



# GLOBALDETENTIONPROJECT

## Turning the Global South into an Immigration Detention Gulag

Michael Flynn


# Global Detention Project OBJECTIVES

Foster  
transparency in  
detention policies  
and practices


Promote respect  
for fundamental  
rights of detainees


Reinforce  
advocacy of  
detention reforms

Encourage policy-  
relevant  
scholarship


**GLOBALDETENTIONPROJECT**

[Country Profiles](#)
[Data & Analysis](#)
[Detention Centres](#)
[Publications](#)
[News & Activities](#)






### Border crisis in Latvia?

Despite having only a very small number of unauthorized entries, Latvia calls the situation at its borders with Russia and Belarus "alarming" and has begun constructing a multi-million Euro border fence.

[See detention profile.](#)

#### Featured Publications



### When Is Immigration Detention Lawful? The Monitoring Practices of UN Human Rights Mechanisms: Global Detention Project Working Paper No. 21

Working Papers | Izabella Majcher and Mariette Grange | February 2017

The authors describe the normative framework governing immigration detention established in core international treaties and discuss how human rights bodies apply this framework when reviewing states' policies and practices. Their assessment of the impact and implementation of fundamental norms reveals gaps in the international protection regime and highlights how states' responses to this regime have shaped contemporary immigration detention systems.

[Read more](#)

#### GDP News & Activities

[Submission to the UN Committee on Migrant Workers: Algeria](#)

March 2017

In this submission the Global Detention Project raises questions about the extent of criminal prosecution in Algeria of undocumented migrants, details about the locations of detainees, and...

GLOBAL IMMIGRATION DETENTION OBSERVATORY

Dashboard
Inbox
Centres
Countries
Sources
Legal Instruments
Treaties/Reservations

All countries
Trinidad and To...
Germany
Spain
Netherlands

## NETHERLANDS

COUNTRY DASHBOARD
I. DETENTION CENTRES
II. IMMIGRATION AND DETENTION-RELATED STATISTICS
III. DOMESTIC LAWS AND POLICIES
IV. INTERNATIONAL LAW
V. INSTITUTIONAL INDICATORS
VI. SOCIO-ECONOMIC INDICATORS

DETAILS
Country: Netherlands
Region: Europe
Sub region:

- Western Europe

Organizations and Alliances:

- Schengen Area
- European Union
- North Atlantic Treaty Organization (NATO)
- Council of Europe
- United Nations (UN)

MAP INFORMATION

TOTAL CENTRES
14

LAST UPDATE
Mar 2017

COMPLETED FIELDS
61%

NETHERLANDS IMMIGRATION DETENTION

In contrast to many of its European neighbours, the Netherlands has sharply reduced its immigration detention capacity as a result of decreasing numbers of immigration detainees. Observers argue that these decreases are in part due to the fact that the government "takes the obligation to consider alternatives more seriously" than it did before adoption of the EU Returns Directive. On the other hand, detention numbers have soared in the Kingdom of Netherlands' Caribbean islands, Curaçao and Aruba, as growing numbers of people from nearby Venezuela flee their failing economy.

PROFILE

- Introduction
- Laws, Policies, Practices
- Detention Infrastructure
- PDF Version of 2016 Profile

INTRODUCTION

The number of immigration detainees in the Netherlands has dropped significantly in recent years, from 6,104 in 2011 to 2,176 in 2015.[1] According to some accounts this is due in part to the fact that the government "takes the obligation to consider alternatives more seriously than it did before" the EU Return Directive was adopted.[2] Another reason is a Council of State ruling prohibiting mobile surveillance teams of the Royal Military Constabulary to arrest irregular migrants at the border with other EU countries.[3] Fewer detainees have in turn spurred a reduction in the capacity of the Dutch immigration detention estate, from 1,950 in 2011 to 933 in 2016.[4]

Other reform efforts have included proposed new rules on the conditions of detention. After the suicide of an asylum seeker in early 2013 in the Rotterdam Detention Centre, the Security and Justice Inspectorate conducted an investigation and found that the government acted negligently in terms of medical and legal assistance. This led to the drafting of the Return and Detention Act. The Act, which was still in Parliamentary debate as of late 2016, would regulate conditions and regime of detention, which are currently governed by rules applicable to penitentiaries.[5]

QUICKFACTS

Immigration detainees (2015):	2,176
Detained asylum seekers (2014):	261
Detained minors (2012):	402
Persons expelled (2015):	8,620
International migrants (2015):	1,979,500
New asylum applications (2014):	21,811

An initiative of the Global Detention Project - Response Time 9.001 s
2016 © Foundation Tutorator v1.15 dbase 2016/06/24

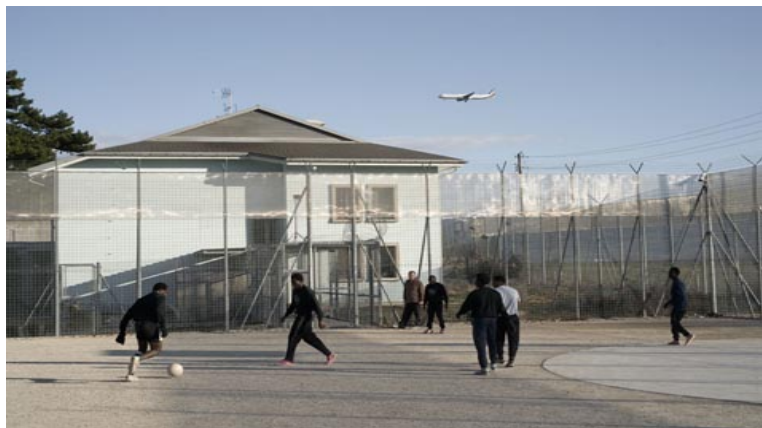
globaldetentionproject.org

### Global Phenomenon: GDP Map of Detention Sites





## Global Phenomenon: Detention Centers around the World





► Annual Migration Reports

► **Migration Statistics**

► History of Migration

► Migration Terminology

► Books

► Articles

► Promotion Activities

► Gallery

► Stakeholders

► Journals

## REMOVAL CENTERS

### REMOVAL CENTERS

SUBJECT	STATUS OF REMOVAL CENTER	ROW NUMBER	PROVINCE	TOTAL
CURRENT AND PLANNED REMOVAL CENTERS	REMOVAL CENTERS WHICH OPERATED BY GENERAL DIRECTORATE	TOTAL		8.136
		1	ADANA	80
		2	ANTALYA <sup>1</sup>	60
		3	ANTALYA <sup>2</sup>	170
		4	AYDIN	564
		5	CANAKKALE	400
		6	EDIRNE	500
		7	ERZURUM <sup>1</sup>	750
		8	ERZURUM <sup>2</sup>	750
		9	GAZIANTEP	750
		10	HATAY	192
		11	ISTANBUL (SILIVRI)	270
		12	ISTANBUL (BINKILIC)	120
		13	IZMIR (HARMANDALI)	750
		14	KAYSERI	750
		15	KIRKLARELI	750
		16	KOCAELI	50
		17	MUGLA	88
		18	VAN	392
		19	VAN (KURUBAS)	750
	PLANNED TO SERVICE	TOTAL		3.150
		1	CANKIRI	750
		2	ADANA	400
		3	BALIKESIR	200
		4	KUTAHYA	400
		5	MALATYA	400
		6	NIGDE	400
		7	SANLIURFA	600
		TOTAL		4.250
		1	AGRI	400
		2	KOCAELI	250
		3	ISTANBUL (Container)	1.200
		4	MALATYA	250
		5	ANKARA	500
		6	ISTANBUL (3rd AIRPORT)	700
		7	HATAY	400
		8	BAYBURT	150

### **1. Key Cases:**

- “Mandatory Detention”: US to Australia to Canada to New Zealand
- US-Caribbean Solution (First Innovation)
- Australian Pacific Solution
- EU Neighborhood Policies

### **2. Diffusion framework (Ghezelbash 2014):**

- Efficiency
- Prestige
- Coercion
- Cooperation
- Competition



# Key Trends

Growing involvement  
of private companies  
and non-state actors

Security companies,  
contractors,  
international  
organizations, non-  
profits



Detention  
numbers

Until most recent  
period, numbers  
appeared to be  
levelling off in many  
destination countries,  
while increasing in  
transit and periphery



Institutionalization

Emerging dedicated  
bureaucracies,  
facilities



Externalisation of  
detention

Encouraging,  
financing, insisting on  
detention in  
neighbouring  
countries

## **CAUSES & SHAPERS**

- 1) Securitization of migration - upwards, downwards, outwards (Lahav)**
- 2) Domestic institutions, politics, traditions (Menz, Wong & Hollifield)**
- 3) Human rights promotion, evasion and cooption (Flynn)**
- 4) Crisis response (Caribbean 1980s Mediterranean 2000s)**
- 5) Migration control in situations of corruption and lawlessness**

## CAUSES & SHAPERS

### 1) **Securitization of migration (upwards, downwards, outwards – Lahav)**

“OUTWARDS” to: (1) private for-profit entities, like prison and security firms; (2) non-for-profit organizations (Red Cross in Lebanon and Italy, CIMADE in France); (3) international organizations IOM, UNHCR, ICMPD), creating migration management projects involving all types of actors plus governments; (4) carrier sanctions leading to detention by airline compnaies Incheon Airport, Seoul, South Korea.

## **CAUSES & SHAPERS**

### **2) Domestic institutions, politics, traditions (Menz, Wong & Hollifield)**

**Differences in levels of privatization of prisons and detention centers; case of Germany, case of the English-language countries; the Gulf and the Kakala system**

## CAUSES & SHAPERS

### 3) Human rights promotion, evasion and cooption (Flynn)

“Right to Liberty” versus “Security of Person” : (1) States employ outside actors, mainly other states, to help them evade applying this nor, getting other countries to work as gatekeepers and detainers; (2) states co-opt human rights campaigns instead of challenging them, for instance CPT/ Europe/prisons to dedicated facilities AND alternatives campaign

## CAUSES & SHAPERS

### 4) Crisis response (Caribbean 1980s Mediterranean 2000s)

Large and ongoing movements of migrants and asylum seekers often serve as moments of innovation: (1) the Caribbean crisis in the early 1980s helped private prison entrepreneurs and allies in Congress to get the first privately operated dedicated immigration detention center set up in Texas; (2) in Europe today, the move to set up “hotspots” in key border areas may eventually be accompanied by calls to have private contractors and or UNHCR/IOM to help manage the facilities.



## CAUSES & SHAPERS

### 5) Migration control in situations of corruption and lawlessness

**(1) Case of Thailand**, relationship between immigration agencies and traffickers; **(2) case of Libya**, where areas controlled by militias continue to operate immigration detention facilities even though the legal regime has been abandoned.

## **Detention?**

Rétencion (France, Argentina), Albergar (Guatemala),  
Accommodation (Bulgaria, Ukraine)

## **Detention centers?**

Governmental Shelters (Saudi Arabia), Welcome Centers (Italy),  
Residential Centers (US), Estaciones Migratorias (Mexico)

## **Laws and policies**

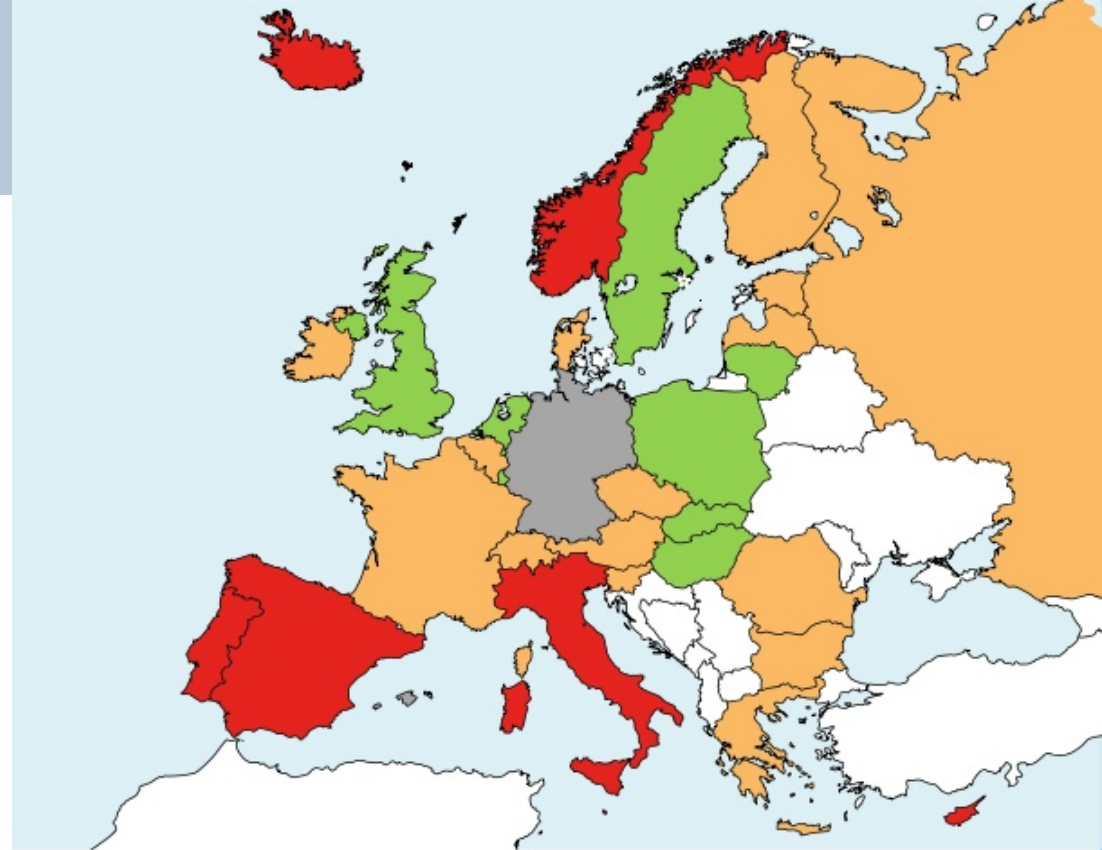
- a. some countries do not provide specific grounds for detention or detention is derived solely from grounds for deportation;
- b. failure to specify necessity or how to determine “last resort”;
- c. failure to set limits to length of detention (Common Law countries)
- d. there is no “custodial authority,” or non-state actors in control;

## **COMMON PROBLEMS**

- 1. Governments often fail to respond to information requests**
- 2. There is often no public source of statistics, governments fail to develop stats or they refuse to release them**
- 3. Lack of access to detention centers by independent oversight bodies, media, NGOs**

**Lack of Transparency:** GDP-Access Info Joint  
Study (2014-2015): Repeated FOIA requests to 33  
countries over two years

- » Over half of the countries monitored (19/33) did not disclose the locations of where migrants are detained
- » 12 countries did not provide statistics on the total number of migrants detained
- » 17 countries did not disclose information on the number of detained asylum seekers
- » 19 countries failed to provide a breakdown of the numbers of unaccompanied and accompanied minors in detention
- » Only six countries – Hungary, Lithuania, Luxembourg, Poland, Slovakia, and Sweden – provided full answers to all questions



- Information provided
- Some or little information provided
- Information not held
- Administrative silence

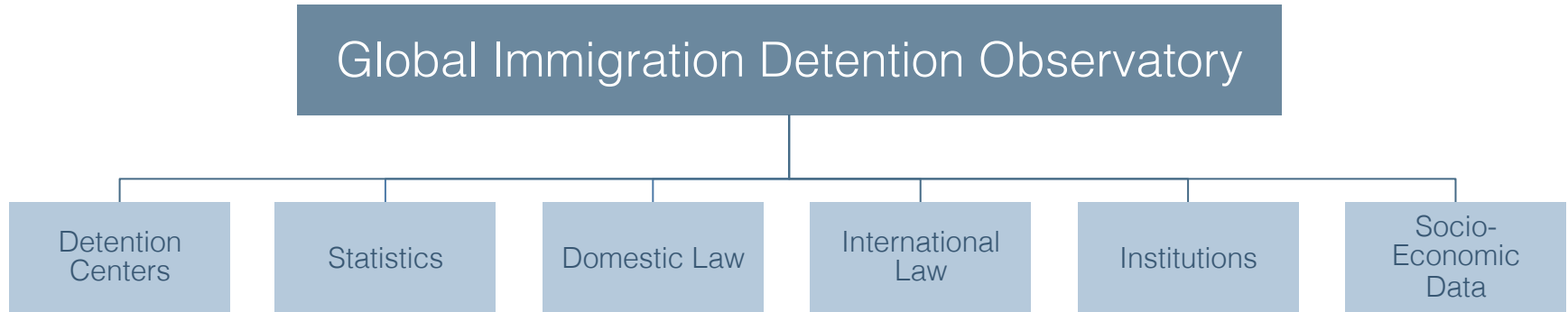
## Challenging Detention at the International Level

### **1. Ongoing global campaigns:**

- UN Global Study on Children Deprived of Liberty
- Global campaign to end the immigration detention of children
- UNHCR's "Beyond Detention" strategy to end detention of asylum seekers and refugees
- global "alternatives to detention" campaign

**2. Harnessing tools at the international level:** Norms, human rights monitoring bodies, treaty bodies, and special mechanisms

# Developing tools to track detention globally





# Building Detention Data

## SYSTEMATIC METHODS

Unique data coding methodology to clearly define information and enable comparative analysis

## VERIFY & ANALYZE

Cross-reference multiple sources of information – official FOIA requests, interviews, media reports, human rights monitoring assessments, NGOs – to ensure accuracy and identify discrepancies

## NETWORK

Train local actors in coding methods to document changes in detention policies directly in the database

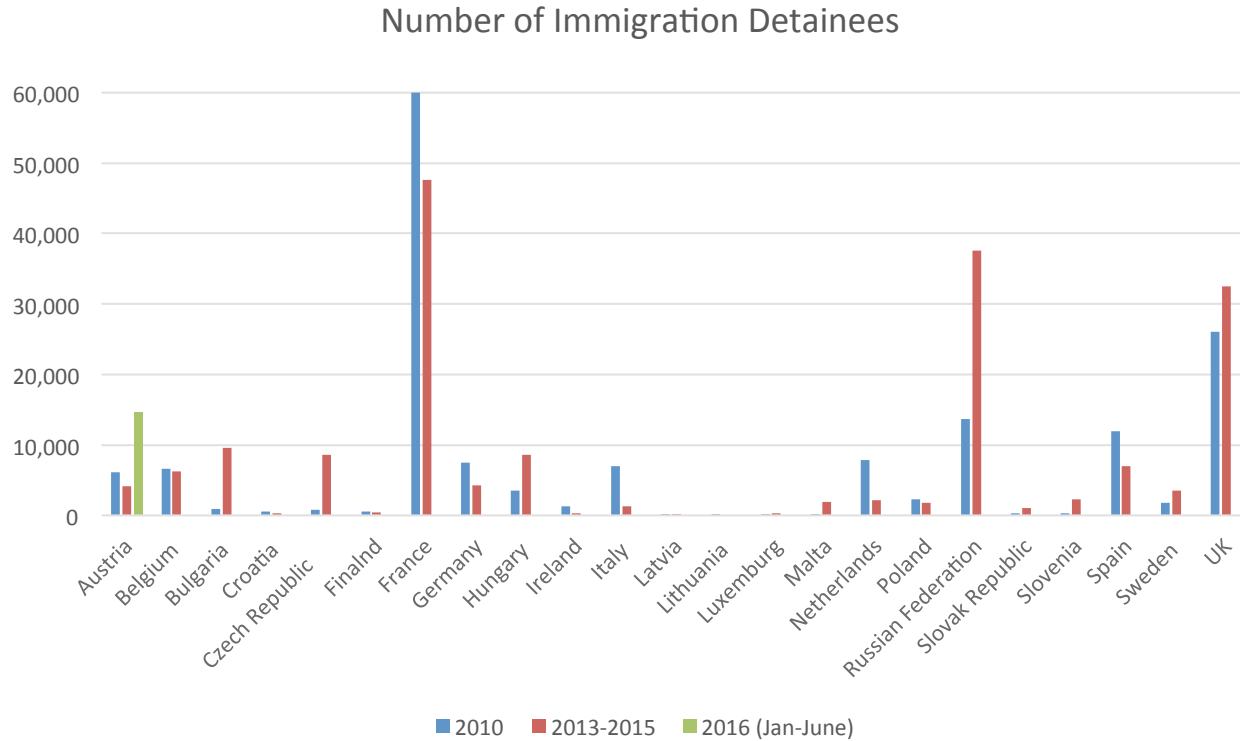
## RECORD & PUBLISH

Record findings in an online database and employ the data in country reports, submissions to human rights bodies, and in thematic publications

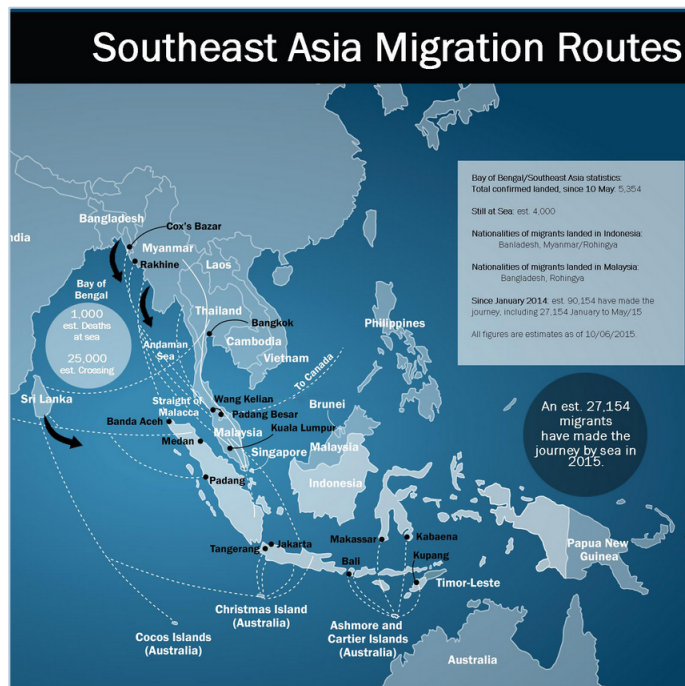
## TRENDS: Detention numbers in the Council of Europe

- GDP has been able to identify or receive data on only 23 countries of the 47 CoE Member States for the most recent period (between 2010-2015)
- Overall, numbers appear to have decreased during this period. However, available numbers for 2016 show sharp increases (Austria: 14,600 first half of 2016)

	2010	2013, 2014, or 2015
Austria	6,153	4,171
Belgium	6,553	6,229
Bulgaria	973	9,530
Croatia	559	258
Czech Republic	822	8,563
Finland	534	444
France	60,000	47,565
Germany	7,495	4,309
Hungary	3,509	8,562
Ireland	1,279	335
Italy	7,000	1,279
Latvia	187	221
Lithuania	132	353
Luxemburg	200	243
Malta	61	1900
Netherlands	7,812	2,176
Poland	2,310	1,754
Russian Federation	13,638	37,522
Slovak Republic	319	1,058
Slovenia	340	2,338
Spain	11,915	6,930
Sweden	1,810	3,524
UK	26,000	32,466
<b>Total</b>	<b>153,129</b>	<b>138,626</b>



## TRENDS: Detention on migration routes





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