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3.6.3.1. House rules and measures for disruptive applicants

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Reception authorities have noted an increase in applicants with disruptive behaviour over the past few years, thus legislative changes and policy efforts were made in 2023 to minimise the impact of such behaviour on the functioning of reception facilities.

In Czechia, the law was amended to allow a worker designated by the reception facility operator to prevent an applicant from entering or remove them from the facility if the applicant is under the severe influence of alcohol or other addictive substances, or if the person is a threat to him/herself or to others, to the property, public order or had already caused harm.591In this case, the applicant would not be merely removed from the centre, but further appropriate steps are taken, such as bringing the applicant to a sobering centre in case of alcohol or substance intoxication. For cases when the intoxication is manageable and it is not necessary to prevent the applicant from staying on the premises of the reception facility, another procedure applies and, for example, the applicant is placed in a separate room.

A new regulation was adopted in Spain on sanctions for breaching the house rules in reception facilities. The new legislation was better aligned with the provisions of the recast RCD and ensured an improved legal certainty and proportionality of the sanctions. The behaviours leading to sanctions are defined in more detail and are categorised as minor, severe and very severe. Sanctions are adjusted to the severity of the breaches.592

The Dutch government continued to offer funding to municipalities to implement projects to prevent and manage issues caused by applicants with disruptive behaviour.593The Minister for Migration addressed the findings of the Inspectorate of Justice and Security on the enforcement and supervision location (HTL) and replied to criticism on the alleged lack of a legal basis for the use of force by special investigating officers when an unsafe situation posed a threat to the safety of employees and residents. Other recommendations from the inspectorate were swiftly followed up and COA updated its policy plan on preventing and managing aggression in reception facilities.594

The house rules in the initial reception facility were challenged, and the German Federal Administrative Court concluded that the mere entry into a room in an initial reception centre by the police for the Dublin transfer of an applicant cannot be interpreted as a ‘search’ under the Basic Law and did not require a prior judicial search order.

UNCAT welcomed the investigations which were undertaken on the excessive use of force and abusive treatment in Swiss federal asylum centres, but it remained concerned about continued reports on individual cases of ill treatment and instances of sexual violence.595UNHCR recommended changes to the draft law amending the Asylum Act to provide for a clear disciplinary system in case of violations of house rules in federal reception centres.596The organisation also collected information in federal reception centres to analyse the impact of the asylum system reform which was introduced in 2019, specifically on reception, and – among other recommendations – underlined the importance of training reception staff on conflict prevention and the de-escalation of violence.597The SEM recruited violence prevention and personal safety officers for each asylum region at the end of 2023, who were tasked with overseeing violence prevention mechanisms and training security staff.598

- 591173/2023 Sb. Zákon, kterým se mění zákon č. 325/1999 Sb., o azylu, ve znění pozdějších předpisů, zákon č. 326/199 [Act No 173/2023 Coll. Act amending Act No 325/1999 Coll., on asylum, as amended, Act No 326/1999 Coll., on the residence of foreigners in the territory of the Czech Republic and amending certain laws, as amended, and others related laws], 2023.

- 592Ministry of Inclusion, Social Security and Migrations | Ministerio de Inclusión, Seguridad Social y Migraciones. (2023, August 3). *Orden ISM/922/2023, de 6 de julio, por la que se desarrolla el régimen disciplinario del sistema de acogida en materia de protección internacional [Order ISM/922/2023, of July 6, 2023, which develops the disciplinary regime of the reception system in matters of international protection.]*.

- 593Central Agency for the Reception of Asylum Seekers | Centraal Orgaan opvang asielzoekers. (2023, September 28). *Specifieke uitkering voor gemeenten [Specific allowance for municipalities]*.

- 594Central Agency for the Reception of Asylum Seekers | Centraal Orgaan opvang asielzoekers. (2023, April 5). *Staatssecretaris reageert op brief Inspectie Justitie en Veiligheid over handhavings- en toezichtlocatie [State Secretary responds to letter from the Justice and Security Inspectorate about enforcement and supervision location]*.

- 595United Nations Committee against Torture. (2024, March 27). *Concluding observations on the eighth periodic report of Switzerland*.

- 596United Nations High Commissioner for Refugees. (May 2023). *UNHCR-Empfehlungen zur Änderung des Asylgesetzes (AsylG): Sicherheit und Betrieb in den Zentren des Bundes [UNHCR Recommendations amending Regulation (EC) Asylum Act (AsylG): Safety & Operations in the centres of the Federal]*.

- 597United Nations High Commissioner for Refugees. (November 2023). *UNHCR-Empfehlungen Zur Unterbringung Von Asylsuchenden In Den Bundesasylzentren (Baz) [UNHCR Recommendations on the accommodation of Asylum Seekers In The Federal Asylum Centres (Baz)]*.

- 598Federal Office for Gender Equality | Eidgenössisches Büro für die Gleichstellung. (2024, May 15). *Schulung Mitarbeitende der Bundesasylzentren im Rahmen des Gewaltpräventionskonzepts und Schulung der Mitarbeitenden in der Opfererkennung und Unterstützung im Rahmen des Leitfadens «Personen mit besonderen Bedürfnissen» [Training of staff of the Federal Asylum Centres as part of the violence prevention concept and training of staff in victim identification and support within the framework of the guideline "Persons with special needs"]*.

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