

## Campaign of parliamentary visits 2013: Analysis of the main findings

In the majority of the visits undertaken during this second campaign, there were aspects which called into question the usefulness of administrative detention of migrants: on the one hand, in relation to the objective of such detention and on the other, with respect to the duration, detention conditions and above all the many violations of human rights.

Most of the centres visited hold far fewer detainees than their capacity and, according to the statistics available, approximately half of the detainees are never deported. This implies that detention is “for nothing”, while the impact of such detention on human dignity no longer requires demonstration.

### **Access to detention facilities**

In response to questions from seven Members of the European Parliament (MEPs) in March 2013<sup>1</sup> concerning “access to detention centres for non-governmental organisations (NGOs) and the media and to the right to information”, the European Commission underlined<sup>2</sup> that the *“repeated refusal to [authorise] visits to detention facilities without objective justification would therefore undermine NGOs' right enshrined in Article 16(4) [of the “Return” Directive] and could be considered as an infringement”*.

While access to detention facilities is almost systematically refused to journalists, access for associations is subject to numerous restrictions and even visits by elected representatives are sometimes limited. This year, in contrast to previous years, none of the parliamentarians were refused access. The same cannot be said for the media and NGOs.

In France, no journalists were allowed into administrative detention centres in Mesnil-Amelot and Marseille, despite the submission of prior requests supported by MEPs and MPs. This was denounced in a press statement published on 9 July 2013<sup>3</sup>, underlining that the Interior Minister had declared the previous day<sup>4</sup> that he was ready to open migrant detention facilities to journalists. The subsequent refusal of access, in contradiction to this statement, was highly regrettable. The parliamentary visit to a centre in Lyon on 16 July marked a real sign of progress because, for the first time since the launch of the campaign Open Access Now, two journalists were allowed to enter and accompany the parliamentarians during their visit.

However, members of civil society were not allowed to accompany parliamentarians into any of the centres visited. Only representatives of accredited associations were able to enter<sup>5</sup>.

In Spain, no progress was observed; neither organisations nor journalists were able to access the migrant holding centre in Aluche (Madrid). However, on 27 June, the judge in charge of monitoring

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<sup>1</sup> Parliamentary question to the Commission with request for written answer, submitted on 5 March 2013 by MEPs Hélène Flautre (Greens/EFA), Marie-Christine Vergiat (GUE/NGL), Jean Lambert (Greens/EFA), Cornelia Ernst (GUE/NGL), Carmen Romero López (S&D), Raül Romeva i Rueda (Greens/EFA), Sylvie Guillaume (S&D) [[available online](#)].

<sup>2</sup> Answer given by Ms. Malmström on behalf of the European Commission, 13 May 2013 [[available online](#)].

<sup>3</sup> Open Access Now, 2013 Campaign of Parliamentary Visits: Civil Society is Kept Outside; Infringements on Human Rights Continue, 9 July 2013, [[available online](#)].

<sup>4</sup> Press articles in *Libération*, “Valls favorable à l'ouverture des centres de rétention à la presse”, (“Valls supports the opening of detention centres to the press”, 11 June 2013 [[available online](#)] (in French)) and Carine Fouteau, “Pour un accès libre des journalistes aux centres de rétention”, (“In support of free access to detention centres for journalists”), *Mediapart*, 16 February 2013 [[available online](#)] (in French))

<sup>5</sup> In France no organisation requested authorisation to enter with the parliamentarians. Since 2011, many organisations – members of the *Observatoire de l'enfermement des étrangers* (Observatory on migrant detention - OEE) – have chosen to boycott the Decree of 8 July 2011 which purports to implement Article 16 of the Return directive on access to migrant detention facilities and which sets out significant limits to the right to visit. For further information see the OEE [website](#). The text of the Decree is [[available online](#) (in French)]

the migrant holding centre in Barcelona affirmed the right of NGOs and lawyers to access detention facilities<sup>6</sup>. Journalists also remained outside at the holding centre in Barcelona. The same goes for the closed centre in Bruges in Belgium, where the member of parliament conducted the visit alone, after the journalist was refused access.

In Italy, the very principle of detaining migrants was called into question in order to justify the refusal to allow access to detention facilities in the airport; the Ministry of the Interior claimed that migrants waiting to be deported were “accommodated” for the necessary period. Eventually, a parliamentarian obtained access to the international zone of Palermo airport, accompanied by an NGO and a journalist. Members of the national campaign “LasciateCIEEntrare”<sup>7</sup> joined parliamentarians in visits to identification and deportation centres in Rome and Trieste.

For the first time since the beginning of the campaign, visits were made by NGO representatives to detention facilities in Lebanon (2 visits) and Cyprus (7 visits)<sup>8</sup>. Access to the main migrant detention centre in Lebanon was denied, but members of the Migreurop network and of the Lebanese organisation Frontiers were able to visit two prisons where migrants are detained alongside ordinary prisoners. In Cyprus, visits were made to an administrative detention centre, police stations and the prison.

Beyond conditions of access, overall the situation in migrant detention facilities remains unchanged, in comparison to the findings of visits conducted in 2009<sup>9</sup>, 2011<sup>10</sup> and 2012<sup>11</sup>: detention conditions resemble those in the prison system and there are recurrent violations of human rights (access to medical care, asylum requests, legal assistance, judicial control of detention, etc.)

### **Increasing similarities to the prison system**

The increasingly prison-like conditions in holding facilities clearly contributes to the conflation of migrants and criminals. However, the only reproach made to detained migrants is not to have observed the rules on entry and stay. Even where migrants are not detained alongside ordinary prisoners, they are held in centres which increasingly resemble prisons.

Among the sites used in Cyprus for administrative detention of migrants, there are well-known structures such as Blocks 9 and 10<sup>12</sup> situated within the Nicosia prison, while in Lebanon detention inside prison facilities is common, as in the men's prison at Roumieh (where 10% of detainees are migrants held on the basis of their administrative situation) and in the women's prison at Zahleh (at the time of the visit, 68% of detainees were migrants accused of illegal stay).

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<sup>6</sup> SOS Racism Catalonia, “SOS Racism Catalonia condemns, once more, the lack of access for civil society to the Centros de Internamiento de personas extranjeras (migrant detention centres - CIE)”, 29 June 2013 [[available online](#), (in Spanish)]

<sup>7</sup> For further information on the campaign, see [website](#)

<sup>8</sup> These visits were carried out by the NGO KISA in the context of the project “*The Europeanisation of national asylum and immigration laws in Cyprus, Italy and Spain: detention and detention centres for foreigners vs. the Return Directive*”, led by Borderline Europe (Germany) in partnership with KISA, Borderline Sicilia (Italy), Acoge and Mugak (Spain), which aims to gather and disseminate information and raise awareness on conditions of detention and deportation measures in those countries.

<sup>9</sup> Migreurop, “No to the veil of silence on detention centres for migrants. Campaign for right of access in detention centres”, 28 January 2009 [[available online](#)]

<sup>10</sup> Migreurop, “*Campagne de visites parlementaires pour un droit de regard sur les lieux d'enfermements des étrangers - du 7 au 31 mars 2011. Conclusions générales de la campagne et résumés de chaque visite*” (“Campaign of parliamentary visits for the right to monitor migrant detention sites, 7-31 March 2011. Conclusions of the campaign and summaries of each visit”), 15 April 2011 [[available online](#) (in French)]

<sup>11</sup> Open Access 2012, “Migrant detention centres? Don't come in, rights are being violated!”, 14 June 2012 [[available online](#)]

<sup>12</sup> In October 2013, Blocks 9 and 10 of Nicosia prison, as well as the Ayios Ioannis police station in Limassol, were closed.

Visits to French administrative detention centres revealed that many detainees are in fact former convicts. For example at the centre at Mesnil-Amelot, almost 20% of detainees were held immediately after the end of their prison sentence. In some cases, residence permits had expired while the holder was purging his sentence. The harshness of such successive periods of detention is increased by the fact that detainees are not informed that they are going to be re-arrested immediately on leaving prison. This lack of information was also observed in Marseille, where interviews with detainees revealed that they thought they were going to be free on leaving prison, whereas in fact they were transferred to administrative detention centres.

During several visits, delegations noted similarities between the centres and the prison system, in terms of their layout and operation:

- barbed-wire fences, surveillance cameras, high security buildings, run-down premises (observed by all delegations), partitioning of spaces, limited access to communal and open spaces (the director of the detention centre in Murcia, Spain, claimed that detainees had free access to the courtyard, but detainees claimed access was limited to 15 to 20 minutes per day).
- limited visiting rights, in some cases with a glass panel separating the visitor and the detainee, limited access to toilets (in the Menogeia centre in Cyprus, at certain times, detainees have to call an agent to accompany them to the toilets), telephones confiscated, movements limited inside centres, etc.

The administrative detention centre in Marseille, France is a perfect example: strict supervision of visits, 56 surveillance cameras, doors of rooms locked at 11pm, 4 rooms for solitary confinement, no freedom to move about inside. In Belgium, at the time of the visit to the centre in Bruges, building work was underway to install higher fences, following several attempts to escape.

### **Violations of human rights**

Inhuman and degrading treatment occurs on a daily basis in these detention centres, as a direct consequence of the policies and practices implemented. Grave violations of basic human rights have been observed.

Discussions with detainees during site visits reveal above all a serious lack of information, regarding either their situation or their rights. This was particularly the case in the women's prison at Zahleh, Lebanon, in the detention centre at Trieste, Italy and in Valencia and Murcia, Spain.

In all the countries visited, there was inadequate access to effective remedies against detention measures, in law and in practice, while in some cases it was totally impossible to challenge such measures. Widespread violations of the right to asylum, total lack of access to or inadequate legal support, lack of access to or unsatisfactory medical care, police violence... All these violations demonstrate that deprivation of freedom comes with deprivation of rights, despite the fact that they are guaranteed by international instruments ratified by the majority of the countries concerned.

This situation cannot continue.

Finally, an issue of particular concern should be noted, which violates the very principle of freedom of movement within the European Union: the detention of a large number of EU citizens (mostly from Romania), despite their presence on the territory for a period of less than three months. This is often the case in the administrative detention centre in Mesnil-Amelot, France.

**Deplorable detention conditions compromising the mental health and psychological state of detainees.**

Visits to detention centres revealed run-down premises, insalubrious and overcrowded conditions (in Lebanon, the Roumieh prison, which has a capacity of 1,500 places, “accommodates” 2,300 detainees). In addition to poor material conditions, the absence of activities reinforces aimless wandering and boredom of detainees. There is no privacy for detainees who are constantly surrounded by their fellow unfortunate companions, at night-time in overcrowded cells and during the day in communal areas often empty of any distraction or activity.

When activities do exist, they are usually limited to card games and table football. Access to cultural activities, including books is often refused. There is generally a lack of confidentiality during visits and phone calls; in many centres police officers are everywhere during contact with the outside world. Movement within the centres is obstructed by reinforced doors and confinement in rooms / cells. Access to daylight, toilets and water is often limited.

Finally, it should be noted that security and police officers responsible for surveillance in centres commit regular acts of violence against detainees, exert pressure and make racist remarks.

Detention conditions, isolation, obstacles to access to medical care, constant uncertainty and idleness cause permanent psychological harm to detainees. In most countries, there are no systems to offer psychological support to migrants. Their despondency and hopelessness are often remarked upon by medical staff who, where they are present at all, have very limited means.

The frequency of acts of desperate protest, such as self-mutilation (by consuming dangerous substances, a regular occurrence in the Mesnil Amelot centre, or self-cutting), hunger strikes and suicide attempts are testimony to the irredeemable psychiatric impact of detention on these vulnerable persons. In Rome, in 2009, four cases of suicide were recorded and in 2012, an Egyptian man committed suicide on leaving the detention centre.

The delegations observed generalised use of psychotropic drugs. In some places, 50% of detainees take them. In Trieste, such medication is used to maintain calm and not for medical reasons. In Vincennes, detainees are “stuffed with medication”. Doctors examining detainees note frequent cases of drug addiction, psychiatric illness, depression and various behavioural problems resulting from the detention situation.