



PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

PICUM Newsletter December 2007

Finalized on 30 November 2007

This newsletter focuses on news items and policy developments concerning the basic social rights of undocumented migrants in Europe. It is currently available in Word format and on the PICUM website (www.picum.org) in the following languages: English, German, Dutch, Spanish, French, Italian and Portuguese. You are invited to distribute this newsletter widely.

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Index

1. [Death at the Border](#)
2. [News from UN + EU Member States + Switzerland + U.S.A.](#)
3. [European Policy Developments](#)
4. [Undocumented Children](#)
5. [Upcoming Events](#)
6. [Publications](#)
7. [PICUM News](#)
8. [Miscellaneous](#)

1. Death at the Border

- A young sub-Saharan migrant died soon after being admitted to hospital in Tenerife on 15 October. He was among a group of some 90 migrants rescued two days earlier 25 kilometres south of the Canary Island. 5 other migrants on board the same vessel remain in a serious state. The death of this undocumented migrant brought the official number of deaths on or off the Canary Islands to 119 so far this year. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)

- A Spanish fishing boat rescued an irregular migrant off the coast of the Cape Verdean Islands. Found on the night of 24 October 2007, he was the only survivor of a group of 56 people, mainly from Mali and Guinea, who perished when the vessel they boarded ran out of gasoline and started drifting in the sea. The survivor said that as food and water was running out; some of the dying migrants were thrown overboard while they were sleeping whereas others, at least 10, all Malians, committed suicide by jumping into the sea. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- The bodies of 7 drowned migrants were found off the coast of Calabria on 28 October, after their vessel had sunk. Around 100 survivors managed to swim ashore. The vessel is the 14th to have transported irregular migrants to the coast of Calabria since the beginning of this year. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- A young irregular immigrant believed to be from Senegal threw himself from the third floor of his apartment block in southern France on 6 November after police turned up to collect unpaid rent. The young man suffered multiple fractures but will recover. Police were called in to help the owner of the building collect unpaid rent from dozens of tenants when the man, fearing that police would ask to see his residency papers, jumped. This follows the similar cases of a 51-year-old Chinese woman died in late September when she jumped from the first storey of her building in Paris while trying to escape police and a 12-year-old Russian boy who was seriously injured after he fell from the fourth-floor balcony of a building in the northern city of Amiens when police turned up to question his family who were undocumented residents in France. http://www.expatica.com/actual/article.asp?subchannel_id=58&story_id=45712
- The Spanish police confirmed that at least 50 Africans lost their lives trying to reach the Canary Islands by boat from Senegal. In a statement released on 6 November, the police reported that after running out of food and water on the high seas, people had started dying on the boat which initially held 150 passengers, and were thrown overboard. http://fr.news.yahoo.com/ap/20071106/twl-espagne-immigration-clandestine-0ef7422_2.html
- Fortress Europe state that at least 296 migrants and refugees died trying to reach the European Union in October 2007. More than 200 people were reported to be missing off the Canary Islands, 51 victims were counted in the Strait of Sicily and Calabria (south of Italy) and 33 drowned in the Aegean Sea, between Turkey and Greece. At least 1,343 migrants have already died since the beginning of the year. <http://fortresseurope.blogspot.com>

2. News from EU Member States + Switzerland + U.S.A.

General

- The Euro-Mediterranean Human Rights Network (EMHRN) has expressed its regret at the absence of any consultation with civil society organisations during the preparatory process of the Euromed ministerial conference on migration issues that took place on 18 and 19 November. No reply was given to the EMHRN's request to be associated to the Ministerial conference. The EMHRN has expressed concern that the rights of all migrants have not been given any priority in the discussions at the Euromed level. No references have yet been made to the UN Convention on the Rights of all Migrant Workers and Members of their Families or to the Geneva Convention on Refugees. <http://www.euomedrights.net/usr/00000022/00000051/00001820.pdf>
- Counter-terrorism measures in many parts of the globe disproportionately impact upon immigrants, a United Nations independent human rights expert said in New York on 29 October. Migrants with a

well-founded fear of persecution may be the largest group of persons in the world who are seriously and adversely affected by the post-2001 wave of new counter-terrorism measures UN Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism Martin Sheinin told the General Assembly committee dealing with social, humanitarian and cultural issues. <http://www.un.org/apps/news/story.asp?NewsID=24464&Cr=asylum&Cr1>

France

- In response to governmental decrees such as the *Circulaire Hortefeux* which requires job agencies and employers to check the work permit situation of foreigners before registering or hiring them, various public servants from institutions like the national job agency (Agence nationale pour l'emploi) and the Department Directorate of Work, Employment and Training (Direction départementale du travail, de l'emploi et de la formation professionnelle) have declared that they will refuse to collaborate "in the chase of foreigners" and created a solidarity network for all those affected by new legislation, including employees from the administration who might be faced with pressure to exercise new duties. For more information see <http://refi.over-blog.org/>. Their petition can be signed at <http://www.mesopinions.com/Reseau-Emploi-Formation-Insertion-petition-petitions-b89f925422f2cfe7edfa28c73c81cad0.html>

Spain

- On 1 December the Constitutional Court (Tribunal Constitucional) declared various articles of the "Ley de Extranjería" (law applicable to foreigners), enacted in 2000 by the "Partido Popular" (Popular Party), unconstitutional. According to the Court, the law violates some fundamental human rights of undocumented migrants in Spain. The Court considered that some articles which restrict the right of assembly, association and union unconstitutional. Moreover it also declared that the articles that: (i) deny irregular immigrants the right to free legal aid; and (ii) prevent undocumented children from continuing with non-compulsory education (after the age of 16), unconstitutional. <http://www2.elplural.com/politica/detail.php?id=15346>

Italy

- The LIDU (Lega Italiana dei Diritti dell' Uomo), and the European Association for Human Rights, EAHR, of which the LIDU is a member, have released a statement in order to make their position known concerning the "dispute" on migrants, particularly those who are EU citizens residing in Italy. The LIDU and the EAHR are of the opinion that legislative measures should not be taken under emotional duress, playing on the security of citizens, as this can only lead to blind revenge and maintain and stir up xenophobic tensions. http://www.euractiv.com/29/images/communique%20LIDU%20AEDH%2015%2011%202007_ENG_tcm29-168475.pdf

Greece

- In a landmark ruling, the Supreme Court has ruled that undocumented migrant workers who are not paid minimum wage or fairly compensated for overtime may sue employers under Greek labour laws in spite of immigration law prohibiting employers hiring foreigners who do not hold a valid residence permit. (*Athens News*, 16 November)
- A Greek border guard shot and killed a migrant trying to cross into North-western Greece amid a government investigation into claims of police brutality and torture of irregular immigrants. The victim, who had entered the country on 8 November 2007 and tried to run away from officers who

ordered him to stop, had crossed either from Macedonia or Albania with a group of 10 other people, police said. There has been a rise in irregular immigrants attempting to enter Greece this year, on foot via its land borders and by boat across the Aegean Sea from Turkey. Police said they were investigating the incident and the guard had been arrested and his gun confiscated.

<http://www.reuters.com/article/latestCrisis/idUSL08280518>

- “The truth may be bitter, but it must be told” was the title of a report produced by the German NGO for the protection of refugees Pro Asyl, in cooperation with the Greek Lawyers’ Association for the Rights of Refugees and Immigration. The report speaks of unhygienic conditions and lack of special care for minors in the detention centers. It also speaks of instant definition of the refugees’ entrance in the country as illegal. Port authorities often do not inform them of their constitutional rights and would in fact employ the method of *refoulement*, forcing them to move to another country in search of asylum, or as is usually the case, they face forced resettlement to Turkey.
<http://www.proasyl.de/>
- Following the release of the Pro Asyl report, Minister of Foreign Affairs Dora Bakoyannis called for more European support arguing that Greece cannot handle any more immigrants. She urged coordination between domestic services and the European Union as well as EU investment in a common coast guard. (Eleutherotipia, Niki, Ethnos, Avgi, 30 October / Express, Avriani, Nautemporiki, 31 October, Epohi 27 October, Pontiki 01 November)
http://www.setimes.com/cocoon/setimes/xhtml/en_GB/newsbriefs/setimes/newsbriefs/2007/10/31/nb-10

UK

- A massive force composed of immigration officials and police stormed the Chinatown district in London on 11 October, and took more than 30 people into custody suspected of being undocumented migrants or workers without authorization. The operation was strongly condemned by the London Chinatown Chinese Association (LCCA): “On the day of the raid, the police came into Chinatown as if there was a war or a terrorist situation”, said a Chinese leader. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- The Immigration Minister, Liam Byrne, informed on 22 October, that more cash incentives would be offered to rejected asylum seekers to encourage them to leave the UK voluntarily: “We will not hesitate to use enforced returns, but when we can spare British taxpayers the £11,000 which these cost each, we will”. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- An engineer falsely accused of being an undocumented migrant while holidaying in Northern Ireland was arrested and imprisoned purely because of his race, the Equality Commission reported on 28 October. The case highlights the degree of racist attitudes towards foreigners within Northern Ireland officialdom, according to the only ethnic minority member of the Stormont assembly. Anna Lo said she knew of many similar cases where people legally visiting Northern Ireland had ended up under arrest or deported. <http://www.guardian.co.uk/immigration/story/0,2200939,00.html>

Ireland

- The Migrant Rights Centre is advocating that the Immigration Residency and Protection Bill provide for a Bridging Visa for migrant workers who can demonstrate that they have been exploited or have become undocumented through no fault of their own; a sample from the MRCI's computerised case management system revealed that out of 378 people, 171 had become undocumented as a result of

some form of workplace exploitation. This visa would allow a migrant worker to change or seek employment within a defined period. The worker becomes documented, in a position to make an official complaint and seek new employment.

http://www.mrci.ie/policy_work/lrregMigrant_UndocuMigrant.htm

- The Irish Congress of Trade Unions has called on Government to introduce a “Fair and Transparent Regularisation Process to Allow Thousands of Undocumented Workers in Ireland to Work Legally”. In their position paper titled “A Fair Way In”, the ICTU state is it unwise and unfair to avoid the situation and argue that a scheme would benefit of workers, documented and undocumented, lead to the effective functioning of the labour market and the development of a just Irish society. <http://www.ictu.ie/html/publications/ictu/Undocumented%20Workers.pdf>

Belgium

- On the 18th anniversary of the Convention on the Rights of the Child several organisations (including Amnesty Flanders, 11.11.11 and Vluchtelingenwerk Vlaanderen) highlighted that in 2006 almost 700 children were detained, including children born in Belgium. These NGO’s urged the Belgian government to stop the practice of detaining children because of a failed application of one of their parents. (Source: Nieuwsbrief Beweging voor Kinderen Zonder Papieren, 20 November 2007)
- Approximately fifty undocumented migrants held a demonstration in front of the ‘Dienst Vreemdelingenzaken’ (Asylum Office) in Brussels on 19 November. This is the same group that held a hunger strike a week earlier. The group offered a letter to the Minister of Internal Affairs and to the police in which they emphasized that they have been protesting peacefully for two and a half years without any results. They asked for a meeting with the Minister on 26 November 2007.
- The organization Foyer has developed an informative brochure to help undocumented migrants know their rights and practical possibilities in Belgium. It discusses housing, education, healthcare, legalisation, return etc. The brochure (in Dutch) can be downloaded from www.foyer.be under “publications”, or [click here](#) for the link.

Netherlands

- In cooperation with Terp 10 Communication, Refugee council Friesland developed the boardgame “The siege of Fortress Europe” (De bestorming van Fort Europa). The goal of the game is to let people experience what migrants go through. More information: http://www.vluchtelingenwerk.nl/1576-Speel_het_spel_De_bestorming_van_Fort_Europa_.html
- WODC, scientific research and documentation institute of the Ministry of Justice, published a special issue on Human trafficking. One of the reasons for this issue is the new provision in the Dutch Criminal Code which includes exploitation in sectors other than the sex industry, such as commerce, the catering industry, greenhouse and horticulture. Download the special edition at : www.wodc.nl/images/JV0707
- By changing article 3.48 of the Alien Order (Vreemdelingenbesluit) victims of human trafficking who do not report but assist to tracing and prosecution in another way, by giving a declaration or act as a witness, are considered for a residence permit. (kamerstuk 19637: 1174, 18.10.07)
- Nearly 50 % of the people falling under the pardon regulation (which became effective last June for asylum seekers falling under the old Alien Law) need medical assistance. Over two third have a

need for psychological assistance. More info:

[www.pharos.nl/uploads/ site_1/Pdf/Documenten/20071023%20-%20Factsheet%20Pardonregeling%20en%20Gezondheid2.pdf](http://www.pharos.nl/uploads/site_1/Pdf/Documenten/20071023%20-%20Factsheet%20Pardonregeling%20en%20Gezondheid2.pdf)

- A Rotterdam homeless centre has to receive a homeless, seriously ill, undocumented man, Rotterdam court decided on 7 November 2007. The city council is not allowed to deny accommodation as it constitutes inhuman treatment and is contrary to human rights principles. The ruling has affirmed that city councils have a responsibility to provide for care.
- On Human Rights Day, the 10 December, Utrecht City Council received the Clara Meijer Wichmann award (penning) for its special efforts for undocumented migrants in the city. More information on: <http://www.ligarechtenvandemens.nl>
- Secretary of state Albayrak vows to close detention boats as soon as possible. The move follows various boat protests against the poor circumstances of those living in centers for Alien detention. The centres "don't fit the current deportation policy", Albayrak said. Source: NRC, 29-11-07 <http://www.nrc.nl>

Germany

- The Catholic Forum "Life in Illegality" (Leben i der Illegalitaet) has criticised the lack of political debate following a report on the situation of undocumented immigrants in Germany which has been available to the governing parties CDU/CSU and SPD for months. Bishop Dr. Joseph Voss, director of the Forum, warned that the issues arising from irregular migration will not be resolved by ignoring it. In particular, the Forum criticises proposals of the Home Office increase the duty of public institutions to denounce immigrants without documents. According to Voss, this prevents undocumented migrants from accessing healthcare, attending school or enforcing their right to receive wages - i.e. prevents them to enjoy rights which all human beings have under German law. For further detail see <http://www.forum-illegalitaet.de/>

Hungary

- The Hungarian government must do more to strengthen structures monitoring segregation in schools and enforcing zero tolerance, said the minorities' ombudsman, Erno Kallai, last week. He called on the civil service administrative office and the education ministry to strengthen co-operation with the minorities' ombudsman's office to bolster efforts to stamp out segregation, which mainly affects Hungary's Roma community. Kallai said the state must play a much bigger role in intervening and local governments were ill-equipped to deal with this type of problem. http://www.budapesttimes.hu/index.php?option=com_content&task=view&id=1949&Itemid=159

Malta

- According to reports received by Amnesty International, up to 223 Eritreans were forcibly deported from Malta between 30 September and 3 October 2002. The Eritreans were said to have been immediately arrested on arrival in Asmara and taken to a military camp, detained and incommunicado. The Eritrean authorities have neither acknowledged the detentions nor revealed the whereabouts of the detainees to their families or the public. Further deportations are feared. Amnesty International emphasized that the Maltese government must ensure that all returns take place in conditions of safety and dignity and that those deported will not be subjected to human rights violations in their country of origin.
http://www.amnesty.org.uk/news_details.asp?NewsID=13608

Switzerland

- On 3 October legislation was adopted in Switzerland on the use of force to carry out repatriations. The police will be allowed to use methods such as binding both feet together at the ankles and making use of dogs. The scope of this Bill includes children. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)

USA

- The Board of Supervisors in San Francisco voted on 13 November to issue municipal identification cards to city residents - regardless of their legal status. Supervisor Tom Ammiano, who authored the ID card legislation, said the program is a smart public safety measure because it would make residents living on the social margins of San Francisco more likely to seek the help of police and could give them more access to banking services. "People are afraid to report crimes," Ammiano said, referring to undocumented immigrants who avoid local law enforcement authorities over fear of being arrested or deported by federal immigration officials. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/11/14/BAB9TBP5H.DTL>
- Domestic workers who were exploited and abused in the U.S. by foreign diplomats petitioned an international commission on 15 November, because U.S. domestic law denies them their rights and access to justice. The petition reports that each year some three thousand migrant domestic workers come to the United States to labour in the homes of foreign diplomats. They travel on special visas for the specific purpose of working for foreign officials, and their immigration status is legal only so long as they remain employed by a diplomat employer. The domestic workers of foreign officials are extremely vulnerable to exploitation; they work in relative isolation in private homes, hidden from public scrutiny and government regulation and are often from severely impoverished backgrounds, lack formal education, are unaware of their rights and often do not speak English. Furthermore, domestic workers are excluded from the protection of the most fundamental federal labour and employment laws. The petition comes shortly after the State Department forced a Kuwaiti diplomat and his wife, to leave the country after they abused their three Indian domestic workers.
<http://www.aclu.org/womensrights/employ/32783prs20071115.html>
- With cross wood in one hand and flowers in the other, a group of 50 people walked along the streets of Tucson, Arizona, on 3 November to remember more than 200 undocumented migrants that died in the last 12 months on the border between Arizona and the Mexican state of Sonora. According to figures from the Coalition of the Human Rights of Arizona, the NGO that have organized this pilgrimage for nine years, from October 2006 to September 2007 a total of 237 undocumented migrants died trying to cross the desert of Arizona.

<http://mx.news.yahoo.com/s/04112007/38/nacional-recuerdan-peregrinaci-n-inmigrantes-muertos-frontera.html>

3. European Policy Developments

General

- Trade Unions are seeking to encourage ministers to relax Britain's opposition to European Commission proposals to give temporary workers full employment rights after six weeks. British employers want a minimum six months qualifying period instead. The lobbying comes ahead of a crucial meeting of European Union employment ministers on 5 December. The Portuguese presidency of the EU has proposed a deal that would force the UK to compromise over temporary and agency workers, in return for a permanent opt out from measures to limit the working week. The government is adamantly opposed to such a deal, but lacks a veto and risks being unable to assemble a blocking minority of member states. Source: <http://www.ft.com/cms/s/0/263e3766-9b57-11dc-8aad-0000779fd2ac.dwp?uid=70662e7c-3027-11da-ba9f-00000e2511c8.html>

European Commission

- The Commission is providing assistance to Malta, Italy, Greece, Sweden and Spain to cope with the reception of irregular maritime immigration and the arrival of Iraqi asylum-seekers. Projects have now been selected for funding under the Call for Proposals "Assistance to Reception Challenges". This new budget line for 2007 was voted in December 2006 by the European Parliament in order to finance a number of actions in the area of migration which are complementary to the general framework programme entitled 'Solidarity and Management of Migration Flows' for the period 2007-2013, and which have the potential to provide additional answers to the challenges posed by migratory flows. The indicative amount available for this call for proposals is EUR 7 million. <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/07/1691&format=HTML&aged=0&language=EN&guiLanguage=en>
- The European Commission is proposing that all children over six years of age are fingerprinted for EU passports (and nationally-issued ID cards) - the only reason that those less than six years old are not to be fingerprinted is a technical one as they are not of a sufficient quality for identity verification. Source: Statewatch News Online, 6 November 2007 (24/07) <http://www.statewatch.org/news/2007/nov/eu-com-passport-reg.pdf>
- The Commission organized a public hearing on the future of the Common European Asylum System (CEAS) on 7 November. This hearing marked the end of the public consultations on the future of the CEAS that started with the publication of the Green Paper in June 2007. The Commission will release a 'roadmap 2008-2010' in July 2008 with actions and legislative initiatives to meet the 2010 deadline of the CEAS. The roadmap will include amendments to the Eurodac and Dublin Regulation, to the Reception Conditions Directive as well as new legal instruments, the implementation of the new European Refugee Fund, and guidelines on maritime operations. Evaluations of the Procedures and Qualifications Directives should be published in the next months. Source: http://www.ecre.org/topics/intro_to_topics ECRAN Weekly Update of 9 November, 2007
- The main conclusions of a report on the transposition and implementation of the Reception Directive that the Commission released on 26 November argue that Member States have not lowered their previous standards of assistance to asylum seekers but the wide discretion allowed by the

Reception Directive in a number of areas (such as health care, level and form of material reception conditions, free movement rights and needs of vulnerable persons) undermines the creation of a level playing field in the area of reception conditions. Another important flaw in the implementation concerns the treatment of vulnerable groups, in particular minors. Most Member States do not exclude detention of people with particular needs, including minors and even unaccompanied minors. Justice, Freedom and Security Commissioner Franco Frattini stated that the creation of a level playing field in reception conditions is a priority for the Commission. He added that the Commission intends to propose amendments to the Directive to limit the discretion allowed with regard to the level and form of material reception conditions, access to employment, health care, free movement rights and identification and care of vulnerable persons. A proposal to amend the Directive is to be presented in July 2008, as part of the Commission Policy Plan on the second phase of the Common European Asylum System.
Source: http://www.ecre.org/topics/intro_to_topics

European Parliament

- Member States are negotiating with the Commission on its proposal to extend the scope of the Long Term Residence Directive to beneficiaries of international protection a representative from the Commission confirmed during a meeting of the Sub-Committee on Human Rights of the European Parliament on 5 November. Some Member States want to limit the extension of the scope of the Directive only to refugees and not, as proposed by the Commission, also to beneficiaries of subsidiary protection (together with refugees referred to as 'beneficiaries of international protection'). Another point of discussion in the Council is whether or not to take into account the duration of the asylum procedure in the years of residence requirement (which is five years in the proposal). The Parliament will be only consulted in this procedure and the Council will take the final decision, unanimously.
Source: <http://www.ecre.org/> ECRAN Weekly Update of 9 November, 2007
- Conditions in UK detention centres are generally good but the children of asylum seekers should not be detained according to MEPs of the European Parliament Committee on Civil Rights, Justice and Home Affairs (LIBE) after their visit to three UK detention centre between 21 and 23 November. The MEP's also expressed concerns on the length of detention and on confining innocent people alongside criminals: this is always problematic but in the case of children it is inhumane. The delegation visited the centres Yarl's Wood, Bedfordshire; Oakington in Cambridgeshire; and Harmondsworth, near Heathrow.
Sources: http://www.ecre.org/topics/intro_to_topics
- The European Parliament held a joint meeting with members of national Parliaments on the future of an area of freedom, security and justice, on November 26 and 27, aiming at establishing an improved and more regular dialogue between European and national parliamentarians. The first session of the joint meeting dealt with the role of Parliaments in the EU Global Approach to migration, with a focus on the draft Directive on sanctions against employers of undocumented workers. The focus was on the fight against irregular immigration as well as the need for a comprehensive policy towards regularised migration of workers, while asylum was not mentioned as a part of a global approach to migration. Portuguese Minister of Interior Rui Pereira stressed that because Europe needs migrants, borders cannot be closed but that Europe also needs to tackle irregular immigration. Source: http://www.ecre.org/topics/intro_to_topics
- A collection of European Human Rights defenders' Associations have launched a petition addressed to MEPs in protest against the proposal for a directive concerning the detention and

deportation of immigrants, submitted to the European Parliament on 29 November. The proposed directive is the first in this domain to be submitted to a co-decision procedure with the Council of Ministers. The most critical parts of the directive are: the detention period that could be extended up to 18 months and the establishment of a five-year ban from Europe for all people who are expelled. Source: <http://www.outrageousdirective.org>

Council of the European Union

- It its meeting of 8 November the Justice and Home Affairs Council began discussions about the proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ("blue card"), and about the a proposal for a Council Directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. The Council agreed to return to these proposals in the context of a joint meeting with EU Employment Ministers in December 2007. Source: Press Release, Items debated on 8.11.2007, Provisional Version <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/97023.pdf> and http://www.ecre.org/topics/intro_to_topics ECRAN Weekly Update of 9 November 2007.

Council of Europe

- The Council of Europe Convention against Trafficking in Human Beings (CETS n° 197) will enter into force on 1 February 2008, following confirmation by Cyprus as the tenth country to ratify it. The main features of the new Convention include: compulsory assistance measures and a recovery and reflection period of at least 30 days for the victims of trafficking, the possibility to deliver residence permits to victims not only on the basis of cooperation with the law enforcement authorities, but also on humanitarian grounds; the possibility to criminalise "the clients"; a non-punishment clause for the victims of trafficking; a strengthened international cooperation system and an independent monitoring mechanism, GRETA, which will monitor the proper implementation of the Convention by the Parties. Source: Council of Europe Press Division

4. Undocumented Children

- The regional government of Scotland confirmed on 10 October that it would urge London for an end to the detention of families with children. Fiona Hyslop, Minister of Education in Scotland, will call for the introduction of an alternative method to keep track of asylum-seeking families, similar to the pilot project currently used in England. The latter involves staff members of NGOs working with families and aims at reducing the number of children in detention centres and encouraging rejected asylum-seeking families to accept voluntary and assisted repatriation. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- The Danish Government announced that 60 rejected asylum-seeking families would be allowed to move out of State-run refugee centres and move to those operated by the Danish Red Cross. According to Government officials on 23 October, the decision was motivated primarily concern of the effects the long stay at State-run refugee centres were having on children. These effects have been condemned by human right groups. (Source: Migration Policy Group *Migration News Sheet*, November 2007, e-mail: mns@migpolgroup.com)
- Sir Al Aynsley-Green, the children's commissioner for England, stated in a letter to the immigration minister Liam Byrne on 13 November, that there were "grave ethical reservations" surrounding the

government's plans for identifying the age of minors through the use of x-rays, as well as "severe limitations" to its effectiveness. Young people who had never seen an x-ray machine would experience confusion and fear, but would be under pressure to consent as a refusal would reduce their chances of a successful asylum claim, he warned.

http://www.guardian.co.uk/uk_news/story/0,,2209953,00.html

- The report 'Segregation of Roma children in education – Addressing structural discrimination through the Race Equality Directive' was commissioned by the European Commission and drafted by Lilla Farkas on the authority of the European network of legal experts in the non-discrimination field. It portrays the issues facing Roma children in education across the EU as a result of structural discrimination, warranting solutions that reach beyond the personal level.
http://ec.europa.eu/employment_social/publications/2007/ke7807289_en.pdf
- In a momentous decision for Roma across Europe, the Grand Chamber of the European Court of Human Rights, by a vote of 13 to 4, ruled on 13 November that segregating Roma students into special schools is a form of unlawful discrimination that violates fundamental human rights. The ruling came in *D.H. and Others v. the Czech Republic*, a case in which 18 Roma children sought legal redress for the practice - widespread in Central and Eastern Europe - of shunting Roma students into "special" schools for children with learning disabilities. The Court found that the practice of racial segregation in education violated Article 14 of the European Convention of Human Rights, which prohibits discrimination, taken together with Article 2 of Protocol 1, which secures the right to education. The Court noted that the Czech Republic is not alone in this practice and that discriminatory barriers to education for Roma children are present in a number of European countries. <http://www.errc.org/cikk.php?cikk=2866>
- Every year, several unaccompanied minors, aged from 4 to 17 years old, find themselves in Greece after a long and dangerous journey. At the moment, on the islands of Lesbos, Samos and Kos, some 130 children -Afgghans, Turks, Africans and other- are placed in detention. The situation is similar in other places (Evros, Aspropyrgos, Volos). Some of the children stay in these "prisons" for months, while others are released without being referred to a protective institution, they run away or they fall victims of exploitation. A report by the Greek Ombudsman, who visited five locations sites where minors are held, talked about substandard detention conditions and gave shocking descriptions of these places. (*Ethnos*, 11 November)
- Kyrill Buneanu broke the record of being the youngest baby without documents ever to be detained in a detention centre in Brittany. The three-week-old Moldavian baby had been detained with his parents for two days before the Court of Appeal in Saint-Brisson-sur-Loire (Loiret) decided to end the detention of the family because of the young age of the baby and the great psychological suffering imposed on the parents. See www.liberation.fr from 6 November 2007

5. Upcoming Events

- Solidar and the Take Part! Project partners are organizing the "Market Place" on 4-5 December 2007 in Brussels, the final event of the Take Part! Project for EU-wide dialogue on integration. At the Market Place migrants, NGOs, trade unions, employers' associations, researchers, local authorities and EU policy makers will come together to discuss how they can foster better integration policies. Key recommendations, codes of conduct for migrant organizations, along with best practices in the five different countries involved in the project will be discussed.
http://www.dgroups.org/groups/SOLIDAR-WR/docs/Market_place_programme_and_invitation_16_11_07.pdf

- On 6 December in Paris, members of the community are invited to the launch of a working group on the social protection of foreigners and of those in a precarious situation. The day will consist of a discussion of the project and a setting of important and current themes. Organizers include Catherine Lévy of the Alert Network on Inequality (RAI), Didier Maille of Comede and Antoine Math of Gisti. Contact: Antoine.math@noos.fr or Didier.maille@comede.org
- “New Migration Dynamics: Regular and Irregular Activities on the European Labour Market” is an international colloquium organized by the Research Unit on Migration and Society (URMIS) of the National Center for Scientific Research (CNRS) and the University of Nice Sophia-Antipolis, which will take place in Nice on 6-8 December 2007. The conference will address new migratory trends and their economic and social effects on “sending” and “receiving” countries, taking an international and multidisciplinary approach. <http://www.unice.fr/urmis/spip.php?article115>
- The International Law Practitioner’s Association (ILPA) and the London School of Economics (LSE) are organizing a conference on the topic “Migrants and involuntary return, Article 3 of the European Convention on Human Rights” on 14 December 2007 in London. The conference will seek to examine the interpretation of Article 3 and the non-derogable right not to be subjected to torture or inhuman or degrading treatment from the perspective of migration rights, by bringing together key actors influencing the development of Article 3 jurisprudence. <http://www.ilpa.org.uk/DT1022conference.pdf>
- PICUM’s publication on ‘Access to Health Care for Undocumented Migrants in Europe’ will have its UK launch at a meeting in the UK Parliament on 11 December. The event will provide an opportunity for campaign supporters to meet with MPs to discuss the future of health care for vulnerable migrants. The health charity, Medact, as part of coalition of voluntary groups, is leading a campaign aimed at protecting the rights of the most vulnerable migrants needing health care. The campaign is concerned about government plans to restrict access to NHS primary health care for migrants. The group is also currently gathering support from MPs for Early Day Motion *220
- The Center for Migration Studies (CMS) and the International Organization for Migration (IOM) are co-hosting a conference entitled “International Migration and Development: Continuing the Dialogue, Legal and Policy Perspectives”, which will take place in New York on 17-18 January 2008. The objective will be to hold informal discussion and critically review current developments in the field, taking note of the September 2006 UN High-Level dialogue on International Migration and Development. For more information and registration contact: imr@cmsny.org or unobserver@iom.int
- SMES-EUROPE (Social Exclusion from Mental Health) is organizing a conference in Rome from January 23-24, 2008 titled “Severity of Poverty and Exclusion: Resignation or challenge?” The discussion will focus on the extent of poverty and social exclusion in Europe and will attempt to propose ways of effectively establishing the right to and access to health and social care. http://www.smes-europa.org/Rome2008_10conf_SMES_UK.htm

6. Publications

- “Women, Men and Children in Germany – their Right to Health; A report of the Federal Working Group on Health/Illegality” The 2007 report published by the German Institute for Human Rights argues that health care for undocumented migrants in Germany is lacking. It relates doctors’ reports that undocumented migrants seek medical help too late, if at all. One barrier preventing undocumented migrants from realising their legal right to medical care is the Residence Law, which stipulates that public offices have a duty to report to the Aliens Office (*Ausländerbehörde*) if they

know of an undocumented migrant. The working group recommends establishing a federal fund, opening access to private health insurance, protecting distribution of health insurance certificates, and increased emphasis on local initiatives.

http://www.institut-fuer-menschenrechte.de/webcom/show_shop.php?wc_c=488&wc_id=72

- The ACLU Women's Rights Project (American Civil Liberties Union) and NELP (National Employment Law Project) have recently published "No Free Right to Harass: Protecting the Rights of Undocumented Immigrant Women Workers in Sexual Harassment Cases", a litigation guide intended especially for those involved in sexual harassment litigation on behalf of immigrant workers. Its primary focus is to help lawyers develop, with their clients, a strategy for the most effective representation of undocumented women workers. It provides guidance beginning with the initial interview through to the choice of legal theories and remedies.
www.nelp.org/docUploads/no_free_pass%20final.pdf
- "The 'Global Approach to Migration' rhetoric or reality?" is a European Policy Centre (EPC) policy brief written by Elizabeth Colett. The publication discusses what has come to be known as the 'Global Approach to Migration' which heralds a new way of resolving migration dilemmas in Europe, focusing on partnership and dialogue with non-EU countries. The policy brief argues that the Union currently has neither the competence nor the political will to fulfil its mandate to create genuine partnerships with third countries to manage migration - and needs to act now to turn its rhetoric into reality. http://www.epc.eu/TEWN/pdf/339002765_Global%20Approach%20to%20Migration.pdf
- "Racism in Europe: ENAR Shadow Report 2006", produced by the European Network Against Racism (ENAR), paints a serious picture of the situation of racism in Europe. It asserts that communities that are vulnerable to racism include amongst others, Roma, Sinti and Travellers; migrants including EU nationals and third country nationals, particularly undocumented migrants and asylum seekers; the Jewish community and the Muslim community. It indicates that manifestations of racism in Europe continue, concluding that some forms of racism are on the increase, notably Islamophobia, and there has been a significant upsurge in racist violence and crime. http://www.enar-eu.org/en/publication/shadow_reports/europe2006_EN.pdf
- The 2008 edition of the "Guide for taking responsibility of medico-psycho-social needs of migrants / foreigners in a precarious situation" has been published by Comède as a practical guide for health professionals in the social and administrative fields as well as for organisations supporting foreigners and migrants. It aims at better comprehending the diversity and complexity of the situation. When faced with requests for support concerning health care provision, health check-ups, access to healthcare and legal advice, knowledge of medical, psychological, social and administrative issues are crucial for helping those vulnerable persons, including exiles, refugees and undocumented migrants. http://osi.bouake.free.fr/IMG/pdf/guide_comede.pdf
- "Escape from Tripoli: Report on the Conditions of Migrants in Transit in Libya" is a Fortress Europe publication. It states that thousands of undocumented migrants and refugees cross the southern Libyan border every year, some of whom then continue their journey towards Italy. The report features testimonies, relating the crimes committed by *passeurs* (those who organise the journeys) and Libyan law enforcement bodies, which include abuse, harassment, ill treatment, arbitrary arrests, detentions without trial, and torture.
http://www.infinitoedizioni.it/fileadmin/InfinitoEdizioni/rapporti/REPORT_LIBYA.pdf
- A summary report on the seminar "Migration: the human rights perspective", which took place on 24-26 October 2007 in Geneva has been presented by Mr. Jeremy Corbyn, the seminar's rapporteur. Attended by PICUM board member Reyes Castillo, the seminar was jointly organized by

the Inter-Parliamentary Union (IPU), the International Labour Organization (ILO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for members of parliamentary committees working on human rights and other committees addressing migration issues to discuss the theme of migration from a human rights perspective. Recommendations included confronting the media stereotyping of immigrants as “criminals” or “bogus asylum seekers”, applying a rights-based approach to laws and policies on immigration and ensuring enforcement of these laws, securing ratification of international migrant conventions and considering the option of regularization for undocumented migrants. <http://www.ipu.org/splz-e/hrbodies07/conclusions.pdf>

- “Forbidden Journey: Foreigners in an irregular situation in prison” is a masters thesis written by Virginie Brulet in 2007 at the School of Higher Education in the Social Science (EHESS), Marseille. The thesis focuses on foreigners in an irregular and incarcerated situation in France, describing the mechanisms of administrative surveillance and the ways in which the penal system brings about a state of exclusion through imprisonment. Brulet presents accounts of meetings with foreigners in an irregular situation living in prison, and goes on to show the paradoxes inherent in French policies of exclusion. The thesis has recently been added to the Scientific network TERRA’s ‘Masters Collection’ and can be found online at: http://terra.rezo.net/IMG/pdf/Virginie_BRULET_Parcours_defendus.pdf

7. PICUM News

PICUM staff and board members have recently spoken at the following events:

- **Meeting of the Council of Europe’s Human Rights Commissioner**, 7 November 2007, Strasbourg, France. PICUM Chair Don Flynn was invited to the monthly meeting of the Human Rights Commissioner on the issue of regularisation programmes and made a presentation on PICUM’s position regarding undocumented migrants.
- **‘Borderless Solidarity’: A Congress on irregular migration and undocumented migrants**, 14 November 2007, Antwerp, Belgium. Organized by the University of Antwerp Centre for Migration and Intercultural Studies. PICUM Chair Don Flynn and PICUM Board member Franck Duvèll made presentations on the topic and Board Member Didier Vanderslycke was a speaker in the debate on ‘The Tension Between Policy and Practise’.
- **International Edition of Migration and Co-development**, 28-30 November 2007, Tenerife, Canary Islands. PICUM Board Member Reyes Castillo represented PICUM at this event organized by the Movement for the Peace and Disarmament and the Freedom of the Canary Islands. She delivered a presentation titled “Migrant’s Violated Rights”.

8. Miscellaneous

- “Words without papers” a comic book, published by Delcour 2007, with the support of Cimade and Migreupe, is a compilation of nine authors’ depiction of nine testimonies of undocumented migrants. The stories sketch what life is like as an undocumented migrant, touching on various issues including undocumented prostitution, surviving without papers, and reasons for migration. The book contains a preface by Emmanuelle Béart. <http://www.cimade.org/publications/8>
- A short film has been made by documentary maker Nick Broomfield for Amnesty International to highlight the issue of destitute refused asylum seekers in the UK, as part of Amnesty’s campaign to end destitution of these undocumented migrants. <http://www.amnesty.org.uk/content.asp?CategoryID=10398>

- The Union for the Defence of Undocumented Migrants (UDEP), organized a march of solidarity for undocumented migrants on the 3 November 2007 in Brussels. They proposed to regularize undocumented migrants in possession of an offer of employment, who have been living in Belgium at least since the 1 January 2006. The union expressed regret that currently migrants may only modify their clandestine situation solely on the basis of economic criteria, without consideration for humanitarian or moral criteria. They demanded a moratorium on the negative treatment, imprisonment and expulsion of undocumented migrants in Belgium.
Contact: udep-bruxelles@hotmail.com
- An international meeting organized by Migreurop on “Detention of Foreigners in the European Union and outside its borders; what modes of intervention, what prospects for a “right of access” in detention camps for non-nationals?” was held in Paris on 23 November 2007. The event provided an opportunity for member and partner organizations of Migreurop to exchange information on the topic. The conversation aimed at leading towards a better mutual knowledge of the organizations’ methods of intervention in detention camps, and reinforced cooperation between field actors in the different countries. <http://www.migreurop.org/article1226.html>
- The 8th edition of the Cimade festival *Voyages, regards croisés sur les migrations* (“Voyages, a crossed look on migration”) took place in Toulouse and several cities in southwest France on 23-27 November 2007, presenting the theme of international migration through various modes of art (cinema, photography, theatre, concerts). The festival was set up to promote debate, reflection and the sharing of experiences and to provide the occasion for a critical analysis of migratory phenomena. Several pieces on undocumented workers were presented. The festival partnered up with the month-long “Migrant’s Scene” festival beginning on the 18 November to celebrate migration. <http://cimade.novelys.com/assets/0000/0233/ProgrammeInternet.pdf> & <http://www.migrantscene.org/>
- The Jesuit Refugee Service (JRS) Europe launched a competition for student journalists, inviting them to write an article on the theme “Access to Asylum”, highlighting the challenges facing migrants trying to access asylum in Europe. The competition is open to students, or recent graduates, from any institute of higher education in one of the forty-three member states of the Council of Europe. Articles should not exceed 1200 words and must be submitted by the 22 February 2008. More information is available at: <http://www.jrseurope.org/Competition/2007/journalistmainpage2-launch.htm>

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