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BORDERS

HUNGARY / Prime Minister calls for deporting migrants to islands outside the EU, referendum turnout too low to be valid

Hungarian Prime Minister Viktor Orbán stated on 22 September 2016 that all irregular migrants should be 'rounded up and shipped' outside the EU. He suggested to bring them to islands or coastal areas in North Africa and stated that deporting them would be the only solution to deal with increased numbers of migrant and refugee arrivals. The comment came ahead of Hungary's referendum on the EU's quota plan for the relocation of refugees and migrants on 2 October. 98% of those who voted rejected the EU's plan to admit refugees to Hungary. However, only 40.4% of the electorate took part in the referendum missing the 50% threshold needed to validate the referendum. Viktor Orbán nonetheless announced that Hungary would resist the quota plan. According to reports, Hungary has left many of the most vulnerable people seeking protection stranded at its border. Human Rights Watch (HRW) documented 12 cases of violence against migrants and asylum seekers, including children, who crossed irregularly into Hungary. They reported being severely beaten by Hungarian police, army, or local vigilante groups. Similarly, an Amnesty International report, entitled "Stranded Hope, Hungary's Sustained Attack on the Rights of Refugees and Migrants", released in September 2016, documents the country's crackdown on refugees and migrants. The report recommends repealing Hungary's amendments which criminalise irregular entry and allow summary expulsion of refugees and migrants and the European Commission to conclude formal infringement proceedings against Hungary. The report is available [here](#).

Source: [Human Rights Watch](#) 20 September 2016; [BBC News](#) 14 July 2016; [Politico](#) 22 September 2016; [The Guardian](#), 2 October 2016

MEDITERRANEAN / Nearly 300,500 arrivals, over 3,500 deaths at sea in 2016

The International Organization for Migration (IOM) announced that by 21 September, 300,450 migrants and refugees entered Europe by sea in 2016 arriving mostly in Greece and Italy. According to IOM's Missing Migrants Project, deaths at sea totalled 3,501 in 2016 during this period. This is an increase from the previous year which

saw a total of 2,887 recorded deaths for the same time period. According to the organisation Save the Children, at least 600 children have died between January and September 2016 trying to cross the Mediterranean.

Sources: [International Organization for Migration Press release](#), 23 September 2016; [Save the Children News](#), 3 October 2016

UNITED NATIONS

UN / Summit for Refugees and Migrants characterised by ‘hope and half – heartedness’

The United Nations General Assembly hosted a high-level summit on 19 September 2016 in New York to address large movements of refugees and migrants, with the aim of developing a blueprint for a better international response to migrant and refugee flows. The summit gathered heads of states and governments, EU policymakers, international organisations and civil society. All 193 UN member states unanimously adopted the “[New York Declaration](#)”, a set of commitments to protect rights and share responsibility on a global scale. By adopting the New York Declaration, member states commit to start negotiations leading to the adoption of a global compact for safe, orderly and regular migration in 2018 and to adopt a global compact on refugees in 2018. EU leaders at the forum emphasised the need for more border security. President of the European Council, Donald Tusk [stated](#) the priority was to ‘restore order’ on the EU’s external borders. Theresa May, Prime Minister of the United Kingdom, called for a global clampdown on “uncontrolled migration”, stating that it is the right and the duty of countries to control their borders. The End Immigration Detention of Children campaign [criticised](#) paragraph 33 of the New York Declaration for allowing detention of children as a measure of last resort, in conflict with the UN Committee on the Rights of the Child’s assertion that detention always constitutes a violation of their rights. Over 100 civil society organisations jointly published a [statement and score-card](#) highlighting concerns around the lack of clear commitment in the Declaration, as well as back-sliding on existing human rights standards. More information on civil society action around the summit is available [here](#). The summit also saw the International Organization for Migration (IOM) become a “related organization” of the United Nations. Ahead of the summit, the Special Rapporteur on the human rights of migrants, François Crépeau, published a [joint statement](#) with other UN human rights experts calling for the development of a human rights-based framework for migration when developing the global compacts on refugees and migration. For more information on the summit including statements, videos and a photo gallery, click [here](#).

Sources: [UN News Centre](#), 19 September 2016; [International Business Times](#), 21 September 2016; [The Guardian](#), 20 September 2016; [International Organization for Migration](#) (IOM) 20 September 2016; [United Nations Press Release](#), 19 September 2016

EUROPEAN POLICY DEVELOPMENTS

EU / SLOVAKIA / New declaration and roadmap aims to curb irregular migration, EU leaders remain divided on migration

EU policymakers and heads of state of all EU member countries except the United Kingdom met in Bratislava, Slovakia on 16 September 2016 to discuss the European project, challenges and future. Migration was among the key issues discussed. EU member states agreed on the Bratislava Declaration and Roadmap which outlines objectives, challenges and concrete measures to address them. On migration, EU leaders agreed to reinforce Europe’s external borders and “never to allow” a return to “uncontrolled flows” of 2015, as well as to further “bring down” irregular migration numbers. Among the measures to be taken, the roadmap commits to the implementation of the EU-Turkey statement; to offer immediate assistance to strengthen control at Bulgaria's border with Turkey; to continue support to other frontline member states, and engage in cooperation and dialogue with third countries. To read the Bratislava Declaration and Roadmap, click [here](#). Ahead of the meeting in Bratislava on 14 September 2016, European Commission President, Jean-Claude Juncker, held his annual State of the European Union speech. The speech entitled “[Towards a better Europe - a Europe that protects, empowers and defends](#)” noted that the EU is facing an existential crisis and that the Investment Plan for Africa and the Neighbourhood has the potential to raise €44 billion in investments and would complement the EU’s development aid and help address one of the root causes of migration.

Sources: [Financial Times](#), 17 September 2016; [EU Observer](#), 20 September 2016

NATIONAL DEVELOPMENTS

GERMANY / Attacks trigger renewed debate on more restrictive entry of migrants and refugees

A series of attacks in Bavaria, Germany has led to a renewed debate regarding control of migrants and refugees entering the country, despite the fact that one attacker had German nationality and mainly targeted people of foreign origin, and two attackers had a history of mental illness. On 24 July 2016, a 27-year old Syrian who had a suspended deportation order ('Duldung') killed himself and injured 12 others after detonating a bomb at a music festival in Ansbach, Bavaria. The attack followed a shooting on 22 July in a shopping centre in Munich by an 18-year German-Iranian who was reportedly inspired by Anders Breivik, a Norwegian with a far-right ideology who killed over 70 people on the same day in 2011. The shooting left nine people dead, and over 20 injured who were mostly of foreign origin. These attacks were preceded by an axe and knife attack one week before on a train near Würzburg, Bavaria, by a young Afghan refugee who was allegedly inspired by Islamic State (IS). Chancellor Angela Merkel of the Christian Democratic Party (CDU) reiterated that Germany would continue to accommodate refugees. However, there were calls to restrict legislation allowing migrants and refugees to enter the country. Most criticism of Angela Merkel's stance has come from politicians of the CDU's sister party in Bavaria, the Christian Social Union (CSU). The President of the Advisory Board of German Foundations for Integration and Migration (Sachverständigenrat deutscher Stiftungen für Integration und Migration), Hacı Halil Uslucan, expressed concern that the debate did not accurately consider the complexities of the attacks and stated that a more neutral debate would benefit prevention of future incidents.

Sources: [Die Welt](#), 31 July 2016; [Der Tagesspiegel](#), 30 July 2016; [Frankfurter Allgemeine Zeitung \(FAZ\)](#), 25 July 2016; [Süddeutsche Zeitung](#), 29 July 2016; [EU Observer](#), 25 July 2016.

ITALY / Journalists allowed to enter hotspots

In a meeting between the Ministry of Interior, the National Press Federation and the association Carta di Roma on 14 July 2016 it was decided that Italian hotspots will be opened to delegations of journalists. The media will be allowed to enter the hotspots at least once monthly and at 12 hours' notice. Italy currently has four fully operational hotspots— Lampedusa, Pozzallo, Trapani and Taranto, to which lawyers, journalists and civil society representatives have had no access.

Sources: [Stranieriinitalia](#), 18 July 2016; [Vita](#), 19 July 2016; [ONU Italia](#), 19 July 2016 ; [Carta di Roma press release](#), 18 July 2016

HEALTH CARE

CYPRUS / Migrant woman puts stillborn child in suitcase after fearing to seek medical help due to expired residence permit

A Filipino woman was remanded in police custody for eight days by the Nicosia District Court on 18 July 2016 after allegedly abandoning her stillborn child in a suitcase and instructing a friend to bury it. On 14 July the woman had arrived at Nicosia General Hospital hemorrhaging and suffering from exhaustion. She was reported to police by health professionals at the hospital where she was being treated, and subsequently charged with "concealment of child birth", "participating in a conspiracy with another for the concealment of childbirth", and "overstaying". Reports indicate that the woman did not seek medical attention during her pregnancy because her visa had expired. Under Cypriot law, only Cypriot nationals, registered EU nationals and victims of trafficking are entitled to health care, with very limited exceptions. Civil society organisations have reiterated concerns regarding restrictive policy framework for migrants, and criticised the media for overstating the charges in this case.

Sources: [In Cyprus](#), 20 July 2016; [KISA Press release](#), 22 July 2016; [KISA press release](#) 29 July 2016

GREECE / Health agency calls for closure of reception centres and warns of health risks

Following inspections of 16 centres in northern Greece, the Centre for Disease Control and Prevention (KEELPNO) called for the closure of reception centres for migrants across the country on 26 July 2016. KEELPNO found that conditions in military barracks and industrial sites which accommodate hundreds of migrants pose a

series of health risks for both the migrants and the general public. They specifically noted inadequate ventilation, inadequate access to running water and an accumulation of large quantities of trash and waste on the premises.

Source: [Ekathimerini](#), 26 July 2016

NORWAY / Study shows that a quarter of general practitioners in Norway have treated undocumented migrants, majority would continue to do so despite restrictive laws

According to a study published on 21 June 2016, approximately one in four general practitioners (GPs) in Norway has treated an undocumented migrant, despite national laws severely restricting their right to access services. The study, based on 1,131 responses to an online survey of members of the Norwegian Association of General Practitioners, revealed that GPs in every region had had contact with undocumented migrants. Under regulations adopted in 2012, undocumented migrants in Norway can access emergency care and necessary care that cannot be delayed, as well as medical assistance during pregnancy, for children and people with serious mental health concerns. Currently, two clinics operate in Norway (in Oslo and Bergen) that provide health care services to undocumented migrants. The article is available in [English](#) and in [Norwegian](#)

SPAIN / Constitutional Court rules that decree rolling back undocumented migrants' right to access health care is constitutional

On 21 July 2016, the Spanish Constitutional Court delivered its decision in a case challenging the constitutionality of the Royal Decree (Real Decreto-ley 16/2012, or RDL), enacted by the government in 2012 restricting who could benefit from free health care in Spain. Undocumented migrants were among those excluded, and had previously been guaranteed the same access to health care as Spanish citizens. Under the decree, free medical assistance to undocumented migrants is limited to emergency health care, assistance during pregnancy and birth, and assistance to minors. The parliament of the autonomous Spanish community of Navarra challenged the constitutionality of the RDL. The Constitutional Court rejected all of the claims, and declared that the RDL is in compliance with the Constitution. The Court also ruled that there was no breach of the right to health because this right is defined by the law, and not by the Spanish Constitution. Civil society organisations have spoken out against the ruling, which they say fails to take due account of Spain's human rights obligations. The decision is available [here](#) (in Spanish).

LABOUR AND FAIR WORKING CONDITIONS

MOROCCO / Adoption of new labour law for domestic work

Parliamentarians in Morocco adopted amendments to a labour law on domestic work on 26 July 2016. Amendments include the prohibition of employing children under the age of 18 in domestic work. A maximum number of working hours has been introduced though this remains higher than other sectors. The new law does not take into consideration many of the amendments suggested by civil society organisations, such as provisions for support programmes for children who currently work in the sector. Afrique Culture Maroc (ACM), Collectif des Travailleurs Migrants au Maroc and other organisations have called for a revision of this new law, recommending, among other issues, consideration of the vulnerabilities of migrant domestic workers, and the establishment of a support programme for children involved in the sector.

Sources: Afrique Culture Maroc [press release](#), and [Le Monde Afrique](#), 9 August 2016; [Morocco Gazette](#), 10 September 2016, [Human Rights Watch](#), 1 August 2016

UK / Hamburger chain blamed for supporting raid on migrant workers

A total of 35 migrant workers from Brazil, Nepal, Egypt and Albania were detained as part of a raid on several branches of the Byron Hamburgers chain of restaurants on 4 July 2016 in London. A senior worker in one of the branches alleged that staff had been told to attend a health and safety meeting where immigration officials quickly arrived and started to interview people. Byron was widely criticised on social media for setting up staff meetings on false pretenses and published a statement arguing that they were unaware that employees were in possession of 'counterfeit documentation' until the Home Office brought it to their attention. On 29 July, activists of the London Black Revs and the Malcolm X Movement, released thousands of cockroaches and locusts at two of Byron's branches protesting the treatment of the migrant workers. This comes at a time of [increasing](#)

[numbers](#) of immigration raids across the UK with an 80% rise in the number of raids in London between 2010 and 2015.

Sources: [The Guardian](#), 27 July 2016; [Migrant's Rights Network](#), 11 July 2016; [The Guardian](#), 31 July 2016

UNDOCUMENTED WOMEN

COURT OF JUSTICE FOR THE EUROPEAN UNION / Ruling: migrant women who have experienced domestic violence could lose status if EU partner leaves their country of residence

The Court of Justice for the European Union (CJEU) issued a judgement on 30 June 2016 on the case [NA C-115/15](#). The judgement concerns the rule on domestic violence under 'EU Directive 2004/38/EC on the right of citizens of the Union and their families to move and reside freely within the territory of the member states' ([EU Citizens' Directive](#)), which gives non-EU citizens' rights of free movement in the EU if they have a family link with an EU national. To protect non-EU nationals who escape an abusive relationship, the Directive allows them to remain in the EU, and later obtain permanent residence status if circumstances during the marriage are particularly difficult such as domestic violence. This means that a spouse can be protected from losing their status if their marriage or registered partnership is terminated because of domestic violence. The case involved a Pakistani national who moved to the UK with her German husband, and later left him due to domestic violence. Her husband then left the UK. Under the facts of this case, the Court held that the woman could remain in the UK as the mother of children with German nationality but not as a victim of domestic violence.

Sources: [EU Law Analysis](#), 25 July 2016; [Free Movement](#), 6 July 2016

EU / EU to designate 2017 as the year on eliminating violence against women

The European Union plans to designate 2017 as a year of focused actions to eliminate violence against women. Specific activities have yet to be announced. In this context, the Commission, through its 2016 Rights, Equality and Citizenship Programme (REC Programme), will co-fund national information, awareness-raising and education activities aimed at preventing and combating violence against women in line with the specific objective of promoting equality between women and men and advancing gender mainstreaming. In March 2016, the European Commission made a proposal to the European Union to accede to the Council of Europe's Istanbul Convention, a comprehensive international treaty on combating violence against women and domestic violence.

Sources: [European Commission](#), 7 September 2016

UNDOCUMENTED CHILDREN AND THEIR FAMILIES

REPORT / 'Uprooted: The growing crisis for refugee and migrant children'

UNICEF published the report 'Uprooted: The growing crisis for refugee and migrant children' on 7 September 2016. The report presents and discusses available data about the reality of childhood migration and displacement, highlighting specific needs and rights of migrant and refugee children. The presented data indicates that at least 31 million children have migrated or have been forcibly displaced across borders, including 5,4 million in the Europe region. The report provides six recommendations to improve the situation: protect child refugees and migrants from exploitation and violence; end the detention of migrant and refugee children; keep families together and ensure birth registration and access to legal identity; keep all refugee and migrant children learning and give them access to health and other quality services; press for action on the underlying causes of large-scale movement of refugees and migrants, and promote measures to combat xenophobia, discrimination and marginalisation in countries of transit and destination. The report states that good policies are necessary but not sufficient - administrative capacities and political will to implement said policies are also essential. Click [here](#) to read the full report.

Source: [UNICEF Press release](#), 7 September 2016

USA / Government announces plans allowing Central Americans to come to U.S. as refugees

The U.S. government announced the expansion of a programme on 26 July 2016 which would allow Central Americans to come to the U.S. as refugees. The U.S. has faced increased numbers of migrants arriving from El

Salvador, Guatemala and Honduras, largely said to be due to gang violence in these countries. The U.S. government reached a protection transfer agreement (PTA) with Costa Rica to serve as a temporary host site for the most vulnerable migrants from El Salvador, Guatemala and Honduras while they wait for their claims to be assessed. The UN will help identify the most vulnerable in the countries of origin. Costa Rica aims to host 200 individuals at a time for six-month periods under the new agreement. Only those who have been prescreened in their countries of origin will be eligible for travel to Costa Rica.

Sources: [New York Times](#), 26 July 2016; [The Guardian](#), 26 July 2016

DETENTION AND DEPORTATION

AUSTRALIA / Company managing Australia's offshore immigration detention centres could be liable for crimes against humanity, experts find

The Spanish company, Ferrovial, has been warned by professors at Stanford Law School that its directors and employees risk prosecution under international law for supplying services to Australia's camps on Nauru and Manus Island in Papua New Guinea. Australia's offshore detention centres have attracted widespread and consistent criticism since the country re-introduced its policy of "offshore processing" in 2012. Currently, people who arrive in Australia by boat seeking asylum without a visa are sent to either Nauru or Manus Island, where most are held in indefinite, arbitrary detention. At present, 843 men are being held on Manus Island, and 466 people, including 50 children, in the Nauru detention centre. Most have been held on the islands for nearly three years. The warning came as a new [report](#) was released on 25 July by rights advocacy group No Business In Abuse (NBIA) and the Melbourne-based Human Rights Law Centre called on Ferrovial to immediately cease all operations at the two camps and claiming that dozens of European and North American banks and investors are complicit in Australia's offshore detention regime due to their financial backing for Ferrovial. Ferrovial said it would not be renewing its contract with the Australian government next year.

Source: [The Guardian](#), 25 July 2016

GLOBAL / REPORT / Reports outline immigration detention of children, impacts and applicable standards

The Inter-Agency Working Group to End Child Immigration Detention has published a brochure outlining the use of immigration detention of children, the harmful impacts it has on children, the applicable legal standards, and the alternatives. This brochure is accompanied by a document summarising in more detail the normative standards and recommendations on ending child detention. It shows growing consensus and acknowledgement from the international community that the immigration detention of any child – whether accompanied or unaccompanied – constitutes a clear violation of a child's rights. The brochure is available [here](#). The other document is available [here](#).

GREECE / Human Rights Watch denounces detention of unaccompanied children in police cells

Human Rights Watch (HRW) has reported that Greek authorities regularly detain unaccompanied asylum-seeking and migrant children in small, crowded and unsanitary police station cells. Children are reportedly held there for weeks and months, waiting for space in shelter facilities. The detention of children in police station cells was originally intended as a short-term measure, due to a lack of sufficient and adequate accommodation for children. Meanwhile, hundreds of other migrant children were held in large detention centres. The children themselves described unsanitary, overcrowded cells, including dirty blankets, bugs, and lack of access to information or services such as counseling, legal aid and interpretation. Children also reported not being allowed to leave their small cells.

Source: [Human Rights Watch](#), 19 July 2016