



European Master's Degree in Human Rights and Democratisation



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**BEHIND CLOSED DOORS?
DETENTION OF IRREGULAR MIGRANTS,
HUMAN RIGHTS VIOLATIONS AND
MONITORING MECHANISMS**

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Abstract

This study investigates the human rights implications of the administrative detention of irregular migrants within the European Union and looks for a possible way to prevent violations in detention centres, with a specific attention on torture and inhumane and degrading treatment.

It examines, first of all, the European policies on fight against irregular migration, putting in evidence eventual gaps between theoretical standards of respect of human rights and practical policies, tending to criminalize irregular migrants. It focuses, in particular, on European policies on migrant detention, analysing the legal framework at the European level and drawing a general overview of the detention centres in Europe.

Then, the study pays specific attention to the human rights implications of migrant detention: it examines the standards for the protection of migrants' rights States are bound to respect and analyses the human rights violations that can occur in detention centres, with a particular focus on torture and ill treatment both regarding condition of detention and return procedures.

It shows, finally, how monitoring place of detention through a system of periodic visits, both at national and international level, can have an added value to assure respect of fundamental rights for migrants in administrative detention.

List of Abbreviations

| | |
|--------|---|
| CAT | Convention Against Torture |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CPT | Committee for the Prevention of torture |
| CRC | Convention on the Rights of the Child |
| ECHR | European Convention o Human Rights |
| ECtHR | European Court of Human Rights |
| FRA | Fundamental Rights Agency |
| ICERD | International Convention on the Elimination of Racial Discrimination |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and members of their families |
| NPM | National Preventive Mechanisms |
| OP-CAT | Optional Protocol to the Convention against Torture and Other Cruel, Or degrading treatment or punishment |
| SPT | Subcommittee for the Prevention of torture |
| UDHR | Universal Declaration of Human Rights |
| UE | European Union |

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