

PICUM QUARTERLY April - June 2016

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BORDERS

EU / Mandate of European Union military operation in the Mediterranean extended, success in disrupting smugglers is questioned

The Council of the European Union announced on 20 June 2016 that the mandate of the EUNAVFOR MED Operation Sophia will be extended until 27 July 2017. Moreover, the Council added two new tasks to the naval operation's mandate: training of the Libyan coastguards and navy and contributing to the implementation of the UN arms embargo on the high seas off the coast of Libya. This means that the naval operation can search vessels at sea with the aim to stop arms getting to Islamic State. The EUNAVFOR MED Operation was launched in June 2015 by the EU to identify, capture and dispose of vessels and enabling assets suspected of being used by migrant smugglers or traffickers. A [Wikileaks report](#) providing details on the operation was released in February 2016. It includes information on sea crossings of migrants and refugees to the EU and states that as of 29 January, the operation had resulted in the rescue of 8,336 migrants and the destruction of 67 migrant vessels. Meanwhile, a [report from the EU External Affairs Sub-Committee of the United Kingdom House of Lords released in May](#) found that the operation is failing to disrupt people smuggling.

Sources: Sources: [Council of the European Union, Press Release](#) 20 June 2016; [Reuters](#), 20 June 2016; [Migrants' Rights Network](#), 13 May 2016

EU-LIBYA / EU plans to increase cooperation with Libya on migration risk ill-treatment and indefinite detention, Amnesty International warns, potential extension of NATO operation

Amnesty International warned that the EU's plans to train and share information with the Libyan coastguard in the framework of the anti-smuggling EUNAVFOR Med Operation, might lead to increased human rights abuses. Testimonies gathered by Amnesty International during visits to Sicily and Puglia in Italy in May 2016 reveal abuses by the Libyan coastguard and in immigration detention centres in Libya. Amnesty spoke to 90 people who survived the crossing from Libya to Italy, including at least 20 who described shootings and beatings while

being picked up by the coastguard and torture in Libyan detention centres for refugees and migrants. Former detainees said guards beat them on a daily basis using wooden sticks, electric cables and rifles, as well as subjecting them to electric shocks. Several reported seeing people dying in detention, either shot dead or beaten to death by the guards. At least 3,500 people were intercepted at sea by the Libyan coastguard between 22 and 28 May 2016 and transferred to detention centres. In April 2016, Italy asked that the NATO Operation 'Active Endeavor', which is currently operating in the Aegean Sea, to also oversee the Libyan coast, according to Italian Prime Minister Matteo Renzi and Minister of Defence Roberta Pinotti.

Source: [Amnesty International, Press Release](#) 14 June 2016; [The Independent of Malta](#), 26 April 2016

EU-TURKEY / Agreement's compatibility with EU law questioned, evidence of violations of migrants' and refugees' rights

Concerns were increasingly raised by civil society and policymakers, following the agreement of the EU-Turkey deal in March 2016. The agreement foresees action points including the return to Turkey of irregular migrants crossing from Turkey to the Greek islands; that Turkey will take any necessary measures to prevent new sea or land routes for irregular migration, and that for every Syrian returned to Turkey, another Syrian will be resettled from Turkey to the EU, with a view to lift the visa requirements for Turkish citizens, provided that all benchmarks of the [Visa Liberalisation Roadmap](#) have been met. Members of the European Parliament (MEPs) have voiced concerns about the agreement's compatibility with EU and international law and the lack of democratic scrutiny. A [delegation of GUE/NGL](#) (European United Left–Nordic Green Left) MEPs on a visit to Turkey found that those deportees had no opportunity to ask for asylum in either Greece or Turkey and that many, including children, are being detained in prison-style conditions, with no or very limited access to telephones or legal assistance. The delegation documented push-backs to Turkey by Bulgarian and Greek police forces and heard testimonials from people who were shot at by police and/or living in war-zone conditions near the Turkish-Syrian border. A [policy discussion paper](#) from JRS Europe addresses numerous questions about the deportations to Turkey, family unity, detention, resettlement, discrimination on the basis of nationality and the potential for a 'safe zone' in Syria. WatchTheMed Alarm Phone reported that a boat carrying 53 migrants and refugees including 14 children travelling between Cesme in Turkey and the Greek island of Chios, were pushed-back to Turkey on 11 June 2016. Human Rights Watch (HRW) is [investigating the case](#) of up to 11 Syrians who were shot dead by Turkish border guards in June. Reports include footage supposedly taken in the aftermath of the shooting showing several injured and slain people. Doctors without Borders (MSF) announced on 17 June that it will no longer take funds from the European Union in protest at its migration policy with particular reference to the EU-Turkey agreement. [Analysis](#) by some legal experts has found that Turkey cannot be categorised as a "safe third country" and could only be found to be a "first country of asylum" after an individual assessment regarding risk of refoulement. Meanwhile, the European Commission adopted on 15 June 2016 its [second report on the EU-Turkey Statement](#). While presenting a number of 'successes' and 'good progress in its implementation', the report admits that this progress is 'fragile' and implies a lack of political commitment

Sources: [European Council, Press Information](#), 7 March 2016; [European Commission Press Release](#), 4 May 2016; [EU Observer](#), 10 May 2016; [European Parliament, Press Release](#) 10 May 2016; [WatchTheMed Alarm Phone](#), 15 June 2016; [BBC](#), 17 June 2016; [European Commission Press Release](#), 15 June 2016

FRONTEX / Third Annual Report of the Frontex Consultative Forum on Fundamental Rights

The third Annual Report of the Frontex Consultative Forum on Fundamental Rights provides an overview of the activities undertaken by the Consultative Forum in 2015. Among its various activities, the Consultative Forum has observed trainings, visited Joint Operation Triton, initiated a study on gender mainstreaming within Frontex and participated in Joint Operation VEGA Children. The report stresses the Consultative Forum's support for the establishment of an individual complaints mechanism in order to ensure access to justice and effective remedy to those persons affected by Frontex-coordinated Joint Operations. For further information about the Consultative Forum and to download the report see [here](#).

MEDITERRANEAN / Thousands of migrant arrivals in first half of 2016, over 2,800 die

According to the International Organization for Migration (IOM), an estimated 222,291 migrants and refugees entered Europe by sea in the first half of 2016, arriving in Italy, Greece, Cyprus and Spain. The number of deaths in the Mediterranean in the first half of 2016 is estimated to be 2,888, compared with 1,838 in the first half of

2015. Italy's coastguard reported that over 7,100 people were rescued between 23 and 24 June 2016 alone, and that over 3,000 migrants were rescued on 26 June 2016 off Libya in 26 different operations. The recently published multimedia report "[Death by Rescue](#)", produced by Forensic Oceanography in collaboration with WatchTheMed and in the framework of the Economic and Social Research Council (ESRC), recalls the responsibilities of EU institutions and member states for the deadly consequences of their policies and calls for a fundamental reorientation from policies that block migrants' movements to policies which would grant legal and safe passage.

Sources: [International Organization for Migration \(IOM\), press release](#), 26 June 2016; [The Local](#), 27 June 2016; [The Guardian](#), 24 June 2016

SPAIN / Guardia Civil officers accused of abusing migrant are decorated as collective expulsions continue

The Spanish Minister for the Interior, Jorge Fernando Diaz, announced the official decoration of eight Guardia Civil officers who were accused of abusing an African migrant in the North African enclave of Melilla in October 2014, when a group of about 200 migrants attempted to cross the border fence (see PICUM [Bulletin](#), 30 October 2014). Showing video footage of the abuse, a group of Spanish organisations including Andalucía Acoge, SOS Racismo, APDH-A and Prodein demanded the case to be further investigated. The eight guards were awarded the Cross of Merit, following the decision of the Regional Court of Malaga (Audiencia Provincial de Málaga) that there was no excessive force used by staff of the Guardia Civil and no reason to continue investigating the case. A group of over 100 organisations addressed Jorge Fernando Diaz in a [joint letter](#) accusing him of awarding inhumane and illegal actions by the guards. Meanwhile, the Spanish government collectively expelled a group of 300 sub-Saharan migrants who attempted to cross the border to Melilla on 21 March 2016, despite recently stating its opposition to immediate and collective expulsions ("devoluciones en caliente") of migrants in relation to the EU-Turkey agreement.

Sources: [EuroWeekly](#), 12 May 2016; [El Diario](#), 21 March 2016; [El Periódico de Melilla](#), 11 April 2016; [Agencia EFE](#), 2 May 2016.

UNITED NATIONS

UN / High Commissioner for Human Rights highlights rise in numbers detained in Greece and Italy

The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein while addressing the opening of the UN's Human Rights Council in June 2016 criticised the rise in anti-migrant sentiment in European countries. He also highlighted the "worrying rise" in the number of migrants being held in detention centres in Greece and Italy which increasingly includes unaccompanied children. He reiterated the child rights standard that detention is never in the best interests of the child, which must take primacy over immigration objectives. He urged authorities to collect data on the numbers of migrants being held in detention centres and urged the EU to find a way to address the current migration situation in a manner that respects the rights of all those concerned. His full speech is available [here](#).

Source: [Morocco World News](#), June 13 2016

UN / UN deputy chief calls for greater integration efforts for refugees and undocumented migrants

The United Nations Deputy Secretary-General, Jan Eliasson, stressed on 18 May 2016 the importance of integration efforts to enable migrants and refugees to benefit from the opportunities offered by cities so that they can lead a dignified life. Addressing a meeting on 'Large Movements of Refugees and Migrants: Critical Challenges for Sustainable Urbanization' held at UN Headquarters in New York, Mr Eliasson said that support for destination countries to integrate newcomers into their communities should be included among the issues that must be addressed.

Source: [The International Organization for Migration News Desk](#), 19 May 2016

EUROPEAN POLICY DEVELOPMENTS

EU / Need for greater legal clarity and proper procedures for all in hotspots

A recent report entitled 'On the frontline: the hotspot approach to managing migration' highlights the need for greater legal clarity on the "hotspots" approach with regards to the roles of the agencies involved in their management (Frontex, EASO and Europol) as well as accountability and liability for fundamental rights violations. The report, commissioned by the European Parliament's Civil Liberties Committee (LIBE), examines the implementation of the "hotspots" approach in Greece and Italy. A number of policy recommendations are made to Members of the European Parliament, including: consider the need to regulate hotspots through a stand-alone legal instrument; mainstream fundamental rights in the hotspots and clearer rules on the extent of liability and accountability; insist that proper procedures for all protection seekers are guaranteed in hotspots as enshrined in the EU Asylum Procedures Directive; insist that efforts to register and identify all migrants arriving in the hotspots continue in order to enhance both relocation and return procedures and to improve overall security; insist on a fundamental change to the Dublin Regulation and a binding distribution system; review plans to resume Dublin transfers to Greece given current reception conditions in the country; and call on the Commission to monitor carefully the implementation of the EU-Turkey statement. Read the report [here](#).

EU / New migration management framework aims to increase deportations and deter irregular migration

The European Commission published a Communication on 7 June 2016 establishing a new [Partnership Framework with third countries](#) under the European Agenda on Migration. This proposal aims to leverage external cooperation funds in exchange for countries of origin and transit taking measures to deter migration. The aim is to increase deportations, ensure that migrants and refugees stay in countries of origin and, in the long term, enhance third countries' development to address causes of irregular migration. The proposal has been met with strong criticism from civil society organisations. A group of over 130 organisations published a [statement](#) ahead of the Council meeting on 28 and 29 June 2016 where the proposal was discussed, expressing concern about rights violations and criticising the proposal for ignoring all the evidence that deterrence strategies aimed at stopping migration are ineffective, among other issues. The [Council Conclusions](#) from the meeting endorse the approach and commit to swift implementation of the Framework, starting with a limited number of priority countries.

Sources: [European Commission Press Release](#), 7 June 2016; [Politico](#), 7 June 2016

EUROPEAN COMMISSION / Launch of new action plan for the integration of third country nationals

The EU Commission launched a new [agenda for the integration of migrants](#) on 7 June 2016. The role of the EU in integration of third-country nationals vis-a-vis the member states is complementary and therefore focusing more on financial support and exchange of good practices. The Action Plan focuses on five key areas: pre-departure and pre-arrival integration measures, with a focus on migrants in need of international protection; education, employment and vocational training; access to basic services such as health and housing; and the active participation of migrants in society. The European Commission lists several actions that will be supported under these five key priorities, including projects that promote the upgrading of skills of third-country nationals, actions that support the removal of barriers for the participation of migrant children in early childhood education, pilot projects promoting migrant entrepreneurship, initiatives that support member states facing immediate housing accommodation shortages and projects that promote inter-cultural dialogue.

Source: [European Commission Press Release](#), 7 June 2016

COURT OF JUSTICE OF THE EUROPEAN UNION / EU Return Directive: undocumented migrants may not be detained solely on the basis of irregular entry

The Court of Justice of the European Union (CJEU) delivered its decision in case C-47/15 *Affum v Préfet of Pas-de-Calais* on 7 June 2016. The case concerned a Ghanaian national, Ms Affum, who was intercepted by French police at Coquelles, the entrance of the channel tunnel while transiting by bus from Belgium to the UK through France. She failed to show proof of identity. In accordance with French law, Ms Affum was detained for irregular entry and according to a readmission agreement between France and the Benelux countries, the Prefect of Pas-de-Calais ordered her transfer to Belgium as well as administrative detention for five days pending her removal. In line with previous case law, the Court held that the Return Directive was applicable to a third-country national

who has entered the territory of a state irregularly and as a result is staying in the country irregularly. A third country national is not excluded from the scope of the Return Directive when transiting on the territory of a member state – that is, the Directive applies irrespective of the length of the “stay”. The Court rejected France’s position that it could exclude Ms Affum from the Return Directive’s scope on the basis of under Article 2(2)(a), which applies to migrants crossing external borders, because Ms Affum entered France from another country within the Schengen area. The fact that she sought to transit through France to the UK, and thus to leave the Schengen area, did not trigger application of Article 2(2)(a). The full ruling is available [here](#); you can read a summary [here](#).

Source: Court of Justice [Press Release](#), 7 June 2016;

EUROPEAN COURT OF HUMAN RIGHTS / Migrant’s right to family life violated by permanent ban from returning to Greece

On 19 May 2016 the European Court of Human Rights held, in *Kolonja v. Greece* (Application no. 4944/12), that Greece had violated Article 8 of the European Convention on Human Rights (right to family life) in a case involving an Albanian national with a criminal conviction for drug-related offences in 1999 on whom authorities had imposed a lifetime ban from re-entering Greece. The applicant, born to Albanian parents of Greek origin, had lived in Greece since 1989. His wife is Greek with whom he has two children who are Greek nationals. In 2004, Mr Kolonja was deported to Albania. His request to the Minister of Justice for readmission was rejected, and in 2007 he re-entered Greece irregularly and worked for four years before he was detained pending deportation. The Court concluded that the lifetime re-entry ban was issued in the interest of legitimate goals related to ensuring security and preventing criminal conduct, but held that it nonetheless violated Article 8 because it was neither proportionate nor necessary to ensure those goals. The Court noted that, in the 16 years since he committed the infraction in question, as various national bodies had themselves acknowledged, the applicant had showed no signs of posing any threat to public order or security. It emphasised the strength of his ties to Greece, where he had spent more than half his life. A permanent ban on re-entering Greece would result in the destruction of familial bonds – a consideration particularly pertinent when giving due account to the best interests of the applicant’s son, who was just six at the time of the ruling. To view the judgment (in French), click [here](#).

NATIONAL DEVELOPMENTS

AUSTRIA / Vote in favour of law allowing rejection of asylum claims at the border

The Austrian parliament’s lower house voted on 27 April 2016 in favour of a more restrictive asylum seeker law. According to the law, the government can call a state of emergency in response to large numbers of migrants and refugees arrive at its borders, giving authorities the right to deny people entry to the country to seek asylum. A state of emergency would be set for six months, but can be extended for up to two years. Migrants and refugees who have close relatives in Austria, as well as unaccompanied children and migrant and refugee women with young children, are exempted from this measure. Appeals against returns will only be possible after the return has taken place. The law also further restricts possibilities for family reunification. Several politicians, organisations and institutions criticized the law including [Human Rights Watch](#) (HRW) and [Nils Muiznieks](#), the Council of Europe commissioner for human rights.

Sources: [Die Welt](#), 29 April 2016; [Die Welt](#), 27 April 2016; [APA](#), 21 April 2016; [The Guardian](#), 28 April 2016.

BELGIUM / Campaign against prejudice

The Belgian NGO CIRÉ launched an anti-prejudice campaign in April 2016 in response to the negative discourse about migrants and refugees in Belgium. The campaign’s key message is to fear prejudice, not migrants and refugees. The aim is to inform people and lead them to reflect on and question their positions. CIRÉ is a network of organisations which reflects and coordinates advocacy on questions relating to migrants, asylum seekers and refugees. The campaign uses the hash tag #DéfenseDeNourrirLesPréjugés (“do not feed prejudice”) and is available [here](#) (in French).

GERMANY / Federal migration authority sued for delayed asylum procedures, while church asylum and hate crimes increase

An increasing number of people seeking to apply for asylum in Germany are suing the Federal Authority for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) for delayed application procedures and inactivity in their cases. According to media reports, administrative courts in Germany received 3,271 actions for failure to act by the end of March 2016 which is an increase of 40% compared to the end of 2015. The authority has been increasingly criticised for not following up on individual cases, for employing insufficiently trained staff and for being overwhelmed with the increase in asylum applications. The German Ecumenical Consortium for Asylum in the Church (Ökumenische BAG Asyl in der Kirche) meanwhile reported that a total of 1,015 people including over 240 children and adolescents were given shelter in parishes across Germany in 2015 which is more than ever before. Amnesty International noted an increase in hate crime in Germany in their report "[Living in insecurity: How Germany is failing victims of racist violence](#)". The report details the increase in racist violence showing that 16 times more crimes were reported against asylum shelters in 2015 (1,031) than in 2013 (63).

Sources: [Die Welt](#), 11 June 2016; [Deutsche Welle](#), 21 June 2016; [Bag Asyl in der Kirche, press release](#), 3 June 2016

IRELAND / Survey findings: Migrant Rights Centre Ireland (MRCI) proposes regularisation scheme

The Migrant Rights Centre Ireland (MRCI) has published findings from a survey of undocumented migrants in Ireland. The organisation found in the survey of 1,008 undocumented in Ireland that 84% had lived in the country for over five years and 21% for over 10 years. MRCI states that the failure to regularise them costs the state €41 million annually in lost direct tax alone and that a regularisation scheme would generate 12 times what it would cost to implement. The findings were also discussed at a MRCI conference in Dublin on 3 May 2016. A poll last year showed that 69% [support the idea of a regularisation](#). To view the full findings of the survey, click [here](#).

Source: [Migrant Rights Centre Ireland \(MRCI\) Press Centre](#), 3 May 2016

ITALY / Migrants excluded from applying for protection based on nationality

People from countries with asylum recognition rates of below 75% are likely to be defined irregular migrants without entitlement to protection in a screening exercise by Italian police, being denied the opportunity to seek legal and humanitarian advice. Often these migrants end up remaining in the country undocumented with little or no protection for their rights. In a letter sent to the Questura (the Italian police headquarters) on Friday 29 April 2016, the Italian organisations ASGI and NAGA condemned inadequate protection assessment procedures taking place in different police stations in Milan. When asylum seekers request international protection, they are handed a pre-printed form to fill out with some questions aimed at assessing whether the applicant could effectively be entitled to this protection or not. In the latter case, applicants are immediately handed an expulsion order, without any assessment of their protection claims. In addition to this, lawyers and social workers are not allowed to accompany the applicants which makes them more vulnerable as they are frequently not informed about their rights. The statement is available [here](#).

Sources: [The Guardian](#), 6 May 2016; [ASGI](#), 2 May 2016

HEALTH CARE

GERMANY / STUDY / Access to health care for undocumented children

A study authored by Wiebke Bornschlegl, entitled "Der Zugang von Kindern ohne Papiere zu medizinischer Versorgung in Deutschland" (Access of children without papers to health care in Germany) was published in May 2016 and shows significant shortcomings in ensuring health care provision to children and adolescents. An online survey among health care facilities found that the question of how to cover treatments is a major concern and that undocumented families fear being reported to authorities and therefore, only see a doctor if the illness is acute. More than half of respondents stated that the lack of a birth certificate is a key barrier for accessing services as these children do not officially exist in any registry. The results show clearly that there is no access to an adequate, non-discriminatory and continuous health care provision for undocumented children and adolescents in Germany. To read the study (in German), click [here](#).

Sources: [Deutsches Ärzteblatt](#), 12 May 2016; [Süddeutsche Zeitung](#), 12 May 2016

REPORT / New report on sexual and reproductive health rights of undocumented migrants

On the occasion of World Health Day on 7 April 2016, PICUM launched its report entitled “The Sexual and Reproductive Health Rights of Undocumented Migrants: Narrowing the Gap Between Their Rights and The Reality in the EU”. Available in English and Spanish, the report provides recommendations to policymakers, service providers and the European Union and calls for reforming legislation and policies that deny or limit access to sexual and reproductive health services on the basis of residence status. To access the report, click [here](#).

UK / REPORT / Undocumented migrants turned away from general practitioners

Doctors of the World UK released a report in April 2016 based on efforts to register patients with general practitioners (GPs) in England between 4 March 2015 and 21 October 2015. The report finds that two out of five patients who tried to register with a GP were improperly turned away, often based on their inability to show documentation providing their identity or address. This was the case in spite of the universal entitlement in the UK to free primary care and to GPs, affirmed in guidelines issued in November 2015 by the National Health Service (NHS). Those turned away included pregnant women, women with children and people who have suffered trauma or human trafficking. The report recommends that GP and clinic staff be trained on entitlements to NHS care and on how to work with patients with different vulnerabilities. The Royal College of General Practitioners issued a [response](#) to the report, noting its strong opposition to government proposals to charge migrants for GP access. The report of Doctors of the World UK is available [here](#).

USA / Governor of California signs bill allowing undocumented migrants to purchase health insurance

On 10 June 2016, Jerry Brown, Governor of California, signed a bill – [Senate Bill 10](#) - into law that will permit undocumented migrants to purchase health insurance on California exchanges, created as part of the U.S. Affordable Care Act (ACA). California is now the first state in the U.S. to permit undocumented migrants to obtain health care coverage in this manner. The request for a waiver awaits approval by the federal government. Should it be approved, the waiver would permit an estimated 390,000 undocumented migrants in California to purchase health insurance through the state’s exchange. California also permits its undocumented residents to apply for a driver’s licence and to obtain a licence to practice law.

Sources: [Los Angeles Times](#), 11 June 2016; [PBS](#), 11 June 2016

LABOUR AND FAIR WORKING CONDITIONS

EUROPEAN PARLIAMENT / Resolution recognises rights of domestic workers and carers in the EU

A cross party majority in the European Parliament has recognised the rights of domestic workers and carers in the EU. On 28 April 2016, Members of the European Parliament (MEPs) supported a resolution that calls on the European Commission to establish models for regular employer-worker relationships to end precariousness and undeclared domestic work. In the resolution, MEPs call for a “professionalisation” of the domestic sector to turn this precarious form of work into recognised work which would provide domestic workers and carers with social protection rights. The resolution was approved by 279 votes to 105, with 204 abstentions. Click [here](#) to view the report.

Sources: [European Parliament News](#), 28 April 2016; [The Group of the Progressive Alliance of Socialists and Democrats \(the S&D Group\) Newsroom](#), 28 April 2016.

EU / European Migration Forum focuses on labour migration

The European Migration Forum took place in Brussels from 6 to 7 of April and was attended by 120 civil society organisations from across Europe as well as EU representatives and national, regional and local authorities. The forum provided an opportunity for participants to discuss a long-term approach to sustainable labour migration and integration in a participatory format. Participants discussed migration in low and high wage sectors, undeclared work and exploitation, migrant and refugee integration into the labour market, and the role of cities and communities in integration. A report about the meeting is available [here](#).

Sources: [European Economic and Social Committee \(EESC\)](#), April 2016; [Fundamental Rights Agency](#), April 2016.

REPORT / Report recommends FIFA to consider stripping Qatar of World Cup if human rights abuses continue

John Ruggie, Berthold Beitz Professor in Human Rights and International Affairs at the Harvard Kennedy School, has written an independent report on the human rights responsibilities of FIFA, the world football's governing body. The report, which was commissioned by FIFA, recommends that they consider stripping Qatar of the 2022 World Cup if its record on the treatment of migrant workers does not improve within 12 months. FIFA has been in the news recently over its consistent failure to consider human rights issues in host countries including Brazil, Russia, and Qatar, and its unwillingness to use its influence to improve the situation. Amnesty International UK also called on the president of FIFA to take immediate steps to improve the situation and working conditions for migrant workers in Qatar.

Sources: [The Irish Times](#), 22 April 2016; [The Guardian](#), 14 April 2016; [The Huffington Post](#), 14 April 2016

REPORT / The International Committee on the Rights of Sex Workers in Europe launches Community Report on Exploitation in the Sex Industry

To commemorate Labour Day on 1 May 2016, the International Committee on the Rights of Sex Workers in Europe (ICRSE) launched its Community Report entitled "Exploitation: Unfair labour arrangements and precarious working conditions in the sex industry." The report was developed in consultation with sex workers and sex workers' organisations and aims to engage readers in the discussion over exploitation in the sex industry. For migrant, and particularly undocumented sex workers, the lack of access to justice and protective employment and labour laws, means they command little power to demand and negotiate favourable earnings, shares and commissions which severely curtails their income. The criminalisation of sex work, anti-trafficking provisions, and repressive migration laws was also found to worsen their situation, with raids and enforcement measures forcing them to work in secret making them particularly vulnerable to exploitation and abuse.

Source: [International Committee on the Rights of Sex Workers in Europe \(ICRSE\)](#), 1 May 2016.

UNDOCUMENTED WOMEN

COUNCIL OF EUROPE / State Parties to Istanbul Convention now under examination, key opportunity for migrant organisations

States which have ratified the [Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence](#) (Istanbul Convention) will now be examined to measure the extent to which they are adhering to it. Notably, the Convention prohibits discrimination on the grounds of migration status (Article 4), and contains a chapter on Migration and Asylum (Articles 59 to 61). The Convention requires that state parties bring their laws and policies in line with its requirements, and provides for a committee of experts to monitor this through a country-by-country evaluation procedure as well as special inquiry procedure. GREVIO "the Group of experts on action against violence against women and domestic violence" has adopted a provisional timetable outlining the countries that will be evaluated in 2016-2017, namely, Austria and Monaco, Denmark and Albania, Montenegro and Turkey, Sweden and Portugal. In this regard, organisations working with migrant women have a vital role to provide information regarding the situation and experiences of migrant women victims of violence, including undocumented women and asylum seekers fleeing gender based violence. GREVIO opened its examination of Austria and Monaco accepting reports until September 2017, and will then assess Denmark and Albania (accepting reports from September 2016- January 2017). The questionnaire on legislative and other measures giving effect to the provisions of the Istanbul Convention is available [here](#). To view steps in the evaluation procedure, click [here](#). An infographic on country-by-country evaluation is [here](#). For more information on how civil society can engage in the monitoring process, click [here](#).

UK / New law imposes limits on detention of pregnant women in immigration centres

On 12 May 2016 the [Immigration Act 2016](#) became law in the UK, introducing a swath of measures penalising and limiting undocumented migrants' access to employment, housing and a range of services. However, in reaction to political pressure, the law also introduces measures to protect a narrow category of migrants, namely pregnant women. Specifically, section 60 outlaws the detention of pregnant women, unless "the woman will shortly be removed from the United Kingdom," or "there are exceptional circumstances which justify detention." The law requires that a woman's welfare be given due regard in determining whether she will be detained while

pregnant and that her detention not exceed 72 hours – although this timeframe can be extended to seven days, if authorised personally by a government minister.

Source: [The National](#), 10 May 2016

UNDOCUMENTED CHILDREN AND THEIR FAMILIES

EU / REPORT / UNICEF briefing on refugee and migrant children

UNICEF has released a new Child Alert briefing “Danger every step of the way. A harrowing journey to Europe for refugee and migrant children”, which describes the journey that tens of thousands of children are making in the hope of finding safety or a better life in Europe. Gathering testimony from children themselves the report reveals the trauma children suffer getting to Europe and challenges they face on arrival. Data, principles and recommendations for action include ensuring that every child has a full hearing to determine their status and best interests, access to essential services and support including protection, health care and education. Processes of family reunification need to be accelerated and family definitions broadened so that children can reunite with their extended families when in the best interests of the child. All children, accompanied and unaccompanied, need to be shielded from punitive measures designed to prevent secondary movements. Guardianship systems need to be strengthened and child protection needs to become an integral part of the EU Migration Agenda. UNICEF is also concerned about immigration detention of children, stating that community alternatives to detention or detention-like closed facilities must be sought urgently. Read the briefing [here](#).

STATEMENT / EU Alliance on Investing in Children welcomes EPSCO Council Conclusions and encourages more action to invest in all children

The EU Alliance on Investing in Children issued a statement welcoming the Conclusions adopted by the Employment, Social Policy, Health and Consumers Affairs Council on “Combatting Poverty and Social Exclusion: An integrated approach” on 16 June 2016 as a welcome step in addressing child poverty and promoting children’s well-being. The Alliance for Investing in Children urged EU institutions and member states, and in particular the upcoming Slovak Presidency, to maintain child poverty and social exclusion high on their political agenda and to promote a more comprehensive implementation of the Recommendation “Investing in children: breaking the cycle of disadvantage”, to put a stronger emphasis on policies addressing child and family poverty and social exclusion in the Country Specific Recommendations, and to continue to promote the positive exchange of knowledge to tackle child poverty encouraged by the European Commission through the organisation of Peer Reviews and by the Dutch Presidency through the collection of good practices. This [collection of good practices](#) has been published as an addendum to the Council Conclusions. Read the statement [here](#).

TESTIMONIES / New series of testimonies and stories of undocumented children and youth

PICUM has launched a series of testimonies and stories of undocumented children and youth in April 2016 which aims to show the realities undocumented children and youth face across Europe. The testimonies give a voice to children and young people as well as to their parents, caregivers and supporting organisations. PICUM will regularly publish stories and quotes in English, French and Spanish in written form or through multimedia in the run-up to Universal Children’s day in November and will also publish a booklet with a selection of testimonies later in 2016. Testimonies are shared on social media with the hash tag #ShareYourStory. If you wish to submit a story or testimony of an undocumented child or young person, contact: [elisabeth\(at\)picum.org](mailto:elisabeth(at)picum.org). The latest testimony is available on video [here](#) (in English). All testimonies are available online in [English](#), [French](#) and [Spanish](#).

UK / British government to accept unaccompanied children already in Europe

The British Prime Minister, David Cameron, has u-turned on his stance and announced in May 2016 that the government would start accepting children with direct family links in the UK and would provide homes for others who arrived in Europe before the deal between the EU and Turkey. This would include migrant and refugee children currently staying in countries such as Greece, Italy and France. David Cameron has also said that the unaccompanied children with direct family member connections in the UK could avail of a fast tracked process. The UK government had previously committed to take child refugees from Syria and neighbouring countries but

declined to take migrant and refugee children already in Europe arguing that this would encourage more to come.

Sources: [The Guardian](#), 4 May 2016; [BBC](#) 4 May 2016

USA / Class action lawsuit seeks to secure legal representation for children facing deportation, sharp increase in border apprehensions

A federal judge in Seattle, United States, has allowed a class-action lawsuit seeking to secure legal representation for children facing deportation brought by a coalition of migrants' rights groups. A bench trial is scheduled for 12 September 2016. The case will impact deportation cases of thousands of migrant children. Apprehensions of children have also greatly increased at the United States-Mexico border – both of children with their families and unaccompanied – according to a Pew Research Center analysis of U.S. Customs and Border Protection [data](#). There were 32,117 apprehensions of families – defined as children traveling with at least one parent or guardian – during the six-month period from October 2015 to March 2016. Apprehensions of unaccompanied children totalled 27,754 over the same period. The number of family apprehensions is more than double that of the previous year. The number of apprehensions of unaccompanied children increased by 78%.

Sources: [CRINmail](#) 60, 20 May 2016; [Pew Research Centre](#), 4 May 2016

DETENTION AND DEPORTATION

EU / Updated overview of monitoring of deportation

The EU Fundamental Rights Agency has updated its [overview](#) of the current state of affairs on effective return monitoring in the EU. The overview provides the following information for each member state: the legal source providing for monitoring forced return; the organisation responsible for monitoring forced return and whether or not it is operational; the number of monitoring operations in 2015; whether or not monitors are on board of flights (2014 and 2015); the number of flights with monitors on board; number of staff who worked as monitors; and whether or not a public report was issued in 2015. The EU Return Directive (2008/115/EC) requires member states to provide for an effective forced-return monitoring system. The overview is available [here](#)

UK / Increase in number of people being detained, unlawful detention costing £4 million a year

According to the latest [official figures](#), the number of people detained in the UK in the 12 months up to March 2016 rose by 4% to 32,163 from 30,902 in the previous year. 42 people were detained for more than two years. A BBC Freedom of Information [request](#) has revealed that the UK government is paying more than £4 million (over €5.1 million) each year in compensation to people unlawfully detained in immigration detention centres. About 30,000 people pass through the UK's detention centres every year, costing approximately £35,000 (€44,500) a year per detainee.

Source: [Migrants Rights Network](#), 20 April 2016; [BBC](#), 20 April 2016, [Migrants Rights Network](#), 13 June 2016

SWITZERLAND / REPORT / Detention of migrant children widely practiced

The organisation Terre des Hommes, together with the Global Detention Project, published a report on the detention of migrant children in Switzerland on 22 June 2016. The publication, entitled “Illegal detention of migrant children in Switzerland: a status report” finds that Switzerland exhibits a distinct lack of publicly available information regarding its immigration detention practices and in particular, immigration detention of children. Across the Swiss Confederation, 142 children were reported to be in immigration detention in 2015. The full report is available in English, German and French [here](#).

Source: [Global Detention Project](#), 22 June 2016

WEBSITE / Monitoring of deportations

Returnwatch is a new initiative of volunteers and researchers to monitor risks that people face following deportation from the European Union. Operating under the umbrella of the Post-Deportation Monitoring Network, the initiative focuses on forced returns to Turkey in light of the implementation of the EU-Turkey deal. The aim is to hold policy makers in Europe and Turkey accountable for deportation practices and to monitor whether returnees have effective access to international protection on a case by case basis. The initiative seeks to connect those deported with lawyers and human rights NGOs in Turkey. Migrants at risk of deportation or

who have been deported to Turkey are encouraged to contact the initiative [here](#).

Source: [Returnwatch](#), April 2016

PUBLICATIONS AND OTHER RESOURCES

COUNTRY BRIEFS / Inclusion of undocumented migrants in targets of EU 2020 Strategy

On the occasion of International Labour Day, PICUM launched two country briefs, entitled 'Undocumented Migrants and the Europe 2020 Strategy: Making Social Inclusion a Reality for all Migrants in Germany' and 'Undocumented Migrants and the Europe 2020 Strategy: Making Social Inclusion a Reality for all Migrants in Spain' which discuss including undocumented migrants into the targets of the Europe 2020 Strategy in Germany and Spain respectively. The brief on Germany is available in English and German and the brief on Spain in English and Spanish. To view the country briefs, click [here](#).

REPORT / Amnesty International: Human rights under threat globally

Amnesty International recently published its annual report 2015 / 2016 highlighting that human rights are under threat globally. Concerning migrants, the report found that a countless number of migrants and refugees faced intolerance, xenophobia, abuses and violations. At least 30 countries illegally forced migrants and refugees to return to countries where they would be in danger. Concerning human rights in Europe, the report also highlights insufficient policy responses ensuring human rights in light of increased numbers of migrants and refugees arriving. To view and overview with key findings, click [here](#). To read the full report, click [here](#).