EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

Brussels, 22 March 2006

Report on the LIBE committee delegation
visit to Paris (FR)
Rapporteur:
Mr Agustín DÍAZ DE MERA GARCÍA-CONSUEGRA

1. Report on the visit

A six-member delegation from the Committee on Civil Liberties, Justice and Home Affairs went to Paris on 20 February 2006 to visit two administrative detention centres (ADC) in Mesnil-Amelot and in the Palace of Justice 'depot' on the Ile de la Cité in Paris.

The purpose, as with the visits to Lampedusa, Ceuta and Melilla, was to verify the living conditions and the management of holding centres within the EU, and to monitor the implementation of Council Directive 2003/9/EC laying down minimum standards for reception of asylum seekers.

Following the visit, the delegation met Mr Nicolas SARKOZY, the Minister of State, Minister of the Interior and Planning, and a large number of NGOs (see the annexed list).

The day ended with the delegation holding a press conference, attended by journalists from ten different countries[1].

A. Visit to the Mesnil-Amelot ADC

Organisation

The Mesnil-Amelot centre is in the Charles de Gaulle airport area and has been in operation since November 1985. It is an ADC, not a waiting area, within the airport itself. With 156 places, the centre is currently France's most important, and 5000 people per year are held there.
The centre has an area of 2.5 hectares, comprising six buildings, most of them having two-bed rooms, plus a building reserved for women (8 two-bed rooms). There are 140 places for men,

[1] Algeria, Canada, Chile, China, Colombia, Denmark, France, Germany, Spain, Saudia Arabia.

and 16 for women. From next year, the centre will be able to hold a maximum of 140, as laid down by law.

In 2005, the average duration of a stay in the centre was 10.39 days.

It is guarded by the gendarmerie, whose tasks are shared between gendarmes responsible for the ADC's security, and those who escort transfers of detainees. Until 2001, the prison administration handled everything, including the holding of interviews. The prison administration is now being disengaged from ADC management, and this involves outsourcing the centre's management. The fact that it has no independent budget causes real day-to-day management problems in the ADC.

The delegation was nonetheless able to confirm that the centre is in good condition; the two-bed rooms, the television room in each building, and the bathrooms are acceptable, even if the environment is not particularly peaceful: the presence of barbed wire, the fact that every building is locked during the night, the closeness to airport with its noise disturbance day and night. The women's building is in better condition than the men's buildings. A medical service, comprising two doctors and four nurses, is available from 8 a.m. to 6 p.m. daily. Children are not admitted into the centre.

CIMADE, an association to help defend the rights of migrants, is present on a permanent basis from Monday to Friday, and informed the delegation of problems within the centre linked to the increase in the length of detention: fights, altercations, threats made to CIMADE personnel, attempted suicide and self-mutilation. A CIMADE representative told us that the level of violence had risen since 2003. The delegation welcomed the fact that CIMADE had the opportunity of being in permanent residence in the centre's premises. According to CIMADE, the main countries of origin of those being held during the last quarter of 2005 were: Algeria 11.03%, Romania 10.41%, Turkey 9.88%, Mali 7.21%, Morocco 6.94, Pakistan 4.63%, Congo 4.27%, China 2.94%, and Tunisia 2.94%.

Asylum seekers in the Centre

The delegation noted a real problem for asylum seekers within the ADCs. Those asking for asylum in the ADCs are obliged to submit their request within 5 days after their arrival at the centre. They need to submit this request in French, without any opportunity of having free access to an interpreter. The lack of money and the fact of being locked in makes it very difficult to submit a request for asylum which meets the rules. The authorities say this problem concerns less than 10% of the people being held who are asking for asylum within the centre. The fact that no interpreters are provided, the authorities say, reflects the principle of not discriminating between asylum seekers in the centres and external asylum seekers. The former get an answer to their request within 96 hours. Last year, only one of the 300 requests submitted within the Mesnil-Amelot Centre was accepted.

Statements by the migrants

Most of the migrants with whom the delegation had the opportunity of speaking said that they had been stopped and questioned in the street or in cafés. Some Tunisian nationals said that they had been living in France for several years, one of them since 1997. A Congolese national who had been living in France for two years said that he had four children, one of them born on

French territory. All of them said that they did not know what the immediate future held. Some of them complained about difficult sanitary and hygiene conditions in the centre. In the women's sector, there were three Romanians and one Mongolian, who had been in France for several months.

B. Visit to the Palais de Justice ARC (Dépôt - Ile de la Cité)

Organisation

The 'dépôt' detention centre is underneath the Palais de Justice and is divided into sections for men and women. Within each of these, there is an area used for those in detention awaiting their appearances before the judges of the Palais, and another area which serves as the administrative detention centre. The place is gloomy, dark, lightless and airless, with no windows, like a prison with the cell doors open. The living conditions, both for those being held and for the gendarmes, are psychologically very hard to cope with. The men's section will be closed in June 2006 and the 62 places for men will be transferred to the new centre in Vincennes, but the 34 place women's section will remain open. When the delegation visited, there were 52 men and 20 women being held. Most of those held in the centre come from the Santé prison, including HIV positive and drugs sufferers, to whom the doctors supply methadone. In other words, most of those being held have a criminal record.

The basement rooms have four or six beds each. There are video cameras everywhere. The sickbay is open 12 hours a day (between the women's and men's sections). The doctor is in attendance for two to three hours a day, Monday to Friday. The nurse told the delegation that there were people suffering from serious psychological conditions, who had been supplied with anti-depressants.

The living conditions are abominable; the amount of space is very limited, and the air is unbreathable. The women's section is in slightly better condition. Nuns are involved in helping those being held on the first floor, while the cells of detainees are on the ground floor. This closeness also limits the room available to those being held for moving around, and if they want to go into the outside courtyard, they have to ask to be accompanied every time; they are then locked out, and have to ring a bell to get back in.

The average length of a stay in the Centre is 12 days.

CIMADE told the delegation that the main nationalities in the last quarter of 2005 were: Romania 20%, Algeria 11%, China 8.44%, Morocco 5.78, Mali 5%.

Asylum seekers in the Centre

The CIMADE representatives in the depot said that it was very difficult for those being held to submit requests for asylum, with 50% of requests being rejected because they were incomplete. Nobody asked to have access to interpreters, who are in any case not provided free of charge (see Mesnil-Amelot above).

Statements by the migrants

The atmosphere amongst the men being held was difficult. At Mesnil-Amelot, they had come up of their own accord to speak to the delegation, whereas here the men stayed in their cells. An Algerian citizen told the delegation that he had been in France since 1993, but had been unable to prove this in order to take advantage of the opportunity of having his situation regularised after 10 years' illegal residence in France.

CIMADE said that this opportunity for regularising situations would soon be eliminated from French law. Another Algerian national said that he had been living in France since 2001, and working in a clothes shop; he has been stopped and questioned in his car. He had been in the depot for 17 days. A Moroccan national said that he had done his schooling in France (Bac + 5).

In the women's section, pregnant women or women with children were released more readily.

The situation was also very difficult for the gendarmes. Turn-over was not very frequent, and the average turn of duty in the depot was two or three years. Their working conditions are extremely unpleasant.

C. Meeting with Mr Nicolas Sarkozy, Minister of State

The Delegation had a 45-minute meeting with Mr Sarkozy. The questions put to him concerned the reasons behind the extension of the maximum duration of administrative detention. He was asked why the duration had been trebled from 12 to 32 days, knowing that the average duration was around 12 days. He replied that it was impossible to obtain the consular passes to enable the foreigners to return to their country of origin within the established holding period deadlines. Furthermore, by extending the holding period, France was in line with other EU Member States, where durations were longer.
The rapporteur asked the Minister to close the depot as soon as possible, and not only the men's section. He assured the delegation that as soon as there was a possibility of using somewhere else, the women's section would also be closed down.

Mr Sarkozy reminded the delegation of his numbers policy, whereby every year quantified objectives are set in terms of the number of people to be expelled from France: 23 000 people are to leave French territory in 2006. The numbers policy takes the concrete shape of establishing, prefecture by prefecture, a figure for the number of people to be detained and then removed from France. In 2002, 10 000 people were expelled; in 2005, the figure was 20 000.

Mr Sarkozy insisted on the need for ADCs, saying that the problem was that no-one wanted to have them on their doorstep. Following the closure of Sangatte, the Marseille ADC was to be closed in June 2006, leaving only modern centres. 76 million Euros had been earmarked for ADC management in 2005.

The Delegation also asked questions about the existence of 'waiting areas' within airports, as at Roissy, from which illegal migrants had been repatriated by charter flights. In the second half of 2005 such flights had taken place to Romania. The delegation's worry concerned the 'collective' nature of these flights. Mr Sarkozy said that the fact that people boarded the same flight did not mean that there was 'collective repatriation'. He reminded the delegation that NGOs could accompany the migrants on these return flights.

Mr Sarkozy also expressed his concern at the EU's difficulty in taking decisions on immigration-linked matters, partly due to the requirement for unanimous voting within the Justice and Home Affairs Council. He intended to further develop cooperation between the G6 countries (France, Germany, United Kingdom, Italy, Spain and Poland). He laid particular stress on the importance of biometric visas at European level and a more active policy on consular passes, which were crucial for repatriating migrants. He was, however also looking forward to the adoption, at European level, as soon as possible, of a list of safe countries of origin adding that it would be necessary to strengthen legal immigration for professional reasons, and not merely have migration for the purposes of family reunification.

D. The meeting with the NGOs

The delegation met a considerable number of representatives of NGOs (see Annex list), and particular thanks are owed to CIMADE for its help in organising the visit.

Several representatives voiced their concern about the existence of waiting areas. At least 2 000 requests for asylum are submitted at the border every year, 95% of them at Charles de Gaulle airport. The NGOs are not allowed into the terminals.

2. Conclusions

The EP Delegation greatly appreciated the collaboration of the French authorities for the way in which the visit was organised, and duly thanked them. It was also grateful for the reports provided by the NGOs, and would reiterate its thanks to CIMADE in this connection.

A. Mesnil-Amelot.

- Acceptable residence conditions.

- The hygiene and sanitary infrastructure requires urgent improvement.

- As a result of the outsourcing of certain services and the lack of control exercised over these by the French authorities, the prices of certain products available to the internees are excessive. The fact that these services have been outsourced does not mean that the French authorities can wash their hands of them; on the contrary, they need to supervise and regulate them.

B. Ile de la Cité Depot

- Utterly unacceptable residence conditions

- It is urgently necessary to close down both the men's and women's sections.

- There can be no question of accepting any delays used to justify the later closure of the women's sections.

C. Asylum seekers in both centres

- Since all the forms are in French, asylum seekers have problems in understanding them so as to fill out their requests for asylum properly.

- The delegation feels that French legislation is not entirely clear with regard to the criteria for accepting or rejecting requests for asylum. It would be useful to have additional information in this connection.

- The language and deadline requirements constitute insuperable obstacles for asylum seekers.

- The major problem facing immigrants is interpretation. Even when an asylum seeker has the funds to pay for an interpreter's services, we were informed that very few interpreters are prepared to go to the ADCs.

- It is unacceptable that these services are not provided gratis by the French Government.

- The problems outlined above mean that 50% of requests for asylum are immediately rejected because of technical shortcomings, with no examination whatever of the contents of the request.

D. The Waiting Areas

- Adequate guarantees for asylum seekers in the so-called 'waiting areas' likewise need to be provided and extended .

E. Transparency

- We took due note of the positive fact of the permanent presence of NGOs (CIMADE) in the ADCs.

- We would highlight the fact that the Minister of State Mr Sarkozy, stated that NGOs had the possibility of accompanying the immigrants on their repatriation flights.

Annexe I: Programme de la visite de la délégation à Paris
20 février 2006

Lundi 20 février

07.52 h: Départ de Bruxelles en TGV pour Aéroport Paris-Charles de Gaulle, Gare TGV.
09.09 h: Arrivée à Aéroport Paris, Gare TGV
09.30 h: Visite du centre de rétention du Mesnil-Amelot
11.15 h: Départ en car pour l'Ile de la Cité.
12.15 h: Visite du dépôt à l'Ile de la Cité
13.15 h: Déjeuner libre
14.30 h: Déplacement vers la Maison Radio France (116, av Prés Kennedy 75016).
15.00 h: Réunion avec les ONG à la Maison Radio France, au Centre d'Accueil de la Presse Etrangère (CAPE)
16.20 h: Déplacement vers le Ministère de l'Intérieur, Place Beauvau, 75008
17.00 h: Rencontre avec le Ministre d'Etat Nicolas Sarkozy
17.30 h: Déplacement vers la Maison Radio France (116, av Prés Kennedy 75016) **en métro**.
18.00 h: Conférence de presse à la Maison Radio France, au Centre d'Accueil de la Presse Etrangère (CAPE)
19.00 h: Départ pour la Gare du Nord **en métro**
19.55 h: Départ pour Bruxelles
21.20 h: Arrivée à Bruxelles

Personne à contacter

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PARTICIPANTS:

Membres

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2) Patrick GAUBERT, (PPE) France. Vice-Président de la Commission Libertés civiles, Justice et Affaires Intérieures
3) Agustin DIAZ DE MERA, (PPE) Espagne
4) Martine ROURE (PSE), France
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Interprètes

Pour les langues: ES - FR IT

1) Mme Annalisa VENTURI
2) Mme CAMPAGNOLA
3) M Erro ERRANDONE
2) M. Philippe DEMAY

Liste des ONG qui ont rencontré la Délégation

- **CIMADE**: Caroline Intrand, du Bureau de Paris (qui a coordonné le rendez-vous avec les ONG); Sandrine Lesecq, Intervenante dans les centres de rétention de Paris; Benoit Merckx, Intervenant dans les centres de rétention du Mesnil-Amelot et Bobigny, Ezra Nahmad, Président de Cimade de la région Ile de France, Marie Hénocq, coordinatrice du service Défense des Etrangers Reconduits

- Amnesty International, Section française: Patrick Delouvin, Responsable du service Réfugié

- ANAFE (Association Nationale d'Assistance aux frontières pour les Etrangers): Hélène Gacon, Avocate, Présidente de l'ANAFE

- Migreurop Claire Rodier, président de Migreurop

- **Réseau Education Sans Frontière**