



association pour la prévention de la torture
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Committee on Migration, Refugees and Displaced Persons

Statement by Mark Thomson, APT Secretary General

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Good afternoon, Ladies and Gentlemen,

It is my pleasure to be here today and officially launch, together with the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE), the new Guide for Parliamentarians on Visiting immigration detention centres.

Firstly I would like to stress that the Association for the Prevention of Torture (APT); as a leading international non-governmental organisation, working for 36 years to prevent torture worldwide, believes that detention of migrants **should be a last resort**, only used for justifiable means such as to conduct health checks and for the shortest time possible. For each individual case, authorities should first of all seek **alternatives to detention**.

I would like to cite the UN High Commissioner for Human Rights Navi Pillay. A few weeks ago she addressed a meeting of experts on migration, prior to a global summit at the General Assembly in New York this October. She said: *"We need to focus less on the flows, stocks and waves of migration per se, and more on the individual human rights and situations of migrants themselves. At its heart, migration is fundamentally about human beings. The need to base policy responses to migration on human rights standards becomes ever more important."*

I am truly disturbed that the practice of detaining asylum seekers and irregular migrants, referred to as 'immigration detention' across Europe is on the rise and that States are increasingly criminalizing irregular migration. NGOs, UN human rights mechanisms, the UNHCR and you, the members of parliament representing 47 States of the Council of Europe have all expressed an increased concern for the safety and the respect of the human rights of migrants in detention.

As your Committee has already highlighted, migrants held in detention are a particular **vulnerable group**, frequently subjected to arbitrary and administrative detention without judicial oversight. The conditions of detention are often unsuitable to their particular situation and many times worse than those faced by persons detained under criminal legislation in the same country.

When people are detained, it is essential that there is **transparency** through regular visits by independent oversight bodies to protect the rights of those who are detained. Oversight of detention is also a vital part of an open democracy. Since 1977, the APT pursues the idea that regular and unannounced visits by independent experts to all places of detention is the most effective way to prevent torture and other forms of ill-treatment. In Europe, the APT was the driving force behind the European Convention on the Prevention of Torture & its Committee which enshrines this idea. Today we also have an international treaty, the Optional Protocol to the Convention against Torture, the OPCAT. The OPCAT creates visiting bodies at the international and national level. There are now 29 national preventive bodies in Europe.

None of the existing monitoring mechanisms must operate in a vacuum and there is an increasing need to look at ways for a **variety of players**, including Parliamentarians, to work together to oversee these places of detention and to facilitate a greater level of transparency and accountability. All actors have a specific value added to the complex system of the protection and promotion of migrants rights in detention. The Optional Protocol establishes a tri-partite relation between national preventive mechanisms, governments of State parties and the international Subcommittee on Prevention of Torture. This new formula inspires and encourages further collaboration with other actors such as the judiciary, parliamentarians, the media etc.

Only by shining light on the actual conditions and day-to-day practices, practical steps can be taken to improve the treatment of migrants deprived of their liberty and vulnerable to all forms of ill-treatment. I am convinced that by visiting migrant detention centres, you can play an instrumental role to raise public awareness and to assist authorities to address problems and improve the situation for those inside the fences and barbed wires.

In many cases, human rights groups and media lack access to these places. You, as parliamentarians, have the right to visit. By using this right, and carrying out immigration visits, you can help ensure that the rights of the detainees – who are not criminals – are upheld.

The short video we have/will see stresses this important message, to parliamentarians from parliamentarians who have already visited immigration detention centres. We very much look forward to continuing working with the Committee to open up places of detention to outside scrutiny, and to ensure that the rights and dignity of all migrants in detention is respected. We encourage all of you to use and disseminate the Guide as widely as possible among your colleagues in your national parliament.

Thank you!