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Dublin returnees caught between law and harsh reality in the search for safety

Today the Danish Refugee Council and the Swiss Refugee Council publish a joint report regarding the situation of persons with special reception needs transferred to Italy under the Dublin III Regulation. The report focuses on reception conditions and access to the asylum procedure. It shows that persons with special reception needs are at risk of human rights violations due to the arbitrariness of the Italian reception system.

In November 2014, the European Court of Human Rights stated in its judgment *Tarakhel v. Switzerland* that the return of a family with minor children to Italy under the Dublin III Regulation without individual guarantees would constitute a violation of Article 3 of the European Convention on Human Rights due to poor reception conditions.

Since then, the Italian authorities have guaranteed the other Member States that families who were transferred to Italy under the Dublin III Regulation would be kept together and accommodated in facilities appropriate to the needs of families with children.

Monitoring project for Dublin returnees

During a fact-finding mission to Italy in the beginning of 2016, the Swiss Refugee Council found that the Italian asylum system still showed various ambiguities regarding the actual procedure and access to accommodation for Dublin returnees.

Together with the Danish Refugee Council, the Swiss Refugee Council therefore initiated a joint monitoring project for Dublin returnees. The project focuses on reception conditions and access to the asylum procedure for families with minor children and persons with special reception needs who are transferred to Italy under the Dublin III Regulation. It will continue throughout 2017.

Conclusions of the report

Today, the Swiss Refugee Council and the Danish Refugee Council publish a joint report – “Is mutual trust enough? - The situation of persons with special reception needs upon return to Italy” – with the current findings of six case studies. The case studies clearly show that there are substantial difficulties for Dublin returnees in Italy and that it is very arbitrary how the families and persons with special reception needs are received by the Italian authorities.

The experiences of the participating Dublin returnees show that the Italian authorities have not been able to provide them with reception facilities adequate to the requirements set out in *Tarakhel v. Switzerland* upon their arrival in Italy.

The present conclusion of the monitoring project is thus that families and persons with specific reception needs who are transferred to Italy under the Dublin III Regulation risk violations of their human rights.



The Swiss Refugee Council and the Danish Refugee Council therefore urge the Italian authorities to meet the guarantees they have set out for reception of families and persons with special reception needs. We also call on all transferring Member States to ensure that all Dublin returnees to Italy will be received adequately and in respect of their human rights.

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