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4.7.2.4. Reception conditions

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icon for entitlements to material reception conditions

The lack of reception places led to overcrowding and sub-standard reception conditions in many countries, including in Belgium, Italy and the Netherlands *(see Section 4.7.2.1)*. Courts expressed concern in the framework of the Dublin procedure about reception conditions in Croatia and Lithuania. The Croatian Ministry of the Interior signalled that the Dublin Procedure Department had not received official information on such cases. The Italian and Romanian administrations had to temporarily suspend Dublin transfers due to a lack of reception capacity, in addition to other factors *(see Section 4.2)*.

The European Commission sent letters of formal notice to Belgium, Greece, Portugal and Spain for failing to transpose in a conform manner all provisions of the recast RCD.628 Fedasil underlined that in Belgium this was because the organisation was unable to provide accommodation to many applicants (mainly single men), and not due to the reception conditions not meeting the standards. Several court cases concerned the situation of minors being accommodated in adult reception centres or even detained, without safeguards for their special needs *(see Section 5)*.

In 2022, several renovations and infrastructure works were undertaken at reception facilities in Hal Far in Malta, for instance, new sanitary facilities and green landscaping.629 The Council of Europe's Commissioner for Human Rights published a report at the beginning of 2022 following her visit to Malta in October 2021, which noted that both the Hal Far Tent Village and the Hangar Open Centre appeared to be overcrowded and lacked air conditioning and heating. The Commissioner observed a lack of sanitary facilities but noted the works underway to install additional showers and toilets.630 The Maltese government confirmed these in its reply and listed additional projects to ensure a more pleasant environment which would also be suitable for children.631

Concerning the situation in Greece, the European Commission wrote in September 2022 that "(r)eception conditions on the islands and on the mainland in Greece (shelter, hygiene, access to health and education for all children etc.) have been substantially improved and are in line with the European standards".632 Civil society organisations continued to express concerns about the new CCACs, describing them as being prison-like.633 The European Ombudsperson opened an own-initiative inquiry to assess how the European Commission ensured respect for fundamental rights in EU-funded facilities, such as the CCACs.634 Refugee Support Aegean and

HIAS submitted their observations to the Ombudsperson, drawing mainly on their casework and research as legal assistance providers.635 In January 2023, the European Commission sent a letter of formal notice to the Greek authorities about concerns related to the transposition of the recast RCD.636

One of the main challenges Cyprus continued to encounter was the over-crowdedness of the First Reception Centre and particularly the lack of places in the safe zone *(see Section 5)*.

Spain allocated additional funds to improve reception conditions. EUR 50 million were allocated for the improvement of reception conditions on the Canary Islands, focusing on the care of unaccompanied minors, education, health and supporting countries of origin.637 In addition, EUR 10 million were allocated to reinforce the asylum and reception systems in Ceuta, financed 90% from EU funds.638 The arrival of displaced persons also prompted the activation of an extraordinary budget of EUR 1.2 billion to strengthen the Spanish reception system overall.639 Nonetheless, the European Commission considered that Spain failed to transpose the recast RCD in a correct manner and sent a letter of formal notice.640

The National Asylum Network, which groups several civil society organisations working on reception in Italy, published a report assessing the situation of reception in the country. It advocated for phasing out Temporary Reception Centres (CAS), while strengthening the System for Reception and Integration (SAI).641

The Romanian Ombudsperson carried out visits to the reception facilities in Raduti,642 Galati, 643 Marumures – Somcuta Mare644 and Giurgiu645 and made detailed recommendations for each centre to improve reception conditions. These were followed up with detailed replies from the General Inspectorate for Immigration on the actions implemented to address the recommendations.646

Concerns around reception facilities in Lithuania continued. The Ombudsperson published a report on the Kybartai centre, based on visits carried out in December 2021 and January 2022. She highlighted that the restrictions applied to applicants were equivalent to detention, access to information and legal aid were insufficient, and the facility lacked privacy and hygiene in general.647 The SBGS noted that it needed more time to improve the living conditions in the facility.648 The findings of the Ombudsperson triggered visits from members of the Lithuanian parliament to several reception centres to inspect the conditions and ensure that the concerns were addressed.649 The findings were also used by the Supreme Administrative Court to substantiate that placing an applicant in the Kybartai centre cannot be considered as an alternative to detention, as the restrictions there amounted to de facto detention. In its monitoring report for 2022, the Lithuanian Red Cross recorded inconsistencies in reception conditions with EUAA standards in several facilities.650

Asylex noted in its submission to the UN Human Rights Council that it continued to observe excessive violence towards applicants by security guards in federal reception centres in Switzerland and a lack of investigation of these cases by the Swiss authorities.651

The maximum compensation rate was increased in 2022 in Austria for the first time since 2016. It was increased from EUR 215 to EUR 260 for food and from EUR 150 to EUR 165 for rent (for a single person/month) for people in private accommodation. Asylum seekers, for example in

Vienna, can receive EUR 425 (food allowance and rent money) in cash.652 In addition, the financial compensation for providers of organised reception facilities was raised to EUR 25 per person/day.

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