



PLATFORM FOR INTERNATIONAL COOPERATION ON
UNDOCUMENTED MIGRANTS

PICUM QUARTERLY October - December 2016

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BORDERS

FRANCE / Calais camp cleared, hundreds of children go missing, new wall erected

Authorities removed inhabitants of the migrant camp in Calais, France during the end of October 2016. Thousands of people were taken from the makeshift camp which was estimated to accommodate between 6,000 and 8,000 people. Many migrants moved to other camps such as Grande-Synthe or other cities including Paris. The Refugee Youth Service (RYS) monitored 386 children at the Calais camp between March and November 2016 of which 222 could not be located after the clearance. RYS also identified issues such as the lack of any contact with state services for many children. Since the clearance of the camp, a one kilometre-long and four-metre high border wall is currently being erected.

Sources: [Die Welt](#), 29 November 2016; [The Huffington Post](#), 23 November 2016; [The Guardian](#), 5 November 2016; [New York Times](#), 3 November 2016

GLOBAL / Over 7,200 migrant deaths recorded in 2016

According to the International Organization for Migration's (IOM) Missing Migrant project, a total of 7,277 migrants and refugees have died or remain missing on world migratory routes in 2016, from 1 January - 19 December. This is the highest yearly number IOM has ever recorded. It represents an average of 20 deaths per day. By comparison, the total number of deaths of migrants and refugees recorded in 2015 was 5,740. The number of deaths in the Mediterranean accounted for over 60 percent of all deaths of migrants and refugees worldwide. To view an interactive map of the Missing Migrant project providing data and figures, click here.

<http://missingmigrants.iom.int/>

UNITED NATIONS

UN / Children and families should never be detained for immigration purposes

Ahead of International Migrants' Day, a group of United Nations expert has called to end the immigration detention of children and their families. The group includes Special Rapporteur on the human rights of migrants, François Crépeau; Chair of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Jose S. Brillantes; Chair of the Committee on the Rights of the Child, Benyam Dawit Mezmur; Chair of the Working Group on Arbitrary Detention, and Sètonджи Roland Adjovi. The statement highlights that under the UN Convention on the Rights of the Child, states cannot justify detaining migrant children because they are unaccompanied or separated from their families. States also cannot justify detaining children on the basis that their parents need to be detained and that it is the only way to keep the family together. The statement also notes that children in detention are often left with a feeling of being punished although they did nothing wrong and that even short periods of detention have an adverse and long-lasting effect on a child's development. The full statement is available [here](#).

EUROPEAN POLICY DEVELOPMENTS

EU / Agreement foresees deportation of thousands of people to Afghanistan

International donors and the Afghan government convened at the [Brussels Conference on Afghanistan](#) on 4-5 October 2016 pledging nearly 14 billion euros for the country in 2017-2020. In parallel, the Afghan government and the EU signed an agreement "[Joint Way Forward on migration issues between Afghanistan and the EU](#)", which includes plans to deport large numbers of Afghan nationals to Afghanistan. According to the agreement, Afghanistan will have to accept an unlimited number of deportees and Frontex will coordinate and organise the joint deportation flights. A group of more than 25 organisations released a [statement](#) in response to the agreement urging Members of the European Parliament (MEPs) to ask concrete parliamentary questions to the European Commission about the plan's implementation; to challenge the approach that migration control becomes a main objective in the EU's relations with third countries, and to analyze if such bilateral readmission agreements follow due process.

Sources: [NPR](#), 6 October 2016; [Al Jazeera](#), 5 October 2016; [The Guardian](#), 28 September 2016; [The Guardian](#) 3 October 2016

EUROPEAN COURT OF HUMAN RIGHTS / Judgment in case *Khlaifia and Others v. Italy*: violation of right to liberty and security, no inhuman or degrading treatment

The Grand Chamber of the European Court of Human Rights issued its judgement on 15 December 2016 in the case *Khlaifia and Others v. Italy*. The case concerns three Tunisian nationals who were intercepted by the Italian coastguard when attempting to cross the Mediterranean Sea by boat and brought to Lampedusa in September 2011 where they stayed in a reception centre. In accordance with a bilateral agreement concluded in early April 2011, the Italian authorities applied a fast-track procedure and deported the Tunisian nationals to Tunisia. The Grand Chamber confirmed that the applicants' detention was unlawful: the applicants were detained in a facility not provided for under Italian law, and their detention could not have been made lawful under Italy's bilateral agreement with Tunisia, because its terms were secret and therefore could not provide them with the necessary clarity and certainty about its consequences. Their detention therefore was a violation of the right to liberty and security (Article 5 §1), the right to be informed promptly of the reasons for deprivation of liberty (Article 5 §2), and the right to a speedy decision on the lawfulness of detention (Article 5 §4). The Court ruled that there was no violation of Article 3 (prohibition of inhuman or degrading treatment) in respect to the conditions in the reception centre in Lampedusa. According to reports, over 50,000 migrants and refugees were staying in Lampedusa at the time and reception centres were overcrowded with inadequate hygienic conditions. To read the full judgement, click [here](#).

Sources: [Verfassungsblog](#), 16 December 2016; European Court of Human Rights, [Press Release](#), 15 December 2016; [Elena Weekly Legal Update](#), 16 December 2016

NATIONAL DEVELOPMENTS

FINLAND / As thousands of asylum applications rejected, city government and local churches open night shelters to all, regardless of residence status.

The city government of Helsinki agreed that night shelters should be accessible to all, regardless of residence status in Finland. A new night shelter with 30 beds has opened in Helsinki. A joint initiative of the Helsinki Lutheran Congregation and the Helsinki Deaconess Institute, the shelter is expected to serve people whose asylum application has been rejected and Roma. The local church in the city of Pori will also open its doors to rejected asylum seekers and provide them a place to sleep. While there are no exact numbers of how many people reside in Finland irregularly, as of November 2016, about 8,000 asylum seekers appealed in court after a rejection of their first application for asylum. They now risk being left homeless and without support. Many of the refused asylum seekers are from Iraq and cannot be deported because Finland and Iraq do not have a bilateral return agreement.

Sources: [Helsingin Sanomat](#) 7 November 2016; [YLE](#) 11 November 2016; [Demokraatti](#) 17 October 2016; [YLE](#) 4 November 2016; [YLE](#) 26 October 2016; [YLE](#) 13 October 2016

GERMANY / STUDY / Assessment of media coverage on New Year Eve incidents in Cologne

At the beginning of 2016, news about men, many allegedly from North-African countries, who sexually harassed women in Cologne on New Year's Eve 2015/2016 made headlines internationally. Despite the large amount of coverage, there was little evidence and facts regarding the case and the identity of the perpetrators. A new study, commissioned by the Gunda-Werner-Institute for Feminism and Gender Democracy of the Heinrich-Böll-Foundation (Gunda-Werner-Institut für Feminismus und Geschlechterdemokratie der Heinrich-Böll-Stiftung) published in November 2016, assesses media coverage on the incident and the influence the coverage had on public perception and policymaking. The study focuses on reporting of the German public broadcasters ARD and ZDF analysing nearly 100 reports. It shows that perpetrators were mostly referred to as 'refugees', 'asylum seekers', 'foreigners' or 'migrants' before anyone was formally identified. The study concludes that sexual harassment was not discussed as a structural problem in the media but rather as something linked to background and nationality. The perspective of the victims of the harassment was almost entirely left out of media reports. Moreover, the reporting influenced a political debate on more restrictive migration legislation, what countries should be considered 'safe countries of origin' to which people can be deported including North-African countries. The full study (in German) can be downloaded [here](#). A summary in English is available [here](#).

USA / Following election of Donald Trump, mass mobilisations and protests, while growth of private detention business expected

Following the election of Donald Trump on 8 November 2016 to become the next President of the United States, city officials, students, migrant rights supporters and migrants themselves have mobilised to protect undocumented migrants' rights. For instance, Chicago Mayor, Rahm Emanuel, said his city would remain a sanctuary city. He initiated a joint letter signed by mayors of 14 other U.S. cities asking President-elect Donald Trump to continue the Deferred Action for Childhood Arrivals (DACA). The policy was launched in 2012 by the Obama administration to protect young undocumented people who arrived before their 16th birthday from deportation. Donald Trump had stated his intent to dismantle DACA. Students at colleges across the U.S. protested, trying to convince their universities to protect undocumented students. Over 70 Presidents and other leaders of Catholic higher education published a joint letter on 30 November urging protection of students who meet the criteria of the DACA policy. Donald Trump affirmed that he would proceed with his plans to detain and deport undocumented immigrants who have a criminal record after taking office in early 2017. The day after the elections, companies operating for-profit immigration detention centers experienced [a significant increase on the stockmarket](#).

Sources: [Slate](#), 20 November 2016; [Washington Post](#), 16 November 2016; [Washington Post](#), 30 November 2016; [Fusion](#), 11 November 2016; [Bloomberg](#), 18 November 2016; [NBC](#), 7 December 2016

HEALTH CARE

UK / Pregnant women could be required to show their passports at hospital before giving birth

According to plans being considered by one London hospital, pregnant women should show an ID to prove that they are entitled to National Health Service (NHS) treatment. The checks aim to address alleged 'health tourism'. According to St George's University Hospitals NHS Foundation Trust that made the proposal, the costs for treatment of non-eligible patients could be £4m-£5m (€4,7 – 5,8 m) per annum if no action is taken. Cathy Warwick of the Royal College of Midwives stated that according to the law, care has to be offered to women in labour, irrespective of their migration status. The leader of the Labour Party, Jeremy Corbyn, stated that the proposed crack down on alleged 'health tourism' distracts from the health service's actual funding crisis. He stated that instead of looking for scapegoats, the government should ensure that health and social care is properly secure and properly funded.

Sources: [The Guardian](#), 23 November 2016; [BBC](#), 11 October 2016

LABOUR AND FAIR WORKING CONDITIONS

GLOBAL / ILO Forced Labour Protocol comes into force

The International Labour Organisation (ILO) [Protocol on Forced Labour](#) came into force on 9 November 2016. The International Labour Conference voted in favour of adopting a Protocol and a Recommendation which supplement the Forced Labour Convention, 1930 (No. 29). The new Protocol establishes the obligations to prevent forced labour, protect victims and provide them with access to remedies, and emphasises the link between forced labour and trafficking in persons. In line with the Forced Labour Convention, the Protocol also reaffirms the importance of prosecuting the perpetrators of forced labour and ending their impunity. The Recommendation provides orientations and guidelines to implement these obligations. This includes to ensure that labour laws apply to all workers in all sectors. The Protocol has so far been ratified by Argentina, Czech Republic, Estonia, France, Mali, Mauritania, Niger, Norway, Panama and the United Kingdom (not yet in force in all countries). The ILO, together with the International Trade Union Confederation and the International Organization of Employers are running a campaign '[50 for Freedom](#)' with the goal persuading at least 50 countries to ratify the Protocol on Forced Labour by 2018. For more information, see an ILO Brief on the Protocol [here](#).

REPORT / Unions supports irregular workers

On the occasion of International Migrants' Day on 18 December 2016, the European Trade Union Confederation and the its UnionMigrantNet network published the report "Defending Undocumented Migrants" which emphasises all workers' rights, regardless of residence status. The report explains the situation of undocumented workers and the need for a 'firewall', a clear separation between immigration law enforcement and public services. The report also proposes to establish more regular channels for migrant workers; to ensure migrant workers' right to change their employer and complaint mechanisms for all workers to enforce their labour rights. To download the report in English and French, click [here](#).

UNDOCUMENTED WOMEN

CAMPAIGN / Call to ensure access to services and justice for all women who are survivors of violence

Ahead of International Migrants' Day, the Platform for International Cooperation on Undocumented Migrants (PICUM) and Women Against Violence Europe (WAVE) Network launched a campaign partnership to promote access to services for all women who are survivors of violence, regardless of their migration status. In the context of WAVE's [Step Up! Campaign](#), the focus on undocumented migrant women and women with a precarious migration status highlights key principles for ensuring equal protection for all survivors: that women's rights, as human rights, apply to all women; that protection and safety should come first; and that discriminatory practices must be challenged. Service providers such as shelters, medical staff and legal advisors, local, regional and national governments, civil society organisations, women rights activists and members of the public are

encouraged to commit to these principles by signing a pledge. To view the pledge and to find out more about the campaign partnership, click [here](#).

UNDOCUMENTED CHILDREN AND THEIR FAMILIES

BOOKLET / Undocumented children and young people share their stories

Ahead of Universal Children's Day in November 2016, the Platform for International Cooperation on Undocumented Migrants (PICUM) published a booklet with a collection of testimonies, entitled 'Hear our voices. Undocumented Children and young people share their stories'. Bringing together a range of individual stories and testimonies in different formats, from around Europe, the booklet presents personal perspectives on some of the pervasive impacts that immigration control measures can have on the well-being and development of children and young people. It also gives a platform to their voices and resilience. The booklet is available in [English](#), [French](#) and [Spanish](#).

EU / Child Forum focuses on migration

The 10th European Forum on the Rights of the Child, held from 29 to 30 November 2016 in Brussels, focused on children in migration. The Forum brought together 310 experts from the 28 member states of the EU, Norway and Iceland. Participants discussed challenges, opportunities and promising practices in the protection of all third country national children arriving and in the EU. The discussions were informed by a [general background paper](#) and [topic-specific papers for the four more in-depth parallel sessions](#), as well as the [10 principles for integrated child protection systems](#), around four broad themes: identification and protection, reception, access to asylum procedures and procedural safeguards and durable solutions. A group of nearly 80 organisations active in the field of children's rights, released a joint statement ahead of the Forum on 29 November 2016 expressing their concern that failure to prioritise the protection of children is putting more children at risk. The organisations list seven priority actions to protect all migrant and refugee children. To read the joint statement and the seven priority actions, click [here](#). Videos of the Forum on the Rights of the Child are available [here](#). Source: [EU Observer](#), 30 November 2016

DETENTION AND DEPORTATION

CZECH REPUBLIC / REPORT / Migrants pay for detention and children are detained

The Global Detention Project has issued a report on migration detention practices and legislation in the Czech Republic. The Czech Republic has been strongly opposed to the refugee quotas proposed by the European Commission. Following the rise in the numbers of refugees and migrants passing through the country, authorities have tried to deter them by increasing the numbers held in migration detention. The country has been under fire for making migrants pay for their detention and for detaining children as young as 15 together with adults. To read the report click [here](#).

Source: [UN News Center](#) 22 October 2015

FRANCE / REPORT / Current state analysis of migration detention centres in arrival areas

In a report published in November 2016, the National Association for Assistance to Foreigners at the Borders (ANAFE) provides an analysis of the current state of migration detention centres in arrival areas. While international and regional standards demand that detention should be used as a last resort and for as limited time as possible, detention is often carried out without judicial oversight or access to legal assistance or health care. Detention centres near border areas have been found to be lacking transparency about conditions and procedures. The report describes the conditions of several detention centres in arrival areas in detail including detention of children. ANAFE is one of the few organisations authorised to access the centres and the report highlights failures and infringement of rights witnessed by the association. To read the full report, click [here](#).

GREECE / REPORT / Systematic, prolonged detention including detention of children

A report by the Greek organisation Aitima, entitled 'Forgotten. Administratively detained irregular migrants and asylum seekers', released on 10 October 2016, finds that migrants, including children, are systematically

detained for prolonged periods. The report also states that facilities are not adequately maintained, there is a lack of access to health care and free legal aid and the detention system is not in line with international standards. Recommendations to Greek authorities, to the Greek Ministry for the Interior, and to the European Commission include, among others, for the European Commission to better monitor enforcement of the legislation in the field of administrative detention; to end the detention of children; to provide detained migrants with information concerning their status and situation, and to individually assess all cases of detained migrants and identify vulnerabilities. To download the report, click [here](#).

LIBYA / UN / Severe human rights abuses against migrants in Libya

The Office of the United Nations High Commissioner for Human Rights (OHCHR) together with the UN Support Mission in Libya (UNSMIL) published on 13 December 2016 the report “‘Detained and Dehumanised’ Report on human rights abuses against migrants in Libya”. The report highlights how the breakdown in the Libyan justice system has led to a state of impunity in which migrants are subjected to serious human rights violations and abuses. According to Martin Kobler, the Secretary General’s Special Representative for Libya and Head of the UNSMIL, people smuggled or trafficked into Libya face torture, forced labour and sexual exploitation along the route, many while held in arbitrary detention. Recommendations to Libyan authorities include to end the arbitrary detention of all migrants and immediately release particularly vulnerable groups such as pregnant women, children, persons with health concerns and disabilities; to protect those in detention from killings, rape and sexual exploitation and to improve conditions of detention immediately, and specifically provide adequate food, medical care, water and sanitation and to ensure full respect for the principle of non-refoulement and the prohibition of arbitrary and collective expulsions. Recommendations to countries of destination include to decriminalise irregular migration and ensure that migrants can effectively access justice and human rights protection. To read the full report, click [here](#).

POLICY BRIEF / Post-deportation risks

A policy brief by the Danish Institute for International Studies (DIIS) authored by Maybritt Jill Alpes, Postdoc Researcher at the VU University of Amsterdam and Ninna Nyberg Sørensen, Senior Researcher at DIIS, published in November 2016 analyses risks following deportations. The policy brief divides these risks into three groups: economic and psychosocial risks, insecurities in the hands of state agents, and inhumane and degrading treatment. The brief provides an overview of what risks frequently occur in individual countries to which migrants are deported. The policy brief recommends that there must be effective monitoring of deportations; complaint mechanisms and legal aid for out-of-country appeals should be put in place; agreements which include readmission clauses should be negotiated with the participation of parliamentarians and civil society and be made publicly available. To read the full policy brief, click [here](#).

EVENTS

GLOBAL / Civil society engagement at the Global Forum on Migration and Development

The 9th Global Forum on Migration and Development (GFMD) took place in Dhaka, Bangladesh from 10 to 12 December 2016. The Civil Society Days took place on 8-9 December and gathered 200 civil society delegates from over 50 countries. The discussion led to an outcome [report](#) presented at the Common Space attended by civil society and government delegates on 10 December. The report highlights the need to empower migrant workers including through an effective complaints mechanism and access to justice for labour rights violations. It states that deterrence and migration control policies are often ineffective, and deprive individuals of their fundamental human rights; and addresses rising xenophobia, calling among others, for dialogue and support to cities and local authorities as first responders to migration. It notes that the Global Compact on migration must have practical effects on the ground, improving the lives, opportunities, and respect for the human rights of all migrants. For more information on the Civil Society Days, click [here](#). To watch a video of the GFMD opening ceremony click [here](#). To read reports, remarks and speeches of the Global Forum on Migration and Development, click [here](#).