



« Migrant Camps in Europe: Open the doors! We have the right to know! »

Open Access 2012: Migrant detention centers? Don't come in, rights are being violated!

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The practice of detaining migrants is growing dramatically, and has become a prime political tool in the management of immigration and asylum. This is not only true in Europe. Recent events in Greece, Canada and Israel (see attached analysis) show the evolution of the excessive use of detention by governments. The resulting sidelining of people considered undesirable remains largely hidden from civil society and the media. Yet, access to information is an inalienable right of European citizens [1].

As part of the joint campaign "Open Access: Open the doors! We have the right to know!", Migreurop and European Alternatives launched a series of visits to detention centres for migrants throughout Europe and beyond, which took place from 26 March to 26 April 2012. The aim was to test the possibility of civil society and the media to access these centres, as well as to gather information on the way in which they function and whether people inside can exercise their rights. Members of Parliament joined the initiative.

Sixteen detention centres were visited in Bulgaria, Croatia, France, Italy, Mauritania, Romania and Serbia, whilst access was refused to centres in Belgium, Spain and Poland. The campaign highlighted the attempt by the authorities to regulate, or even prevent, the entry of external observers. It was clear from the dubious and at times laughable justifications given for refusing access that the authorities were concerned about receiving visitors.

We noted that the situation in the detention centres remains largely unchanged since the visits organised by Migreurop in 2009 and 2011, with conditions of detention reminiscent of those in the prison system and regular abuses of human rights (regarding access to care, asylum claims, legal assistance, having a judge rule on deprivation of liberty decisions). Police violence is frequently reported. Confinement, which can last several months, puts migrants in a situation of psychological distress. Feelings of disorientation, despair and anger are palpable.

The campaign of visits that has just ended shows that, beyond the conditions of detention, the very existence of these camps, where thousands of migrants are imprisoned, represents an unacceptable violation of the most fundamental of human rights. Only their closure can remedy this. But, while they exist, we must claim the right to unrestricted access to these centres for representatives of civil society and the media. Ending the opacity that surrounds them is the only way to ensure that fundamental rights are not violated daily, and that the procedural guarantees which normally surround any deprivation of liberty are not systematically violated.

The mobilisation of Members of Parliament, activists and the media must continue. The campaign "Open Access" has been launched: other actions and visits will be organised in the coming months. Enclosed are: an analysis of the key

findings of the campaign, country reports, a summary of requests for visits and their responses (by country) as well as a press review.

PRESS CONTACT: Laure Blondel - +33 1 43 67 27 52

See Press Release Open Access (www.openaccessnow.eu)

- [Visits Campaign 2012: Obstacles to the right to know, 10 May 2012](#) -Campaign Press release
- [The Right to information of civil society and the press violated in detention centres for migrants, 17 April 2012](#)
- **Campaign Call – [Detention of migrants in Europe: We have the right to know!](#)**

You can also **sign up the call out:** <http://www.openaccessnow.eu/sign-up/>

« Migrant Camps in Europe: Open the doors! We have the right to know! » 2012 Campaign of visits: Migrant detention centers? Don't come in, rights are being violated!

The fact that many migrants are confined in detention centres merely for breaching immigration laws is an aspect of migrants' lives that few people are aware of. In such camps, which are proliferating throughout Europe and at its borders [2], people are not only deprived of their freedom of movement but also of their dignity, of access to care and legal advice, and of the right to live with their families. Two European texts mention the use of administrative detention of migrants: the directive on minimum standards for the reception of asylum seekers [3] - for which a redesigned draft that mentions the possibility of using detention as a way of managing people seeking international protection is currently under discussion [4], – and the "directive on return" [5] (the "directive of shame"), which aims to systematise the detention of migrants pending deportation for irregular stay.

The detention of foreigners has become a prime means, within European migration policies, of segregating people considered undesirable. But this fact remains hidden. Yet citizens should be able to know the consequences of policies implemented in their name: isn't access to information one of the rights guaranteed under the European Charter of Fundamental Rights? [6]. Such opacity is also dangerous because it is conducive to abuses and violations of human rights by creating spaces of impunity <http://www.migreurop.org/rubrique393.html>.

That is why, as part of the joint campaign "[Open Access: Open the doors! We have the right to know!](#)", Migreurop and European Alternatives have launched a series of visits to detention centres for migrants, throughout Europe and beyond. The campaign, which was also supported by Reporters Without Borders, took place from 26 March to 26 April 2012. The aim was to test the possibility of civil society and the media to access these centres, as well as to gather information on the way in which they function and whether people inside can exercise their rights.

Access was mostly hindered

In many European countries, the access of journalists and members of civil society, who would be able to provide independent information on the camps, remains strictly controlled. Only national and European Members of Parliament have free access to these places.

Having external observers is an object of concern for governments, as evidenced by the French and Italian examples. Purporting to implement Article 16 of the "directive on return", which guarantees access to administrative detention centres to civil society organisations, the French government in fact severely restricted their access through a decree passed on 8 July 2011. Though challenged by civil society organisations, this text was almost completely validated by the French Council of State [7]. In Italy, using the excuse of mass arrivals from North Africa, the Interior Minister, in a circular dated 1 April 2011, denied the right of access to detention centres to several organisations previously authorised to enter, as well as to the media. On 13 December 2011, a new text restored the former system, but it specified that the relevant authorities could refuse access on a variety of grounds, and made visits by journalists conditional on additional requirements.

As part of the Open Access campaign, visits were planned in Belgium, Bulgaria, Croatia, France, Italy, Mauritania, Poland, Romania, Serbia and Spain. Journalists, civil society organisations and citizen groups filed their own requests for visits. In some countries – including Spain, France, Bulgaria and Italy – given the local context, activists and some journalists tried to enter by accompanying Members of Parliament, while other journalists made independent requests.

Both those who got turned down and those who managed to enter observed a clear intention to obstruct the possibility of external scrutiny. While the justifications for refusal varied, many were suspect and all had the same goal: to maintain the opacity and invisibility of these places.

In France, several requests for access did not receive any response and some journalists were told they could not enter on grounds such as "election period" or "reserve duty". Of the nine centres included in the campaign, only six places were eventually accessed by Members of Parliament and no journalist or activist could enter (other than those from organisations working in the centres on the basis of an agreement with the State). In Bulgaria, only one centre out of the four approached granted access, and only to a Member of Parliament. In Italy, a "risk of revolt" triggered by visits was invoked, as was the correlation between the date of the visit and a national holiday and "on-going work in the centre", in order to reject requests from journalists. Often, refusals were not even explained. In the end, three sites gave access to Members of Parliament, local councillors and activists. In Romania, alleged "violence from prisoners" was advanced as a reason to prevent journalists from entering. Eventually, as the incident was causing a stir, a visit to the camp of Arad was allowed following a written request. In Poland, the authorities did not bother to respond.

National authorities have sometimes openly asserted their exclusive role as custodians of these places and their right to keep them out of sight. In Belgium, access to the centre of Bruges was refused on the grounds that there were sufficient oversight bodies and that we should not impose an external presence on detainees. Meanwhile, the authorities invited a few preselected reporters to tour the new centre, "Caricole", which was inaugurated on April 25, while it was still completely empty. In Spain, despite several reminders, the only response was silence. But there too, in order to hide their concealment strategy, the Interior Ministry held a press conference at the detention centre of Barcelona at which journalists were only able to take pictures of the facilities, without being able to interview detainees.

Access by members of civil society was possible in a few cases. In Serbia, though only one out of three centres could be visited and although access was denied to journalists, activists were able to enter the prison in Subotica on their own – yet they were only given access to administrative premises. In Mauritania, representatives of organisations applied to enter in the centres of Nouakchott and Nouadhibou. They were able to visit Nouakchott – however, the Mauritanian political context made it difficult to gather information. Finally, in Croatia, an organisation and a journalist obtained the authorisation the same day.

Information was difficult to obtain

In general, prior to their visit, visitors filed a request for statistical data on the number of detainees (including that of asylum seekers), the number of deportations, appeals, etc [8]. . In a few instances, an official report – with varying amounts of detail – was provided. This was the case in France (for three centres) as well as in Bulgaria, Croatia and Serbia. The delegations were able to observe and obtain information on the conditions of detention, the possibility to access rights and the moral and psychological consequences of confinement. This clearly showed that the situation in the camps was bad, and visitors were able to demonstrate that, beyond confinement conditions, the legislative framework and the practice of detention itself were problematic.

Deplorable conditions

Material conditions vary from one centre to another and between countries. In Italy, the conditions have been described as outrageous. In Bologna's centre, migrants imprisoned for several months are made to sleep on mattresses put directly on concrete and do not have access to hot water; in Trapani, they are made to eat food out of plastic bags, crammed together against the prison gates. At Fiumicino airport, benches and toilets are used as detention spaces during the day, while a room with no windows is used at night.

While some camps are characterised by inhumane conditions of detention, in others we note that conditions of confinement have become increasingly prison-like. In Romania, migrants, who can be detained for up to 18 months, do not have showers or heating and are confined to their cells 22 hours a day. Migrants have also denounced arbitrary placement in solitary confinement. In Bulgaria, premises are dilapidated, with window bars and little light. In Serbia, the prison in Subotica is also used as a place of detention for migrants, a perfect example of the confusion between foreigners and criminals. Migrants, who are only entitled to a shower twice a week, are confined to their cells, with access to a courtyard for only thirty minutes to an hour per day.

The delegations stated that the rights of asylum seekers were often violated. At Fiumicino airport (Italy), access to the asylum claim office depends on the goodwill of the border police. The situation is worst in Subotica prison where the legal department is unable to process demands due to lack of resources.

Access to legal assistance is not guaranteed. While in France, for example, free assistance is available, other national laws have not set up a process to protect this fundamental right. This is the case in Italy and Romania in particular. In Croatia, although it exists in theory, this access is grossly inadequate, due to a lack of appropriate personnel. In Bulgaria, access to lawyers is only possible once a month.

Similarly, juridical oversight regarding the decision to deprive migrants of their liberty is not guaranteed; sometimes, it is even completely absent from the process, as is the case in Croatia and Bulgaria.

All delegations noted insufficient access to care. Some examples are particularly revealing of this deficiency. In the detention centre in Strasbourg (France), the number of staff was halved earlier this year. In Trapani (Italy), no emergency medical equipment is available on site. In Bulgaria, a nurse visits the centre once a week, without a suitable room made available. In Arad (Romania), migrants have testified to the lack of specialised medical care and medicines, and in Serbia the medical staff themselves reported not having the means to provide necessary medical assistance.

Minors were only present in a few of the places visited, yet the practice of detaining minors was noted in all countries. In Serbia, however, there is no provision made for determining age. Sometimes, but not always, specific areas for the reception of minors are provided. This has been the case since 2011 in the 'waiting zone' at Roissy (France). In Croatia, a space of this type is currently under construction.

Finally, visitors' interviews with migrants suggested that detention was having a direct impact on their psychological condition, placing them in a situation of distress and vulnerability. A lack of monitoring and counselling is the norm. Feelings of disorientation, despair and anger are palpable. Moreover, it is not uncommon that migrants are exposed to police violence. Far from being an isolated case, the example of the camp of Arad is particularly telling . [9]

Deprivation of liberty, deplorable physical conditions and barriers to the exercise of rights create tensions and lead some migrants to self-harm, attempt suicide, start hunger strikes or rebel.

A growing trivialisation of migrant detention everywhere

While the European Union and its Member States continue to affirm their commitment to human rights, the imprisonment of migrants – a direct result of European migration policies – is the source of many violations of rights that should be guaranteed by law [10]. Governments apply themselves to conceal places of confinement from the public eye and to make them invisible and impenetrable in order to hide the harmful and repressive effects of migrants' detention. The official goal of "migration control" hides a darker reality: policies that stigmatise and criminalise migrants by turning them into culprits to be punished, simply for wanting to travel. Not only is the legitimacy of the detention centres questionable, but their deterrent effect has also proven illusory. However, the detention of foreigners has become commonplace and is increasing rapidly. Although the country is rocked by the biggest economic crisis in its history, the Greek authorities announced earlier this year they would build thirty detention centres for migrants with a capacity of one thousand each.

This trend is not confined to Europe. In Canada, legislation under discussion would make it possible to detain migrants from the age of sixteen for a year, without any judicial review and even if they are asylum seekers. In Israel, to deter the arrival of African migrants entering through the Egyptian border, the government decided on the expansion of two prisons in the Negev to reach a capacity of 12,000 – a process currently underway.

The existence of camps where thousands of migrants are trapped represents in itself an unacceptable violation of basic human rights: only their closure can remedy this. But, while they exist, we must claim the right to unrestricted access to these centres for representatives of civil society and the media. Ending the opacity that surrounds them is the only way to ensure that fundamental rights are not violated daily, and that the procedural guarantees which normally surround any deprivation of liberty are not systematically violated.