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4.7.2.1. House rules and measures for applicants with disruptive behaviour

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icon for house rules and measures in reception

The house rules for reception facilities were amended in Slovenia, while in the Netherlands, Norway and Switzerland, the focus has been on preventing violence and disruptive behaviour within and in the vicinity of reception centres.

The International Protection Act was amended in Slovenia and the new sanction system for breaching house rules of the reception facility started to be applied as of November 2021. The implementing acts were also adopted, including a decree on house rules in reception facilities.[731] The Legal Information Centre for NGOs assessed that moving an applicant to a special, separate room as a sanction to a severe violation of the house rules de facto amounts to detention.[732]

The Justice and Security Inspectorate in the Netherlands (which supervises the implementing organisations of the Ministry of Justice and Security) published a follow-up study on the approach to applicants with disruptive behaviour.[733] The report notes and welcomes the improvements since 2018, when the first specialised reception facilities for applicants with disruptive behaviour were established. But it underlines the difficulties that persist in regular reception facilities, which seem to lack sufficient powers, expertise and means to limit the impact of the behaviour of a small group of applicants, mainly originating from safe countries of origin. The inspectorate listed several recommendations, including:

i) providing more resources and building the expertise of COA employees to be able to effectively deal with the situation;
ii) ensuring that the police uses all criminal law options to pursue perpetrators; and
iii) the IND prioritising cases of disruptive applicants and at the same time the police, the IND and DT&V ensuring arrangements for an effective return and examining possibilities to exchange information within the EU on disruptive applicants.

The State Secretary for Justice and Security reacted that the occurrence of disruptive behaviour is complex. Many disruptive applicants, some of whom are unaccompanied minors, have a drug or alcohol addiction combined with mental health issues. The State Secretary therefore

suggested improving collaboration with and access to regular care facilities, while avoiding the creation of a parallel health care system for asylum applicants.734

COA and the IND have translated these recommendations from the Justice and Security Inspectorate into action, including an increased use of addiction experts and collaboration with health services and police. In addition, COA has worked out a plan of action to deal with residents with disruptive behaviour and co-developed an agenda with all chain-partners to counter applicants with disruptive and criminal behaviour in and outside of reception facilities. In 2022, the COA will implement two projects with AMIF funding, one focusing on unaccompanied minors who require more supervision and guidance in a small-scale reception facility and the other developing methods to counter disruptive behaviour by unaccompanied minors and improving the safety of residents and staff in facilities for unaccompanied minors *(see Section 5)* .735

In Switzerland, the special centre for applicants with disruptive behaviour in Les Verrières was reopened again in February 2021, after it was temporarily closed in September 2019.736 The State Secretariat for Migration noted after a month that the security situation had improved in the other centres, and there were fewer incidents reported after placing 21 applicants in the special centre with reinforced supervision and experienced staff.737 This was part of the measures the organisation has implemented following the 2020 report from the Swiss National Commission for the Prevention of Torture mentioning reports of several incidents in federal asylum centres when security personnel used excessive force or implemented disproportionate measures.738

The State Secretariat for Migration also launched an internal audit to review and improve internal processes related to security. Supervisory staff were deployed in federal asylum centres, and security personnel were instructed to reach out to them to de-escalate conflicts. Pilot projects were launched to engage Muslim chaplains and organise consultations on addictions. The organisation also examined setting up an external agency to collect applicant complaints.739

Still, media reports persisted in the first half of 2021 about the excessive use of force in Swiss federal centres.740 For example, a report from Amnesty International documented abuses committed by the security personnel in 2020 and at the beginning of 2021.741 In response, the State Secretariat for Migration appointed a former federal judge to investigate externally the allegations, who found no indications of systematic violence and concluded that the incidents involved a few security officers and criminal investigations were opened.742 The report made additional recommendations, such as to review and revise the training for security personnel, review and clarify rules for disciplinary measures and the legal basis for the use of coercion, and provide staff with police training in key positions of federal asylum centres.743 The civil society platform, humanrights.ch, believed there were weaknesses in the report’s methodology and did not categorically exclude the possibility of structural violence.744

The UDI in Norway announced a tender for a new supplier to train reception staff who lead dialogue groups on violence in reception centres.745 The dialogue groups are offered for men and boys over the age of 15, and the UDI was considering developing a similar scheme for

women. The programme is part of the new national action plan aiming to prevent negative social control and honour-related violence.[746]

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