



# GLOBALDETENTIONPROJECT

## *A New Gulag Archipelago: Protecting the Rights of Refugees and Migrants Deprived of Their Liberty in the Detention Belt Emerging across the Global South*

By Michael Flynn

## “CRISIS” AND OPPORTUNITY

Efforts by major destination countries to evade their obligations to refugees and other non-citizens are leading to the creation of burgeoning detention regimes on the periphery of the Global North. While this represents a formidable challenge in refugee protection, this “crisis” has also given rise to unexpected opportunities in promoting the rights of detained migrants, asylum seekers, and refugees, including notably at UN treaty bodies like the Committee on Migrant Workers.

## GDP Mission

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To **promote the human rights** of detained migrants, refugees, and asylum seekers
- To **ensure transparency** in the treatment of immigration detainees
- To **reinforce advocacy** aimed at reforming detention systems
- To **nurture policy-relevant scholarship** on the causes and consequences of migration control policies

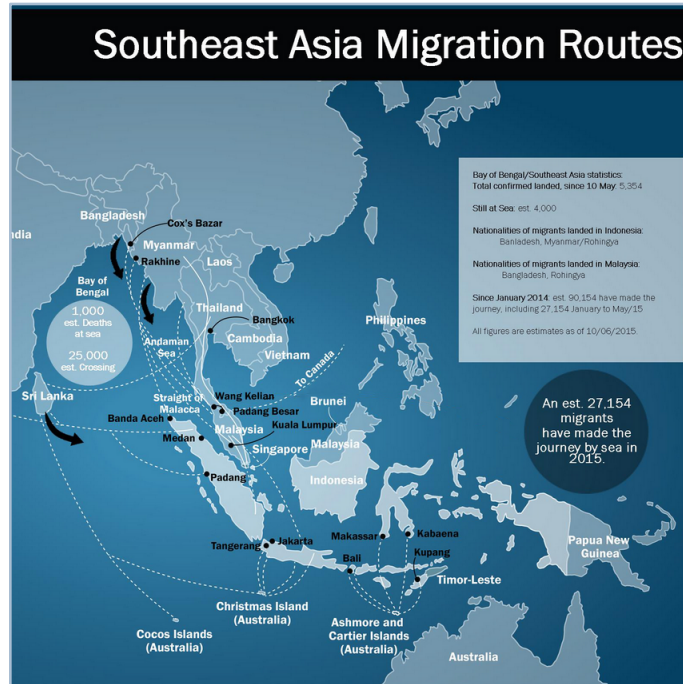
# GDP Map of Detention Sites



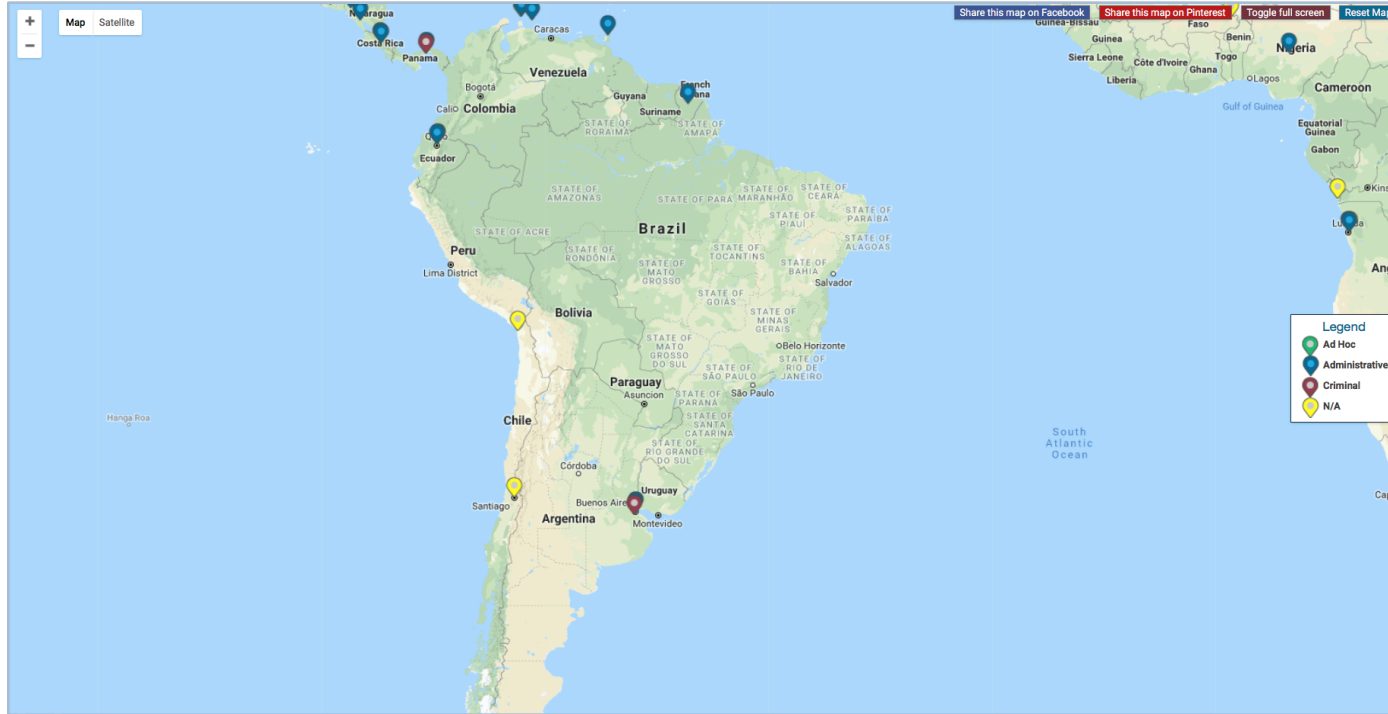
# Detention Centers around the World



# Mapping detention on migration routes



# Detention centres in South America



## Facilities in countries that have ratified the UN Convention on Migrant Workers





## Immigration Detention in CMW Countries

- GDP has identified detention centres or specific detention practices in no fewer than 42 of the 52 countries that have ratified the CMW.
- Many of these countries (\*) have been subjected to intense pressure by their neighbours to block the movement of third-country nationals, which has had a direct impact on their detention practices.

Evidence of Immigration Detention Practices	
Albania*	Indonesia*
Argentina	Jamaica
Algeria*	Lesotho
Azerbaijan	Libya*
Bangladesh	Mauritania*
Belize	Mexico*
Bolivia	Morocco*
Burkina Faso	Mozambique
Bosnia and Herzegovina*	Nicaragua
Cape Verde	Nigeria
Chile	Peru
Colombia	Philippines*
Congo	Rwanda
Ecuador*	Senegal
Egypt*	Seychelles
El Salvador	Sri Lanka
Ghana	Saint Vincent and the Grenadines
Guatemala*	Tajikistan
Guinea	Timor Leste
Guyana	Turkey*
Honduras	Uganda

Lack of Evidence of Immigration Detention Practices
Benin
Kyrgyzstan
Madagascar
Mali
Niger
Paraguay
Sao Tome and Principe
Syria
Uruguay
Venezuela

## UN Convention on Migrant Workers

### **Article 16 (4)**

Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

### **Article 16 (8)**

Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful.

### **Article 17 (2)**

Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. (...)

### **Article 17 (7)**

Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation.

### **Majcher & Grange (2017)**

“Research findings highlight the specificity of the CMW, which provides a more integrated and in-depth protection to persons in immigration detention. In particular, CMW focuses on issues pivotal to the situation of persons placed in immigration detention including access to consular and legal assistance, families, gender and legal segregation, and conditions of detention. Half the reports examined by CMW since its creation contain concluding observations related to immigration detention.”

### **CMW – CRC Joint General Comment on state obligations with respect to children in migratory situations (2017)**

“Offences concerning irregular entry or stay cannot under any circumstances have consequences similar to those derived from the commission of a crime. Therefore, the possibility of detaining children as a measure of last resort, which may apply in other contexts such as juvenile criminal justice, is not applicable in immigration proceedings as it would conflict with the principle of the best interests of the child and the right to development.”

### **Global Detention Project Submission to the UN Committee on Migrant Workers**

**27th Session (4-13 September 2017)**

**List of issues under the simplified reporting procedure – Libya**

**Geneva, August 2016**

#### **Issues concerning immigration detention**

The Global Detention Project (GDP) welcomes the opportunity to provide information relevant to the list of issues under the simplified reporting procedure for Libya with respect to the implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, ratified by Libya in 2003. The GDP is an independent research centre based in Geneva that investigates immigration-related detention. Thus submission focuses on the State party's laws and practices concerning detention for immigration- or asylum-related reasons.<sup>1</sup>

As Libya has not reported to the CMW since ratification - Libya's initial report has been due since 2005 - the GDP submission includes an introductory historical perspective and a review of key demographics with respect to migration in Libya.

United Nations

CMW/C/LBY/QPR/1



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

Distr.: General  
9 October 2017

Original: English  
Arabic, English, French and  
Spanish only

---

**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**List of issues prior to submission of the initial report of  
Libya\***

**Section I**



# GLOBALDETENTIONPROJECT

Global Detention Project  
Geneva, Switzerland

+41 (0) 22 548 14 01

[admin@globaldetentionproject.org](mailto:admin@globaldetentionproject.org)