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*'Averroes' is a European network of organisations committed to improve undocumented migrants and asylum seekers' access to health care.*

*The Averroes Newsletter provides information about the latest European developments in the area of access to health care for undocumented migrants and asylum seekers. It is also available online in a PDF format.*

*If you would like to know more about Averroes' advocacy work, policy positions, press releases and projects, please visit our website at*

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## EUROPEAN UNION

### European Parliament (EP) adopts report on visits to detention centres in the EU:

- On 5 February, the European Parliament (EP) adopted during its Plenary session in Strasbourg the report by MEP Martine Roure (PES, FR) on the 'Implementation in the EU of Directive 2003/9/EC on the minimum standards for the reception of asylum seekers: visits by the Committee on Civil Liberties 2005-2008'. The report is based on the findings of a delegation of the LIBE Committee that has visited reception and detention centres in Italy (Lampedusa), Spain (Ceuta and Melilla, Canary Islands), France (Paris), Malta, Greece, Belgium, the United Kingdom, the Netherlands, Poland, Denmark and Cyprus.
- The EP regrets that "in most of the detention centres visited, asylum seekers and migrants complained systematically about insufficient and inadequate medical care, the difficulties of consulting or communicating with doctors and the lack of specific care (in particular, for pregnant women and victims of torture) and of appropriate medicines".
- The EP calls on the Member States "to extend the medical cover currently offered to asylum seekers and migrants so that it is not limited solely to emergency care, and to also provide psychological counselling and mental health care";
- The EP notes that "access to health care, and particularly to psychological care, is often made difficult, since some detention centres are located in prison establishments; calls on the Member States to provide appropriate medical attention in detention centres, including psychological care, day and night".

- The EP welcomes the Commission's proposal to amend the Reception Directive (which was published on 3 December last year) that aims to ensure higher standards of treatment for asylum seekers and extends the scope of the directive to persons applying for subsidiary protection.

#### Sources:

- European Parliament *'Report on the implementation in the European Union of Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers and refugees: visits by the Committee on Civil Liberties 2005-2008.'*

- European Parliament *'Detention centres for asylum seekers are "intolerable" (press release)*

#### Committee on Civil Liberties, Justice and Home Affairs adopts report on the future of the Community European Asylum System:

- Adopted on 13 February, the report welcomes the positive initiatives carried out in some Member States to welcome asylum seekers – on submission of their request for international protection – in facilities that are open and fully integrated with local communities;
- Considers that asylum seekers are vulnerable persons who require appropriate reception conditions; draws attention to the fact that a prison environment can under no circumstances help them to overcome the traumas experienced in their countries of origin or during their journey to Europe.

#### Source:

- Committee on Civil Liberties, Justice and Home Affairs' *Report on the future of the European Common Asylum System.*

#### European Commission proposes the establishment of a European Asylum Support Office:

- On 18 February, the European Commission proposed a Regulation to establish a European Asylum Support Office (EASO).
- The aim of the proposal is to set up a regulatory agency tasked with providing the support necessary for practical cooperation on the many aspects of asylum. The work of the Agency will help to improve the way Community rules on asylum are implemented and applied throughout the EU. The agency will engage in support activities that act as an incentive to practical cooperation on asylum, such as recommendations, referral to scientific authority, networking and pooling of good practice, evaluation of the application and implementation of rules, etc.

#### Sources:

- Europa press release *Setting up of European Asylum Support Office proposed by the Commission.*

- EU Commission proposal for a regulation establishing a European Asylum Support Office (COM (2009) 66 final)

#### Fundamental Rights Agency (FRA) Annual Work Programme approved:

- The Management Board of the Fundamental Rights Agency (FRA) has recently approved the Agency's Annual Work Programme for 2009.

- One of the main focuses of the Agency will be on protecting, respecting and promoting the rights of irregular immigrants in voluntary and involuntary return procedures. In this respect, FRA will carry out a comparative legal research in order to identify weaknesses and develop a compendium of best practices providing a useful guidance to EU Member States for adopting the highest standards of protection of fundamental rights.
- The second major priority of the Agency will be to analyze the situation of irregular immigrants in the EU. The Agency will prepare a comprehensive comparative study of the fundamental rights situation of irregular immigrants focusing particularly on the areas of health, education, housing and employment and with a special emphasis on the situation of irregular migrant women and children.

**Source:**

- *Fundamental Rights Agency's Annual Work Programme for 2009*

## NATIONAL DEVELOPMENTS

**ITALY: Italian doctors could report illegal immigrants to police, under proposed law:**

- A law that will allow health professionals to report to the authorities any patient whom they suspect of being an illegal immigrant has been proposed by the Italian centre right government.

- Until now health professionals have been barred from reporting patients to the police, except in well defined cases in which evidence indicates a direct involvement in a crime. But the "security package" approved by the Italian Senate, despite widespread criticism, overturns the previous ban, stating that doctors are free to report those they suspect may be living illegally in the country.
- Although the government made it clear that doctors would not be obliged to report suspected illegal immigrants but would simply be allowed to do so, critics replied that this would make no difference, because even the possibility of being reported might deter many people from seeking care.
- The new bill, already passed by the Senate, is due to be discussed by the lower house, the Chamber of Deputies, which has to approve it before it can become law. The government has a strong majority in both houses.
- SIMM (Italian Society for Migrants' Health / *Società italiana di Medicina delle Migrazioni*), MSF (*Medici senza Frontiere*), ASGI (*Associazione Studi Giuridici sull'Immigrazione*) and the OISG (*Osservatorio italiano sulla salute globale*) have started a campaign named "Forbidden to denounce. We are doctors and nurses, not spies!" ("*Divieto di segnalazione. Siamo medici e infermieri, non siamo spie!*").

For more information about the campaign, see:

- <http://www.simmweb.it>
- <http://www.medicisenzafrontiere.it>

## MALTA: UN working group on arbitrary detention concludes visit to Malta:

- The United Nations Working Group on Arbitrary Detention concluded a visit to Malta, which has been organized, between 19 and 23 January 2009 at the invitation of the Maltese government.
- The Group said the length of time illegal migrants are detained is not “in line with international human rights law”. Although Malta applies fast-track procedures in the case of vulnerable groups (families with children, unaccompanied minors, pregnant women and breast-feeding mothers, and people with disabilities, serious or chronic physical or mental health problems), according to the Government it may still take up to 3 months to release these people from the detention centres. Furthermore, those who are considered a health risk must stay in detention.
- The Working Group found the conditions of detention at Safi and Lyster Barracks, where the majority of immigrants in an irregular situation and asylum seekers are being detained, to be appalling to the extent that the health, including the mental health, of the detainees is affected. This situation, in turn, affects their ability to properly understand their rights and to follow the legal proceedings related to them.

### Sources:

- *UN Working Group on Arbitrary Detention concludes visit to Malta*
- *Annex to the press release on the visit of United Nations Working Group on Arbitrary Detention to Malta*

## NETHERLANDS

NGOs Lampion and Dokters van de Wereld opened a registration point (*Meldpunt Incidenten van toegangsproblemen gezondheidszorg Illegalen*) where incidents concerning access to health care for undocumented migrants can be reported. The form can be downloaded from [www.lampion.info](http://www.lampion.info)

## SPAIN

The daily newspaper El País published on 18 February, in the opinion section, an article arguing that generous health and education provisions attracts undocumented migrants in Spain. The authors wonder whether the Spanish society is ready to restrict migrants' rights.

**Source:** El País '*La excepcionalidad española*'

## PUBLICATIONS

- **'Undocumented Children in Europe':**

PICUM, the Platform for International Cooperation on Undocumented Migrants, organised the final conference of its project on “**Undocumented Children in Europe: Invisible Victims of Immigration Restrictions**” on 22-23 January 2009 in Brussels. This conference, organised within the framework of the EU project “Fighting discrimination-based violence against undocumented children in Europe”, provided an opportunity to investigate the specific needs and problems that undocumented children face in various European countries, with a special focus on the discrimination these

children might face in accessing education, housing and health care. The report is available in printed and PDF versions in [English](#) as well as [French](#) and [Spanish](#).

- **'Undocumented migrants lack access to pregnancy care and prevention':**

The BMC Public Health Journal has recently published an article on the issue of sexual and reproductive health for undocumented migrants in Switzerland following research undertaken in Geneva's University Hospital. 'Undocumented migrants lack access to pregnancy care and prevention' finds that undocumented migrants have more unintended pregnancies and delayed prenatal care, use fewer preventive measures and are exposed to more violence during pregnancy. Their lack of a legal residency permit suggests a particular vulnerability for pregnant women.

This study underscores the need for better access to prenatal care and routine screening for violence exposure during pregnancy for undocumented migrants and recommends that health care systems provide language- and culturally-appropriate education on contraception, family planning and cervical cancer screening.

*Undocumented migrants lack access to pregnancy care and prevention*

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