

Collective Aid Webinar: Immigration Detention, From Global Trends to Bosnia and Herzegovina

Michael Flynn Presentation

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I would like to thank Anna and her colleagues at Collective Aid for inviting the Global Detention Project to this important event concerning one of today's more pressing human rights challenges: the growing use of detention to remove migrants and asylum seekers from societies where they have sought refuge and opportunities.

Although Collective Aid's new report about Bosnia's Lukavica Detention Centre focuses attention on a single detention facility, the operations of the Lukavica Detention Centre nevertheless reflect broader, global trends as more and more countries increase their use of arbitrary immigration detention measures, often with assistance and under pressure from wealthier neighboring countries. This alarming trend was most recently underscored when the European Parliament voted overwhelming to approve the EU's new Return Regulation, which among its many worrying provisions is the creation "return hubs" outside EU borders, where migrants and asylum seekers will likely languish for months in paltry detention sites that operate outside formal judicial control and lack proper oversight.

My presentation today is intended to provide some global context for these developments taking place in Europe and Bosnia and Lukavica.

However, before I jump into the presentation, I would like to explain what we do at the Global Detention Project: We are a non-profit research and advocacy organization based in Geneva that documents immigration detention systems in every corner in the globe with the objective of promoting the rights of detainees and the obligations of states. Working with partners in key hotspots across the globe, we build a concrete picture of what is knowable about detention regimes, operations of detention centers, and the harms people have suffered in them. To date, we have documented more than 3,000 detention sites in more than 100 countries. We use this data to increase local and global awareness about these practices, as well as to develop recommendations for detention and human rights monitoring bodies.

To give you an example of how this works: In Egypt, the Global Detention Project has an NGO partner whose main area of work is to provide social services to refugee populations in Cairo and elsewhere in the country. Because of their direct work with these populations, our partner has been able to develop critical information about where refugees are detained and the abuses they have suffered during detention. Without this information, we would know very little about Egypt's immigration detention system because they refuse to publicly disclose this information. As a result, in Egypt migrant and refugee detentions happen in the dark, and deportation flights, which go to places like Eritrea where deportees often simply disappear upon arrival, happen without any public announcement or official record. However, the refugee communities in Egypt know what is going on, and they are keen to get this information out there. But our partner organization in Cairo cannot speak out publicly about this issue because both their work and their personal safety could be jeopardized if they did so. In this situation, the Global Detention Project provides a platform for publishing the data that our partner develops based on the information they receive from the refugee communities they serve. Using that information, we have been able to mobilize the expertise of numerous human rights monitoring bodies, including the

UN Special Rapporteur on the Human Rights of Migrants as well as numerous UN treaty bodies, like the UN Committee on the Rights of the Child and the Committee on Migrant Workers, which have both issued recommendations calling for an end to harmful detention practices after interventions by us and our refugee partners when Egypt came up for review before these Committees.

While it is important to mobilize the expert judgements of international monitoring bodies, this success rarely translates into on the ground change, at least not in the short term. But our perspective, that is the perspective of all of us who want to end harmful immigration detention, must at least in part be focused on medium- to long-term systemic change. And that is because it is painfully clear that things are going to get worse – probably much worse – before they are going to get better.

And this leads me to the main focus of my presentation: the alarming growth of arbitrary and harmful immigration detention, and the various factors driving this growth.

First, I want to emphasize that what we are witnessing today is neither new nor surprising. Immigration detention systems have been growing in most major industrialized countries for nearly three decades now, perhaps much longer. In parallel, immigration detention has been spreading to more and more countries, to the point where today, it is very difficult to find a country anywhere in the world—with the notable exception of South America—that does not practice some form of immigration detention. Nevertheless, what we are witnessing today is immigration detention supercharged and unleashed from human rights and humanitarian norms.

What the Trump administration in the United States is doing with immigration detention is easily the most extreme case today: They are building a system that can hold hundreds of thousands of people at any given time in a massive network of local jails, privately operated detention centers, and federal prisons; at the same time they are sending growing numbers of migrants to countries like Cameroon, which are creating new detention capacities to hold third country migrants, most of whom have no place else to go.

But the US case is a symptom of a larger problem—the rise and predominance of populist discourses that demonize the voiceless in our societies: refugees, the undocumented, the homeless. Europe’s “return hubs” and the new “Return Regulation”, Italy’s detention sites in Albania, Australia’s offshore detention practices in Nauru and Papua New Guinea, Brussel’s support for immigration interdiction and enforcement across North Africa and the Mediterranean ... all of these developments, many of which are long-standing and go back decades, all speak to the same goal: how can we, the wealthy and privileged countries of the world shield ourselves from our humanitarian responsibilities and shift that burden beyond our borders.

These developments are happening in parallel to other worrying trends, including the emergence of populist political regimes that reject a rules-based international order, growing financial crises across the UN system, and diminishing global support for the international human rights system which provides the normative glue binding countries to a shared understanding of human decency and respect.

This is the external context in which immigration detention is growing today. But I would argue that even though this external context is helping to supercharge immigration detention, there are inherent aspects to immigration detention that make it susceptible to this kind of abuse and expansion.

I would argue that there are three fundamental characteristics of immigration detention that shape its purpose and enable its abuse:

1. People in immigration detention typically are not charged with crimes and thus are not afforded the full protection of the law. Instead this detention is defined as an “administrative” measure to ensure a person’s removal or to perform other migration procedures. In some countries detention is imposed without any legal regulation, as an ad hoc “off the books” enforcement tool. Immigration detainees are thus often not afforded crucial procedural guarantees like individualized case assessment, access to a lawyer, or the right to contest their detention. Many countries refuse to recognize this as detention at all, blocking independent access to centers and detainees.

2. Immigration detainees are generally not supposed to return to the societies where they are detained. Unlike prisons, which are intended—at least nominally—to teach lessons to prepare people to re-enter public life, immigration detention centers have no reform agenda because most people who enter them are to be permanently removed. Consequently, there is little motivation to ensure accountability, implement costly reforms, or safeguard basic standards, which was an important lesson from the GDP’s recent evidence review for the World Health Organization, which perhaps we can talk about later.¹ As the head of Norway’s detention monitoring board recently wrote about the failure to adopt detention reforms in Norway: “Unlike prisoners, who serve a sentence in prison, immigration detainees will not be returned to Norwegian society. Soon they will be out of sight and out of mind for the authorities. In my view, this makes immigration authorities less proactive and decisive when it comes to safeguarding the rights of detainees and rectifying unsustainable or reprehensible conditions.”

3. Countries often hide or disguise their immigration detention practices. During the GDP’s nearly 20 years of research into immigration detention systems, we have found that with few exceptions countries either fail to provide comprehensive data on their detention systems, or actively seek to prevent monitoring of their immigration sites. This lack of transparency extends across both wealthy and developing regions. An important explanation for this failure is that immigration detention often violates important universal norms, including the right to liberty.

To wrap up my presentation, I would like to highlight what I think are three critical elements in our efforts to work toward long-term systemic change limiting the use of immigration detention: (1) We must work tirelessly to bring harmful practices to light and to reveal the inherent arbitrariness of immigration detention; (2) We must develop evidence that can be used to mobilize protections that extend beyond local jurisdictions, focusing on universal human rights norms and drawing global attention to local problems; (3) We must empower those who have lived through immigration detention—or who are most vulnerable to it—to document it, report it, and be the leading voices for change.

¹ “Health in Immigration Detention: Evidence Brief for Policy and Practice,” World Health Organization, 2026, <https://www.globaldetentionproject.org/health-in-immigration-detention-gdp-evidence-brief-for-the-who>