS

To the Bulgarian government

- To end the automatic detention of asylum-seekers.
- To immediately end the immigration detention of people known to have strong grounds for international protection, such as refugees from Syria.
- To take immediate measures in ensuring that reception conditions for refugees and migrants provide an adequate standard of living that guarantees their subsistence and protects their dignity, physical and mental health.
- To put measures in place for assessment of special needs and identification of vulnerable groups, including torture survivors, those with serious medical conditions, pregnant women or elderly, coming to the country and ensure they are treated in accordance with their needs.
- To make sure that emergency funding provided by the EU or bilateral agreements is channelled to ensuring reception conditions are in line with the international human rights standards and EU legislation.
- To ensure that the registration of asylum applications takes place no later than six working days after the application is made, as required by the Asylum Procedures Directive (2013/33/EU).

To EU member states

- To enhance efforts to resettle refugees from first countries of asylum and transit countries outside Europe, by increasing quotas for annual arrivals and simplifying resettlement processes.

ENDNOTES

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- 1 Ministry of Interior, Bulgaria. Daily report on the situation at the borders with Turkey and Greece, 14 November 2013.
 - 2 European Commission grants €5.6 million in emergency funding to Bulgaria to address the increased influx of asylum seekers. 29 November 2013. A press release is available here: http://europa.eu/rapid/press-release_MEMO-13-1075_en.htm
 - 3 Amnesty International interview with the director of Migration Directorate, Sofia, 15 November 2013. Also see: <http://www.novinite.com/articles/155426/Bulgaria+Closes+%27Green%27+Border+with+Turkey+to+Stop+Refugee+Wave>
 - 4 The Law on the Ministry of Interior, Article 64 in relation to Article 63, Para. 1, Item 5.
 - 5 See: <http://www.novinite.com/articles/154489/Another+93+Asylum-Seekers+Enter+Bulgaria+in+24+H>
 - 6 11 November 2013
 - 7 See: <http://www.msf.org/article/bulgaria-syrian-refugees-face-appalling-conditions>
 - 8 Interview with Amnesty International, 12 November 2013.
 - 9 The director of the State Agency for Refugees informed Amnesty International that they will soon employ 50 additional people. 13 November 2013.
 - 10 65 Leva, an equivalent of 33 Euros
 - 11 65 leva per month
 - 12 UNHCR, *International Protection Considerations with regard to people fleeing the Syrian Arab Republic*, Update II, 22 October 2013, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/5265184f4.pdf>
 - 13 The Reception Conditions Directive (2013/32/EU); The Asylum Procedure Directive (2013/33/EU)
 - 14 Bulgarian Helsinki Committee. *Position on the Law on Asylum and Refugees draft amendments*. November 2013

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