

December 2018 Newsletter

Welcome to the Global Detention Project's monthly roundup of recent publications.

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OUR LATEST PUBLICATIONS



Immigration Detention in the Czech Republic: "We Will Not Accept Even One More Refugee"

The Czech Republic (Czechia) became an important transit country for asylum seekers attempting to reach Europe during the height of the "refugee crisis." Like in its Visegrad neighbours, this new-found status spurred a sharp public backlash in the country, which was fed by anti-migrant political rhetoric. The government significantly ramped up the country's detention capacity and began systematically apprehending asylum seekers on trains arriving from Hungary. Among the practices that have been widely criticised are the detention of families with children, the infrequent use of non-custodial "alternatives to detention," and forcing detainees to pay for their own detention.

[Read the full report](#)

NEWS AND ACTIVITIES



The "Global Compact for Migration," Immigration Detention, and the International Organization for Migration

On 10 December, the [Global Compact for Safe, Orderly, and Regular Migration](#) (GCM) was adopted at an intergovernmental conference held in Marrakesh, Morocco. With more than 160 state signatories, the Compact has been [heralded](#) as the first "intergovernmentally negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner." Although the Compact is a non-binding agreement with the seemingly non-controversial goal of establishing a common global roadmap for humanely managing international migration, many notable countries have rejected the agreement, including [Australia](#) and the [United States](#), as well as a host of European Union countries—[Austria](#), [Bulgaria](#), [Croatia](#), the [Czech Republic](#), [Hungary](#), [Italy](#), [Latvia](#), [Poland](#), [Slovakia](#), and [Slovenia](#).

[The GCM](#) "comprises 23 objectives for better managing migration at local, national, regional and global levels," two of which are related to the issue of immigration detention:

- **OBJECTIVE 13:** Use immigration detention only as a measure of last resort and work towards alternatives
- **OBJECTIVE 21:** Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

Objective 13 commits signatories to ensuring "that any detention in the context of international migration follows due process, is non-arbitrary, based on law, necessity, proportionality and individual assessments, is carried out by authorized officials, and for the shortest possible period of time, irrespective of whether detention occurs at the moment of entry, in transit, or proceedings of return, and regardless of the type of place where the detention occurs. We further commit to prioritize noncustodial alternatives to detention that are in line with international law, and to take a human rights-based approach to any detention of migrants, using detention as a measure of last resort only."

Notably, however, Objective 13 fails to include language regarding the prohibition of the detention of children, despite growing global opposition to these policies and the recognition of major human rights bodies, including the [Committee on the Rights of the Child and the Committee on Migrant Workers](#), that the immigration detention of children is never in the best interests of a child.

Objective 21 places more emphasis on tasks related to readmission and reintegration, which fall on countries of origin, than on the obligations linked to return, which concerns sending states. The implementing actions reflect numerous important norms (in particular with respect to the rights of the child, the principle of the child's best interests, the right to family life and procedural guarantees). However, the Objective fails to adequately take into account norms that are fundamental in expulsion procedures, such as the principle of non-refoulement, the prohibition of collective expulsion, and the right to life and prohibition of ill-treatment during forcible return.

Objective 1 also has important implications for immigration detention policies in its call for collecting and utilising "accurate and disaggregated data as a basis for evidence-based policies," in part to assist "effective monitoring and evaluation of the implementation of commitments" made in the Compact. The Global Detention Project and numerous other experts and observers across the globe have long called for improved state reporting on detention activities and better collection efforts at the regional and international levels. Nevertheless, there remain huge gaps in detention data reporting, including by entities like Eurostat and the International Organisation for Migration (IOM).

The IOM, recently redubbed the "UN Migration Agency," played an important role in providing technical and organisational expertise during the negotiations leading up to the adoption of the Global Compact. Shortly before the GCM was adopted, in October 2018, the IOM [released](#) its a "Global Migration Indicators Report," which "summarizes key global migration trends based on the latest statistics, showcasing 21 indicators across 17 migration topics." Absent from the data is any mention of immigration detention (except for in a footnote), despite the prominent recognition given immigration detention during all phases of the deliberations leading up to the adoption of the Global Compact.

Related GDP articles:

- [Global Detention Project Submission Concerning the Global Compact for Safe, Orderly and Regular Migration](#)
- [Commentary on the Global Compact's Objective 21: Returns, Readmission, Reintegration](#)
- [Kidnapped, Trafficked, Detained? The Implications of Non-State Actor Involvement in Immigration Detention](#)
- [The Dilemmas of the International Organization for Migration](#)

GDP ON THE RECORD



- ["ICE Detained This Outspoken Activist. Here's What She Had to Say the Day Before a Judge Ordered Her Deportation."](#) Teen Vogue, 12 December 2018.
- ["Projet de plan stratégique de pays provisoire - Libye \(2019-2020\) \[Draft Provisional Strategic Country Plan - Libya \(2019-2020\)\]."](#) World Food Programme, 7 December 2018.
- ["The Impact of Immigration Detention on Mental Health: A Systematic Review,"](#) M. von Werthern et al, BMC Psychiatry, 6 December 2018.
- ["The Court of Appeal and the Criminalisation of Refugees."](#) Y. Holiday, E. Guild, and V. Mitsilegas, CCRC and QMUL, 2018.
- ["Policy Update December 2018."](#) O.S. Diez et al, European Programme for Integration and Migration (EPIM), December 2018.
- ["Occorre certezza sulle zone SAR \(Search and Rescue\) in Mediterraneo \[We Need Certainty About the SAR \(Search and Rescue\) Areas in the Mediterranean\]."](#) Associazione Diritti e Frontiere (ADIF), 26 November 2018.
- ["Deconstructing Crimmigration."](#) C.C.G. Hernández, UC Davis Law Review, 2018.
- ["Protecting Stateless Persons."](#) K. Bianchini, 2018.
- ["Reforming Refugee Protection: What Role Can a 'Compact' Play in the Future of International Refugee Law?,"](#) L. Roslund, Master's Thesis - Lund University, Faculty of Law, 2018.