Immigration Detention in Europe: Establishing Common Concerns and Developing Minimum Standards

21-22 November 2013

Council of Europe - Strasbourg
Agora building - G02 and G03

SELECTIVE BIBLIOGRAPHY

prepared by Barbara von Rütte,
University of Berne, Institute of Public Law
Literature


FORCED MIGRATION REVIEW, Issue 44 on Detention, alternatives to detention and deportation, Forced Migration Review 44 (2013)


MARKUS GRAUNKE, Abschiebunghaft. Eine rechtssoziologische Untersuchung zur Umsetzung des Rechts der Abschiebungshaft, Aachen 2001


HUBERT HEINHOLD, Abschiebungshaft in Deutschland. Die rechtlichen Voraussetzungen und der Vollzug, Karlsruhe 2004


MAGGY LEE, ‘Women’s Imprisonment as a Mechanism of Migration Control in Hong Kong’, The British Journal of Criminology, Vol. 47 No. 6 (2007), pp. 847 ff.


Reports

AMNESTY INTERNATIONAL, Irregular migrants and asylum-seekers: Alternatives to immigration detention, April 2009.
EUROPEAN COUNCIL ON REFUGEES AND EXILES ECRE, Research Paper on Alternatives to Detention: Practical Alternatives to the Administrative Detention of Asylum Seekers and Rejected Asylum Seekers, September 1997
EUROPEAN COUNCIL ON REFUGEES AND EXILES ECRE, Position on the Detention of Asylum Seekers, April 1996.
EQUAL RIGHTS TRUST, Guidelines to Protect Stateless Persons from Arbitrary Detention, July 2012.
HUMAN RIGHTS WATCH, Boat Ride to Detention, Adult and Child Migrants in Malta, July 2012
INTERNATIONAL DETENTION COALITION IDC, Legal framework and standards relating to the detention of refugees, asylum seekers and migrants, 2011.
JESUIT REFUGEE SERVICE EUROPE JRS, From Deprivation to Liberty, Alternatives to detention in Belgium, Germany and the United Kingdom, December 2011.
JESUIT REFUGEE SERVICE EUROPE JRS, The issue of immigration detention at the UN level: Recent developments relevant to the work of the International Detention Coalition, January 2011.


UNHCR, *Study on Alternatives to Detention of Asylum Seekers and Refugees*, April 2006

Documents

1. **Council of Europe**

1.1 **Committee of Ministers**

- Recommendation No. R (84) 12 of the Committee of Ministers to Member States concerning Foreign Prisoners, 21 June 1984
- Recommendation No. R (99) 12 of the Committee of Ministers to Member States on the Return of Rejected Asylum Seekers, 18 May 1999
- Recommendation Rec(2003)5 of the Committee of Ministers to Member States on measures of detention of asylum seekers, 16 April 2003
- Twenty Guidelines on Forced Return, Adopted by the Committee of Ministers on 4 May 2005
- Recommendation CM/Rec(2010)5 of the Committee of Ministers to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity, 31 March 2010
- The detention of asylum seekers and irregular migrants in Europe, Doc. 12416, 15 October 2010, Reply from the Committee of Ministers to Recommendation 1900 (2010)
- Recommendation CM/Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners, 10 October 2012

1.2 **European Committee for the Prevention of Torture CPT**

- 7th General Report on the CPT’s activities covering the period 1 January to 31 December 1996
- 13th General Report on the CPT’s activities covering the period 1 January 2002 to 31 July 2003, 10 September 2003
- 19th General Report on the CPT’s activities covering the period 1 August 2008 to 31 July 2009, 20 October 2009

1.3 **Commissioner for Human Rights**

- Recommendation of the Commissioner for Human Rights, Mr Alvaro Gil-Robles, concerning the rights of aliens wishing to enter a Council of Europe
member state and the enforcement of expulsion orders, CommDH(2001)19, 19 September 2001


1.4 Parliamentary Assembly
- Recommendation 1547 (2002), Expulsion procedures in conformity with human rights and enforced with respect for safety and dignity, 22 January 2002
- Recommendation 1624 (2003), Common policy on migration and asylum, 30 September 2003
- Recommendation 1900 (2010), The detention of asylum seekers and irregular migrants in Europe, 11 January 2010
- The detention of asylum seekers and irregular migrants in Europe, Report, Doc. 12105, 11 January 2010
- Resolution 1707 (2010), The detention of asylum seekers and irregular migrants in Europe, 28 January 2010
- Recommendation 1917 (2010), Migrants and refugees: a continuing challenge for the Council of Europe, 30 April 2010
- Resolution 1810 (2011), Unaccompanied children in Europe: issues of arrival, stay and return, 15 April 2011
- Resolution 1821 (2011), The interception and rescue at sea of asylum seekers, refugees and irregular migrants, 21 June 2011
- Immigration detention of children, Doc. 13050, Motion for a resolution, 4 October 2012
- Report Monitoring the return of irregular migrants and failed asylum seekers by land, sea and air, Doc. 13351, 7 November 2013

1.5 Miscellaneous
- Council of Europe/Association for the Prevention of Torture APT, Visiting immigration detention centres, A guide for parliamentarians, September 2013

2. European Union

- Article 8 – Detention
- Article 9 - Guarantees for detained applicants
- Article 10 - Conditions of detention
• Article 11 - Detention of vulnerable persons and of applicants with special reception needs

• Article 15 - Detention
• Article 16 - Conditions of detention
• Article 17 - Detention of minors and families

• Article 8 - Information and counselling in detention facilities and at border crossing points

*Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted*

*Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Dublin Regulation III)*
• Article 28 - Detention

3. **United Nations**

3.1 **General Assembly**
• Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, 9 December 1988, A/RES/43/173
• Basic Principles for the Treatment of Prisoners, General Assembly Resolution 45/111 of 14 December 1990, A/RES/45/111

3.2 **UN Human Rights Committee**
• General comment No. 35, liberty and security of person, 28 January 2013, CCPR/C/107/R.3

3.3 **UNHCR**
• UNHCR Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012
• UNHCR Global Roundtable on Alternatives to Detention of Asylum-Seekers, Refugees, Migrants and Stateless Persons: Summary Conclusions, July 2011