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# Privatisation of Migration & Refugee Services & Other Forms of State Disengagement

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By Jane Lethbridge

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The Public Services International Research Unit (PSIRU) investigates the impact of privatisation and liberalisation on public services, with a specific focus on water, energy, waste management, health and social care sectors. Other research topics include the function and structure of public services, the strategies of multinational companies and influence of international finance institutions on public services. PSIRU is based in the Business Faculty, University of Greenwich, London, UK. Researchers: Prof. Steve Thomas, Dr. Jane Lethbridge (Director), Dr. Emanuele Lobina, Prof. David Hall, Dr. Jeff Powell, Sandra Van Niekerk, Dr. Yuliya Yurchenko

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## PREFACE

### Privatisation and Private Sector Involvement and other Forms of State Disengagement in Migration and Refugee Services

This research was commissioned by Public Services International (PSI) and the European Public Service Union (EPSU) to inform both our work in influencing policy on global governance of migration at European Union, national and global levels, build awareness and capacity among affiliates, and fight the privatisation of public services, which is now flourishing in different ways on the back of migrants and refugees. The “migration market”, which is under-researched and under-debated, has a long history in Anglo-Saxon countries. It is now growing in other parts of the world as well as in the international and European Union (EU) agencies involved in the management of migration.

The cocktail of austerity, privatisation and institutional racism, has tragic consequences first and foremost for the migrants and refugees whose lives are put at risk, whether by destitution, lack of or inadequate healthcare, inhumane, lengthy and costly bureaucratic asylum and migration procedures, or unjust detention. As walls and borders are reinforced in the attempt to keep the poorest or those fleeing wars at bay, the report is a wakeup call for governments to reverse privatisation and invest in quality public services supported by the necessary checks and balances. Attempts by European governments to outsource asylum responsibilities to third countries, tantamount to Australia’s practice of offshoring asylum reception to neighbouring countries, is a deep cause for concern.

The report provides a minefield of information on the social, economic and dehumanising effects of privatisation both on migrants, asylum seekers, refugees and the workforce that delivers the services. The key corporate players involved in the “migration business” are known to many of our affiliates that organise prison services or social care. These are the same global companies and equity funds that reap huge benefits as the welfare state disengages from its duty to protect the most vulnerable in society and turning them into commodities.

The report shows that governments do not need to develop new and specific services for migrants and refugees, but rather need to invest much more human and material resources in quality public services and to ensure full access for all, free from fear or discrimination. Of particular concern are the children, who comprise almost half of the total number of refugees and forcibly displaced persons globally. The alarming report in 2016 that more than 10,000 children arriving in Europe have disappeared from asylum reception centres in the last two years calls for urgent and concerted efforts. Without appropriate State intervention, children can become very vulnerable to forced labour and human trafficking.

Likewise, in other parts of the world, where there are the highest concentration of refugees and asylum seekers, there is the escalation of precarious and informal work among refugee communities. Child labour is being tolerated in the absence of family support and lack of access of refugee families to public services, such as education, health and social care.

In the countries covered by this report, more than half a million migrants and asylum-seekers, including children, are locked up in detention centres. To migrate or to seek asylum in another country is not a crime, it is a fundamental human right. It is PSI and EPSU policy to oppose the detention of migrants for failing to have the necessary documents. This view is backed by many human rights organisations and case law including of the US Supreme Court and EU Court of Justice.

Whilst government-led detention centres are replete with problems and abuse, commercialisation of detention services brings further secrecy, overpricing and inefficiency and is clearly not the response to addressing irregular migration. Furthermore, detention has tragic consequences on the physical and mental health of detainees, as well as, the personnel involved.

Finally, as we address the problems related to privatisation and their impact on human rights and the quality of services, we continue to address the root causes, which again are not isolated from the same market policies and ideology that lead people to migrate.

We thank Dr. Jane Lethbridge (PSIRU) for this valuable work in building the evidence base, as we continue to build the analysis and capacity for our affiliates in defending quality public services and pushing for the rights-based framework in the governance of migration and refugee flows. We also thank our affiliates for their valuable comments to the report.

Rosa Pavanelli, General Secretary,  
Public Services International

Jan Willem Goudriaan, General Secretary,  
European Public Service Union

## EXECUTIVE SUMMARY

There are an estimated 244 million international migrants and about 50% of international migrants live in 10 urbanized, high-income countries. The estimated total number of refugees in the world is 21.3 million, representing 9 % of all international migrants. The large majority of refugees are hosted in developing regions. About a quarter are living in Turkey (2.5 million), Pakistan (1.6 million), Lebanon (1.1 million), and Iran (0.9 million). More than half (54%) of all refugees came from three countries: Syria (4.9 million), Afghanistan (2.7 million) and Somalia (1.1million).

There are several UN Conventions which set out the rights of refugees and migrants and these provide a human rights framework for campaigning. The 1951 UN Geneva Convention Relating to the Status of Refugees recognises the right of persons to seek asylum from persecution in other countries was amended in 1967 with a Protocol which removed geographic and temporal limits of the 1951 Convention. This provides minimum standards for the treatment of refugees. In 1948, the Universal Declaration of Human Rights was adopted. Several subsequent agreements have expanded the human rights covered, including legal and civil rights and economic, social and cultural rights. The 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Their Families came into force in 2003. Similarly, International Labour Organization Conventions on Migrant Workers, ILO C97 and ILO C143 provide full labour rights protection for migrant workers on the basis of equal treatment and non-discrimination. However, the low level of ratification of these instruments continue to be an obstacle in the full enjoyment of migrants of their human and labour rights.

Countries provide welfare and administrative services for asylum seekers and refugees but increasingly, these, like other public services, have been subject to privatisation and other forms of Public –Private Partnerships (PPPs). In some countries, the privatisation of these services has been taking place for long enough to show not only the poor quality of services and working conditions but the long term effects of privatising services which were traditionally part of welfare services. The recent increase in refugees has also led to new business opportunities for companies, many of which are providers of other public services such as prison services or social care. This report examines the effects of the privatisation of services for refugees and migrants at national and international level.

### Privatised services

In the United States there has been an expansion of immigration detention, including family and children centres, since 1980s, with legislation that sets a minimum number of detention beds (34,000). Two companies, Geo Group and CCA, dominate the privatised detention provision and are highly dependent on government contracts for revenues. These companies lobby to promote their own business models not human rights. The working conditions and quality of services provided is poor and human rights are not respected.

In the UK, several decades of privatisation of services for refugees and migrants, including housing, show consistently poor quality services with service providers showing a lack of respect for the human rights and dignity of refugees, especially women and children. As in the United States, there are two companies, G4S and Serco, which dominate the provision and are dependent on government contracts. They lack the expertise to provide services for refugees.

The Nordic countries also have several years of privatisation of services for migrants and refugees with increasing outsourcing during the recent rise in the number of asylum seekers. Companies involved in these services often have background in health and social care services. Private equity investors recognise the provision of services for asylum seekers as an investment opportunity.

Germany, Austria and Switzerland have used the private sector in a more limited way to provide services for asylum seekers. As in the Nordic countries, some health and social care companies deliver services for refugees and asylum seekers and private equity investors involved in companies delivering services.

In other European countries, there has been an increase in outsourcing of services for migrants and refugees, often beginning with health services. Governments see the private sector as a solution to the increased demand for services rather than expanding their own capacity to care for them.

The EU outsources services for refugees and migrants in several ways: by outsourcing to airline carriers and working with the security industry to promote their policing of EU borders. A 'hot spot' approach has been adopted recently to facilitate support from EU agencies to EU member states.

## Impact

Privatised services cause the deaths of refugees and migrants across Europe due to poor care, destitution, unsafe living conditions, police violence and deportation. Countries with the highest number of reported deaths have privatised services for refugees and migrants. Detention affects the health of refugees and migrants in the short and long term and the mental health of staff is affected by working in detention centres.

The Australian experience of 'off-shoring' shows that it results in poor quality services, the isolation of migrants and refugees from sources of support and the alienation of local populations. Refugees and migrants, especially children, regularly experience abuse which affects their physical and mental health. Health professionals are directly affected by working in 'off-shored' services and have their professional judgements undermined. Their professional ethical standards are compromised by working for privatised services and their own health is affected.

## Middle East – Turkey

The Turkish government has taken responsibility to provide services directly in refugee camps but the legal position of refugees in Turkey is insecure because Turkey has only signed the 1951 Geneva Convention and the 1967 Protocol with 'geographical restrictions'. Refugees from outside Europe cannot claim asylum. Legislation which provides for temporary protection for refugees provides access to public services but does not guarantee legal rights and freedoms.

A major problem is providing access to jobs for refugees. Many refugees have found jobs through informal labour networks which do not recognise labour rights. Increasingly, refugee children are being employed because they learn quickly and will not challenge the working conditions or pay. The current political situation and the purges of public servants will affect the well-being of the local Turkish population as well as refugees making some existing tensions worse.

## Middle East - Jordan

Jordan has a long history of receiving refugees and has received increased international aid to support them but Jordan has not signed the 1951 UN Convention and its 1967 Protocol relating to the status of refugees. Refugees do not have legal rights to public services and freedom of movement.

Refugees live mainly outside camps but there are growing tensions with local populations over competition for scarce water resources, jobs, health and education services. Employment is a major issue and a recent Jordan-EU trade deal will support the entry of 200,000 Syrian refugees into employment. A €100 million loan from the World Bank will also contribute more jobs in Qualifying Industrial Zones but these have a poor record of respecting labour rights with weak enforcement from government institutions.

## Labour recruitment

Private recruitment agencies and labour brokers are forms of privatized labour recruitment. Private agents play a significant role in moving migrant workers from one country to another in return for fees. Many



engage in illegal activities, for example, helping migrant workers to cross borders illegally, raising their fees on arrival in the host country and involving migrant workers in smuggling and trafficking systems. Private recruiters charge workers exorbitant recruitment fees which lead to workers' bonded in debt and vulnerable in the hands of recruiters. The failure to stop these abuses does not only damage the migrant workers. It also harms the workers in the destination countries because their wages are undercut and poor working conditions go unchallenged. Attempts to change the systems of labour recruitment with more government regulation have been undermined by the power of the labour recruiters and the large number of sub-contractors, which are difficult to regulate.

### Multi-lateral Development Banks (MDBs)

MDBs see the recent increase in migration as an opportunity to promote privatisation and public-private partnerships (PPPs), especially in countries which are hosting large numbers of refugees. The International Financial Corporation (IFC) also sees new opportunities to encourage the private sector to deliver public services, presenting it as extra 'fiscal space' for governments and promoting PPPs. Investments by the World Bank Group often result in social, economic and environment changes which lead to more forced migrations.

### UN agencies

Private companies have worked previously with UNHCR through corporate social responsibility programmes but UNHCR is now investing in partnerships with the private sector to help generate employment opportunities and other business opportunities, involving large multinational companies.

Like UNHCR, the International Organization for Migration (IOM) has previously worked with companies through corporate social responsibility programmes and buying goods and services from them but it is now investing in partnerships with the private sector to deliver IOM programmes, a form of outsourcing. Globally the private sector sees new business opportunities in working with refugees and migrants.

### Conclusion

The privatisation of services for refugees and asylum seekers has a direct impact on the quality of services, which results in services which are inappropriate and insensitive and which ignore human rights. There is incontrovertible evidence that the detention of asylum seekers and undocumented migrants leads to poor mental health and the longer the period of detention, the more damaging the effects. PSI and EPSU oppose detention of migrants simply for failing to hold valid residence permits. This position is backed by the case law of the US Supreme Court and EU Court of Justice.

Companies being awarded contracts often have previous experience of prison privatisation or other forms of detention in Anglo-Saxon countries, in others they have previous experience in social care. There is a lack of transparency about how contracts are awarded and managed which creates governance problems for public agencies managing the contracts and there is indication that the lowest bid is the main award criterion, which has been consistently been condemned by EPSU and PSI.

There is a growing market in migration management services in Europe and globally with private equity companies buying and selling companies delivering these services.

Private companies are increasingly making money out of refugees and migrants because governments are unwilling to provide services. The private sector views the global migration crisis as a business opportunity and is being supported in exploiting these new opportunities by IFIs, MDBs and international agencies as well as by EU agencies, such as Frontex and EASO.

Workers in the privatised services are often unqualified, not properly trained and poorly paid, which results in services being delivered in ways that do not respect the human rights of asylum seekers and refugees and lack a 'public sector ethos'. Service users often feel unable or are afraid of complaining about poor quality of

services. Workers are often abusive and bullying towards them, which is further compounded by a lack of public scrutiny and quality standards. Workers delivering services, such as health, have their professional integrity undermined by the way in which services are managed.

Off-shored' asylum services create isolated centres where abuse is difficult to monitor and asylum seekers are alienated from government services, legal advice and other forms of support. Developments at EU level to outsource asylum responsibilities to third countries such as Turkey and Libya must be carefully watched. Outsourcing of migration management services which should be part of public welfare services raises wider issues because the commodification of these services results in them being seen as economic activities that do not reflect the imperative to protect human rights or promote social inclusion.

IFIs and MDBs view the global migration crisis as a way of extending their promotion of public-private partnerships and privatisation. UN agencies, such as UNHCR and IOM are developing stronger partnerships with the private sector to outsource some of their services.

Private labour recruitment agents are responsible for undermining the labour rights of migrant workers and permanent workers in the receiving countries. PSI has worked over the last 15 years to improve wages and working conditions, to reduce the economic pressure to migrate, to improve the quality of health and social services and to ensure that the human rights of migrant workers are respected.

When refugees and migrants are seen as a resource for the host country and measures are introduced that facilitate their integration including by making mainstream public services sensitive to migrant needs, then this can result in benefits for both migrants and host countries. Governments require political will to put these measures in place, using or resorting to the public provision of services, in cooperation with social partners and civil society.

All migrants and refugees are entitled to the full protection of their human rights. It is the obligation of States to have their rights protected. The low ratification of the UN and ILO Migrant Workers Convention remains an obstacle to the full enjoyment of migrants of their human rights.

Finally, as evidence in this study shows, States are disengaging from this human rights obligation and relegating it to the private sector and through forms of off-shoring and outsourcing.

## RECOMMENDATIONS

### Quality public services

Campaign for quality public services for refugees and migrants to be delivered by the public sector and abandon the privatisation of these services.

Advocate for equal treatment and non-discrimination in access of refugees and migrants to quality public services, ensure funding of public services, with an adequate number and well-trained staff. Quality public services plays an indispensable role in promoting inclusion and cohesion in society and countering xenophobia and all forms of intolerance.

### Health services and professionals

Work with health trade unions and other professional bodies to highlight how privatised services compromise the professional judgements of health professionals and affects their health and quality of service.

## Business models

Make the business models of the companies involved in the privatisation of services for refugees and migrants better understood showing that the underlying profit motives are detrimental to the human rights of refugees and migrants.

## Off shoring

Campaign against all forms of off-shoring and outsourcing of services for refugees and migrants. The detailed evidence of Australian off-shoring shows that it results in the abuse of adults and children and the denial of basic human rights.

Oppose the outsourcing of State obligations to human rights and humanitarian law, such as those promoted in the EU-Turkey Deal, EU-Libya agreement and other similar forms of bilateral agreements that deter migration and refugee flows. Evidence shows that these agreements do not reduce irregular migration, but only makes the migration channels more dangerous and puts migrants and refugees vulnerable in the hands of smugglers and traffickers.

## Valuing refugees and migrants

Campaign for institutions to recognise how institutional racism affects the way public services are delivered and how this results in the denial of basic human rights.

Work with other agencies and local authorities to promote social policies aimed at the sustainable and rights-based integration of refugees and migrants into local economies and societies.

## Addressing root causes

Integrate the campaign for migrant and refugee rights with efforts to address the root causes of migration and forced displacement in promoting democracy and peace, tax justice, fair trade, decent work, social protection and implementation of the 2030 sustainable development goals (SDGs).

## PRIVATISATION OF MIGRATION AND REFUGEE SERVICES AND OTHER FORMS OF STATE DISENGAGEMENT

The main research question aims to examine the impact of the privatisation of services for refugees and migrants at national and international levels.

There are six objectives:

1. To investigate the extent of privatisation of key public services in migration, asylum and refugee services
2. To profile selected case studies which include origin, transit and host countries
3. To examine how privatisation affects human rights, social justice and quality public services
4. To examine the impact of a market orientated approach to migration and humanitarian situations
5. To examine the impact of IFIs and MNCs have on migration and forced displacement
6. To identify Public-Private partnerships and the impact on public services

This research has drawn from an analysis of policy documents, academic research, government and NGO and trade union research, media reports, company financial reports and international and national statistics..

The report is structured in seven sections:

1. Global migration trends;
2. Privatisation of services for refugees, asylum seekers and migrants;
3. Impact of privatisation;
4. Middle East;
5. Labour Recruitment;
6. IFIs, MDBs and international agencies;
7. Conclusion;
8. Recommendations.

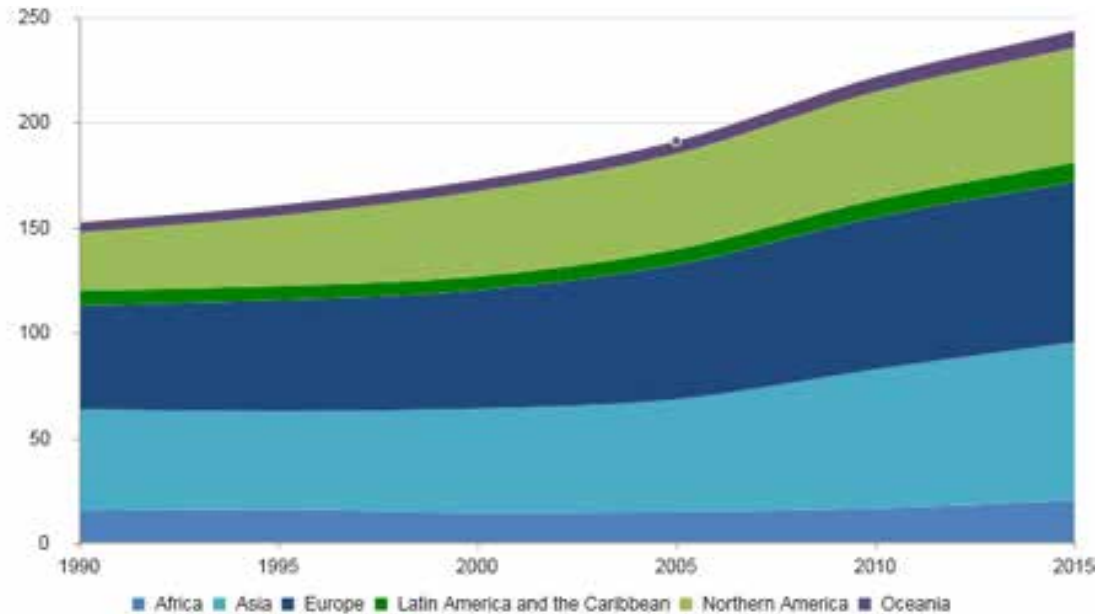
All the companies mentioned in the report can be found in appendix A.



Family in refugee camp

## I. GLOBAL MIGRATION TRENDS

Figure 1: Number of international migrants by major area of destination



Source: UN Department of Economic & Social Affairs Population Division <sup>1</sup>

In the last 25 years, Asia, Europe and Northern America have received the largest number of migrants. Figure 1 shows the number of international migrants by region of destination. The term migrant is often used to cover asylum seekers, refugees and migrants but not all migrants are refugees or asylum seekers. However, all migrants and refugees are entitled to their human rights.

### DEFINITIONS

**Asylum seeker** - someone fleeing persecution or conflict and seeking international protection under the 1951 Refugee Convention on the Status of Refugees.

**Refugee** – someone who is “unable or unwilling to return to their country of origin owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of particular group or political opinion” and an asylum seeker whose claim has been approved.

**Migrant worker** – “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”

**Undocumented migrant** – “a person without a residence permit authorising them to regularly stay in their country of destination. They may have been unsuccessful in the asylum procedure, have overstayed their visa or have entered irregularly”

There are an estimated 244 million international migrants.<sup>2</sup> About 50% of international migrants live in 10 urbanized, high-income countries (Australia, Canada and the United States) Europe (France, Germany, Spain and the United Kingdom), the Russian Federation, Saudi Arabia and the United Arab Emirates.<sup>3</sup> Women form just under half of all migrants, with 48% in 2015. The average age of migrants is 39 years but the numbers of younger migrants are growing in Asia, Oceania, Latin America and the Caribbean.

The International Migration Report (2015) estimated the total number of refugees in the world was 21.3 million, representing 9 % of all international migrants. Children under the age of 18 make up 50% of the refugee population.<sup>4</sup> In 2015, 49% of the refugee population were women.<sup>5</sup> The large majority of refugees

are hosted in developing regions. About a third are living in Turkey (2.5 million), Pakistan (1.6 million), Lebanon (1.1 million), Iran (0.9 million), Ethiopia (.736 million) and Jordan (.664 million).<sup>6</sup> More than half (54%) of all refugees came from three countries: Syria (4.9 million), Afghanistan (2.7 million) and Somalia (1.1million).<sup>7</sup> These three countries have experienced war which has resulted in large numbers of people searching for asylum but people also seek asylum because of a lack of economic opportunities, poverty and inequalities.

## 1.1 Human rights

The process for applying for asylum in many countries is long, difficult and costly. There are a series of UN Conventions and Declarations which set out the rights of refugees and migrants. Although not all countries have ratified these Conventions, they provide important minimum standards to campaign for. They set out a framework of human rights which inform the work with refugees and migrants that PSI and EPSU have developed over the last decade.

The 1951 UN Geneva Convention Relating to the Status of Refugees recognised the right of persons to seek asylum from persecution in other countries. It was amended in 1967 with a Protocol which removed geographic and temporal limits of the 1951 Convention, which had previously only applied to Europe. Apart from defining what a refugee is, there are three principles that underpin the 1951 Convention: non-discrimination; non-penalization and non-refoulement. Non-refoulement “provides that none shall expel or return a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life and freedom”. The Convention sets out basic minimum standards for the treatment of refugees, for example, access to courts, primary education, to work and the provision for documentation.

In 1948, the Universal Declaration of Human Rights was adopted. Article 14 recognises the “right of persons to seek asylum from persecution in other countries”. The International Conference on Human Rights in 1968 identified a series of Covenants which created new standards and obligations, expanding human rights to include civil and political rights and economic, social and cultural rights. The European Convention sets out a series of human rights, which include:

- Right to life (Art. 2);
- Right to prohibition of slavery and forced labour (Art. 4);
- Right to liberty and security (Art. 5);
- Right to a fair trial (Art.6);
- Right to freedom of thought, conscience and religion (Art.9);
- Right to freedom of expression (Art.10);
- Right to freedom of assembly and association (Art.11);
- Right to prohibition of discrimination (Art.14);
- Right to prohibition of abuse of rights (Art.17).

All these rights are important for protecting the position of refugees and migrants.

The 1990 UN International Convention on the Protection of the Rights of Migrants and Their Families<sup>8</sup> came into force in 2003. By making respect for the human rights to migrant workers and their families a more explicit responsibility of governments and related agencies, it aims to “guaranteeing equality of treatment, and the same working conditions for migrants and nationals”.<sup>9</sup> These standards should apply through all stages of migration, from preparation, departure, transit, period of stay, and paid activity and return to country of origin. Article 11 states that “No migrant worker or member of his or her family shall be held in slavery or servitude.... And be required to perform forced or compulsory labour”.

There are two ILO Conventions which address the rights of migrants: Convention 97 'Migration for Employment' states that "Each Member for which this Convention is in force undertakes to maintain, or satisfy itself that there is maintained, an adequate and free service to assist migrants for employment, and in particular to provide them with accurate information..... and take all appropriate steps against misleading propaganda relating to emigration and immigration".

Convention 143 'Migrations in Abusive Conditions and Promotion of Equality of Opportunity and Treatment of Migrant Workers' states that "Each Member for which this Convention is in force shall systematically seek to determine whether there are illegally employed migrant workers on its territory and whether there depart from, pass through or arrive in its territory any movements of migrants for employment in which the migrants are subjected during their journey, on arrival or during their period of residence and employment to conditions contravening relevant international multilateral or bilateral instruments or agreements, or national laws or regulations.

The representative organisations of employers and workers shall be fully consulted and enabled to furnish any information in their possession on this subject."

## 1.2 Privatisation of services

Countries provide welfare and administrative services for asylum seekers and refugees but increasingly, these, like other public services, have been subject to privatisation and other forms of Public –Private Partnerships (PPPs). The involvement of the private sector in the delivery of services for refugees and migrants takes a variety of forms and covers the different ways in which states and governments control refugees and migrants. Some of the services are aimed at adults but with growing numbers of unaccompanied child migrants, there is a growing need for services for children both for their welfare, education and security. The main types of services which have been privatised in many European countries, North America and Australia, are:

- Immigration;
- Housing;
- Transport;
- Detention;
- Removal.

The involvement of the private sector in the provision of services for migrants and refugees has been expanding over the last 20-30 years in many countries. In some countries, such as the United States, United Kingdom and Australia, the privatisation of these services has been taking place for long enough to show not only the poor quality of services and of working conditions but the long term effects of privatising services which were traditionally part of welfare services. The recent increase in refugees has also led to new business opportunities for companies, many of which are providers of other public services such as prison services or social care.

This report outlines the extent of privatisation of services for refugees and migrants and the results of this private sector involvement in the delivery of services. Different country and regional experiences are outlined. There has been extensive documentation of the harshness and inappropriateness of the asylum system in many countries which is the result of government policy. This report highlights the specific results and impact of privatisation. In addition, this report shows that as well as privatisation of asylum and migrant services at country level, there is a growing involvement of the private sector in refugee services at a global and EU level, in partnership with international agencies, international financial institutions, multilateral development banks and multinational companies.

## Key points

- There are an estimated 244 million international migrants and about 50% of international migrants live in 10 urbanized, high-income countries
- The estimated total number of refugees in the world is 21.3 million, representing 9 % of all international migrants.
- The large majority of refugees are hosted in developing regions. About a third are living in Turkey (2.5 million), Pakistan (1.6 million), Lebanon (1.1 million), Iran (0.9 million), Ethiopia (.736 million) and Jordan (.664 million).
- More than half (54%) of all refugees came from three countries: Syria (4.9 million), Afghanistan (2.7 million) and Somalia (1.1million).
- 1951 UN Geneva Convention Relating to the Status of Refugees recognised the right of persons to seek asylum from persecution in other countries was amended in 1967 with a Protocol which removed geographic and temporal limits of the 1951 Convention. This provides minimum standards for the treatment of refugees.
- In 1948, the Universal Declaration of Human Rights was adopted. Several subsequent agreements have expanded the human rights covered, including legal and civil rights and economic, social and cultural rights.
- The 1990 UN International Convention on the Protection of the Rights of Migrants and Their Families came into force in 2003. Although this provides a framework for recognition of the rights of migrants, relatively few government have signed the convention.
- Countries provide welfare and administrative services for asylum seekers and refugees but increasingly, these, like other public services, have been subject to privatisation and other forms of Public –Private Partnerships (PPPs).
- In some countries the privatisation of these services has been taking place for long enough to show not only the poor quality of services and working conditions but the long term effects of privatising services which were traditionally part of welfare services.
- The recent increase in refugees has also led to new business opportunities for companies, many of which are providers of other public services such as prison services or social care.
- This report examines the effects of the privatisation of services for refugees and migrants at national and international level.



Refugee camp



## 2. PRIVATISATION OF SERVICES FOR ASYLUM SEEKERS, REFUGEES AND MIGRANTS

This chapter examines the privatisation of services in the United States, the United Kingdom, Nordic countries, German speaking countries, other European countries, Australia and at EU level.

### 2.1 United States

**Table 1: United States immigration statistics**

	United States
International migrants	46,627,100
People expelled	616,792 (2013)
Immigration detainees	440,557 (2013)
Unaccompanied children detained	52,539 (2016)

Source: Global Detention Project, 2016 <sup>10</sup>

The United States operated immigration detention in the 19th and 20th centuries but by the 1950s most centres had been closed. A new phase of immigration detention started with the Reagan government in the 1980s, when there was a strong policy of arresting and detaining migrants. Detention centres were opened in Puerto Rico and the US mainland. After the overturn of a mandatory detention policy towards Haitians, in 1986, the government passed the Immigration Control and Reform Act (IRCA) which led to increased detention of migrants from many countries.<sup>11</sup> The immigration detention system has grown since then. By 2014, \$2 billion per year was spent with \$5 million on detainees per day.

Immigration detention centres are closely linked to the prison system, often run by the same companies and, supposedly, working to the same prison standards. In addition immigrants are subject to prosecution and so become criminalised, further blurring the boundaries between immigration detention and prison. The number of unaccompanied child migrants has grown to 52,539 in 2014 and new ‘family residential centres’ have been opened to house women and children.<sup>12</sup>

In 2009, Senator Robert Byrd, the Chairman of the Appropriations Sub-Committee on Homeland Security added an extra sentence to the 2010 Department of Homeland Security Appropriations Act which stated “funding made available under this heading shall maintain a level of not less than 33,400 detention beds.”<sup>13</sup> Senator Byrd was once a member of the Ku Klux Klan and was a strong supporter of detention for undocumented migrants. As the sentence was added to wider legislation, there was no public debate. In 2014, Congress made it a legal requirement for Immigration and Customs Enforcement (ICE) to maintain a set number (34,000) of immigration detention beds whether or not there was a demand for them.<sup>14</sup> In the last couple of years there has been a decrease in the total number of people in immigration detention with the daily population falling from 33,000 to 26,000.

As the number of immigrants detained increased after the 1980s, so did pressure on the existing centres and the government started to outsource the management of facilities to the private sector. By 2015, 62% of facilities for the Immigration and Custom’s Enforcement (ICE) were run by the private sector. Of the dedicated immigration facilities, only one was not outsourced. Private companies provide food, security, health care and other services.<sup>15</sup> Although there is extensive privatisation of services for immigrants, a report found that the Immigration and Customs Enforcement (ICE) had limited expertise to administer the immigrant detention system and so was unable to effectively assess which services should be contracted out and their performance.<sup>16</sup>

Two of the main companies involved in running immigration detention facilities are Geo Group and the Corrections Corporation of America (CCA). By 2014, these two companies were responsible for 45% of the US detained immigrant population.<sup>17</sup>

Table 2: Geo Group revenues

Services	%	Revenues
US Corrections and Detentions	67%	\$1,234 million
Geo Care	19%	\$350 million
International Services	8%	\$147 million
Construction	6%	\$110 million
<b>Total</b>	<b>100%</b>	<b>\$1,843 million</b>

Source: 2015 Geo Group Annual Report

The Geo Group (formerly Wackenhut Corporation set up in 1987) runs prison and detention centres as well as community based services for offenders and immigrants (Geo Care) in the United States and internationally. 86% of its revenues come from government contracts. Continued government business is essential for the company's future. The Geo Group has been subject to complaints about poor and inadequate staffing, poor working conditions, high turnover of staff and falsification of business records.<sup>18</sup>

Table 3: Corrections Corporation of America (CCA) revenues

Services	%	Revenues
Federal	50%	\$ 912.1 million
State	40%	\$ 725.1 million
Local	3%	\$ 65.7 million
Other	2.9%	\$ 52.9 million
Total management revenue	97.9%	\$1,755.8 million
Rental and other income	2.1%	\$37.3 million
<b>Total</b>	<b>100%</b>	<b>\$1,793.1</b>

Source: 2015 10-K CCA

The Corrections Corporation of America (CCA) was set up in 1983 and now owns 66 prisons and manages an additional 10 detention centres. It registered as a Real Estate Investment Trust in 2013 for tax purposes because it owns and manages prisons and other detention facilities. TransCor is a subsidiary of CCA which provides transport services to government facilities. Over 97% of its revenues come from federal, state and local contracts. It is indebted in 2015 to \$1,464 million, which is slightly less than annual revenue.<sup>19</sup> The CCA has been criticised for reducing workers' pay, limiting access of detainees to health care and ignoring safety and sanitation standards.<sup>20 21</sup>

Both these companies are very dependent on government contracts. Following the introduction of quota for immigration detention beds of not less than 33,400, the private sector has benefited from this arrangements.<sup>22</sup> Prison private companies lobby on immigration and detention issues that affect their business models. Between 2008 and 2014, CCA spent \$10,560,000 on lobbying with \$9,760,000 spent on the Department of Homeland Security Appropriations Sub-committee.<sup>23</sup> Both companies are members of the American Legislative Exchange Council (ALEC), a strategic partnership of 200 corporations and 2,000 state legislators, which writes and promotes prison industry-friendly legislation.<sup>24</sup> In 2013, both companies were part of a lobbying campaign which defeated an initiative which would have given 11 million undocumented people legal status.<sup>25</sup> This illustrates how lobbying by companies shapes the legislation which directly affects the rights of refugees and migrants.

Geo Group and CCA have expanded their services for immigration detention to include the 'Family residential centres' for women and children.<sup>26</sup> A survey by the US Conference of Catholic Bishops and the Center for Migration Studies (2015) found that in immigrant detention centres there was a high incidence of sexual abuse of women detainees, women were forced to deliver babies when restrained, hunger strikes,

treatment of medical conditions with inappropriate medicines and problems with gaining access to legal advice and other groups.<sup>27</sup> The conditions in one family detention centre in Artesia, New Mexico was described as a “due process failure and humanitarian disaster”.<sup>28</sup>

The experience of privatisation of immigration services including detention facilities, in the United States, has shown that two private companies dominate the provision of services. The existence of legislation that sets a minimum number of detention beds has contributed to the expansion of private sector provision. The dependence of companies on government contracts results in extensive lobbying of government departments and other policy making arenas. There are consistent complaints about abuse and the delivery of inadequate services.

### United States Key Points

- Expansion of immigration detention, including family and children centres, since 1980s, with legislation that sets a minimum number of detention beds (34,000).
- Two companies, Geo Group and CCA, dominate privatised detention provision and are highly dependent on government contracts for revenues.
- Companies lobby to promote their own business models not human rights.
- Working conditions and quality of services provided is poor.
- Human rights are not respected.

## 2.2 United Kingdom (UK)

**Table 4: UK immigration statistics**

	United Kingdom
International migrants	8,543,000 (2015)
People expelled	40,896 (2015)
Immigration detainees	32,526 (2016)
Children detained	144 (2016)

Source: Global Detention Project

The UK has a long history of privatising services for refugees and migrants. The first privatisation was in 1971 when G4S (then called Securicor) was asked to manage detention facilities near Heathrow airport in Harmondsworth. In 1991, G4S won a contract to run Campsfield as an immigration detention facility. By 2011, 80% of the 3,034 people in immigration detention were detained in facilities run by the private sector.<sup>29</sup> The profile of the major companies contracted to deliver services for refugees is remarkably similar to the US. Many have already been involved in prison privatisation, security services or other public services. Contractors often do not have any experience of delivering any services to refugees.

Serco is an example of a company which has been contracted to provide a wide range of public services, including health care, prisons and asylum seeker detention services. Twelve out of seventeen government departments have contracts with Serco. At the same time, there has been a growing catalogue of problems with Serco contracts that range from fraud to death. There have been reports of deaths in custody, self-harming and beating in Serco-run prisons. The company covered-up the sexual abuse of immigrants in Yarl’s Wood and Colnbrook detention centres. In March 2015, a Channel 4 News investigation into Yarl’s reported numerous incidents of self-harm, questions over standards of healthcare (sub-contracted to G4S) and guards showing contempt for detainees.<sup>30</sup> In 2015, Serco reported total revenues of £3,914 million and revenues for Justice and Immigration services of £529 million (Table 5).

**Table 5: Serco Financial Results by service**

2015	Revenues £	%
Revenues	£3,914 million	100
Defence	£1,069m	27%
Transport	£837m	21%
Justice & Immigration	£529m	14%
Health	£416m	11%
Citizen Services	£1,063	27%

Source: Serco Annual and Financial Report 2015

An investigation into the welfare of immigration detainees by Stephen Shaw, a former

Prisons and Probation Ombudsman, for the Home Office (UK government) (2016) presented the results of the UK system of detention.<sup>31</sup>

Shaw quotes from a UNHCR report:

“Pragmatically, no empirical evidence is available to give credence to the assumption that the threat of being detained deters irregular migration, or more specifically, discourages persons from seeking asylum. Global migration statistics have been rising regardless of increasingly harsh governmental policies on detention. Except in specific individual cases, detention is largely an extremely blunt instrument to counter irregular migration, not least owing to the heterogeneous character of migration flows.”

## Housing

In the 1990s welfare ‘support’ to asylum seekers in the UK was cut to below standard benefit levels. Although introduced by the Conservative government, in 1997 the New Labour government continued to impose punitive conditions. It has been described as “bare subsistence and a deterrent system of coercion, control and stigmatisation” The process of limiting the rights of asylum seekers for decent housing started with the 1999 Immigration and Asylum Act which took away the rights of asylum tenants to security of tenure. Since June 2012, 100% of asylum seekers in accommodation paid for by the government, as an alternative to secure facilities, were living in houses outsourced to private security contractors.<sup>34</sup>

An investigation by the National Audit Office (NAO, UK government auditor) into the privatisation of housing for refugees shows some of the problems of privatising services which were previously provided by local authorities as part of wider welfare services.<sup>35</sup> In 2012, the UK government (Home Office) outsourced the provision of housing services for asylum seekers to three companies, G4S, Serco and Clearel. Only Clearel had any experience of providing housing for asylum seekers, although G4S and Serco already had contracts to provide immigration, detention and removal services for asylum seekers. The COMPASS (Commercial and Operating Managers Procuring Asylum Support) contract aimed to save £150 million in seven years but in the first year of operation (2012-3) it had only saved £8 million and there is limited evidence to show that any savings have been made.

The NAO was asked to invest this contract in 2014, following concerns raised by MPs and individuals. Their investigation found that Clearel was the only contractor to meet the original 2012 deadline. G4S and Serco found it difficult to establish a supply chain of existing housing providers and to source new housing stock. G4S and Serco both took on housing stock without carrying out full inspections and as a result found that many houses did not meet contractual standards. Many properties remain below quality standards with minor and major problems.

About 20,000 asylum seekers were housed at the beginning of the contract but 10% had to move. There were complaints from service users about the way in which they were told about these changes.

Communications were not routinely translated which led to lack of understanding by the asylum seekers. Service users and representative groups remain concerned about the quality of the accommodation, with backlogs of maintenance work, and the “approach of some of the providers’ housing staff”.<sup>36</sup>

One of the examples of inappropriate delivery of services can be seen in the case of Jomast, the company which G4S contracted to provide houses in the North East of England. As the North East region was the first to privatise asylum seeker housing services, in 2010, Jomast was contracted to run a hostel for women asylum seekers and their babies. Women living in this hostel reported that they felt that they were “living in ‘cells’, in conditions ‘like a prison’, with no respect for their dignity, privacy or different cultures”.<sup>37</sup> Security staff made three checks a day and would enter communal facilities without notice. Most security and cleaning staff were men.<sup>38</sup>

In 2015, Jomast painted all the doors of the houses occupied by asylum seekers red. This meant that local far-right groups targeted these houses with attacks and insults. Although the doors have now been repainted, this shows how insensitive the companies delivering the services are towards the dignity and safety of the asylum seekers and refugees. Jomast is a property development company which has set up partnerships with landowners, local authorities, central government departments and investors in the North East region.<sup>39</sup> It is estimated that this company will receive £8 million from the government to house 2,646 asylum seekers in 2016.<sup>40</sup>

The NAO report showed that the two main private contractors, G4S and Serco, did not have the experience or expertise to run accommodation services. The quality of the services is poor and the way in which staff deliver these services does not reflect a ‘public sector ethos’ nor does it reflect an awareness of the human rights of the refugees. Yet, these services provide 14% of Serco’s revenues and 9% of G4S’s.

**Table 6: G4S financial results by service**

2015	Revenues £	%
Security and facilities management services	£3,752 million	58%
Cash solutions and secure logistics	£880 million	14%
Specialist outsourcing	£738 million	11%
Care & Justice Services	£557 million	9%
Security systems and technology	£506 million	8%
Total	£6.4 billion	100%

Source: G4S 2015 Integrated Report and Accounts

The UK experience of privatisation of services for asylum seekers and migrants shows that the standard of services provided is inadequate, insensitive and disregards the right to safety and dignity of asylum seekers and migrants. A recent report found that there was no evidence to show that detention had any impact on reducing irregular migration and that there was substantial evidence to show that mental health deteriorated with detention. Companies providing services are global companies providing public services in a large number of countries.

### United Kingdom Key Points

- Several decades of privatisation of services for refugees and migrants, including housing, show consistently poor quality services with service providers showing a lack of respect for the human rights and dignity of refugees, especially women and children
- Two companies, G4S and Serco, dominate the provision and are dependent on government contracts but often do not have the expertise to provide services for refugees.

## 2.3 Nordic countries

**Table 7: Nordic countries immigration statistics**

	Norway	Sweden	Denmark	Finland
International migrants	741,800 (2015)	1,639,800 (2015)	572,500	315,900 (2015)
People expelled	6,350 (2014)	6,630 (2014)	1,400 (2014)	3,195 (2014)
Immigration detainees	2,939 (2013)	3,524 (2015)	-	444 (2013)
Children detained	330 (2014)	25 (2014)	119 (2011)	-

Source: Global Detention Project

The Nordic countries (Norway, Sweden, Denmark, Finland) are perceived to have a more generous policy towards asylum seekers but they have also privatised many services for asylum seekers and refugees. In 1990, 12% of Norway's asylum centres were private but this had increased to 77% by 2013. In 2010, Sweden passed legislation which outsourced asylum and reception services, although in the 1990s, after a series of scandals with privatised services, a government migration agency was set up.<sup>41</sup>

The process of privatising the Welfare State in Norway, Sweden and Denmark has affected how services for refugees are now provided. Although Sweden and Norway have taken relatively large numbers of asylum seekers, the provision of services is increasingly contracted to the private sector. Unlike the UK, where companies with experience of prison privatisation and security services have made the transition to refugee services and detention, in Nordic countries, companies which have been delivering health and social care and other types of hospitality services have become providers of housing and other social services for refugees. In 2015 and 2016 when Sweden took in many migrants during the increase in inflow of asylum seekers and refugees, companies have been found to be making large profits from providing inadequate housing services.<sup>42 43</sup>

The Adolfsen Group is one example of a company which delivers services for asylum seekers. Although operating across the Nordic region, in 2015, the Adolfsen Group took over Hero Norge, a company which ran refugee centres in Denmark. Hero Norge charges the Norwegian and Swedish governments a fixed fee of \$31 to \$75 per person per night, providing food and accommodation.<sup>44</sup> Originally owned by ISS, the global facilities management company, Hero Norge was sold by ISS to the Adolfsen Group, a private health care company in 2015.<sup>45</sup> In 2015, Hero Norway expects revenue of \$63 million, with profits of 3.5 percent for 2015.<sup>46</sup>

The Adolfsen Group is not the only example of a health care company being involved in asylum seeker detention services. Other health and social care companies include Aleris, Attendo and Jokarjo. Aleris and Attendo both deliver social care services and are owned by private equity investors. They operate in Norway, Sweden and Denmark and started to provide services for asylum seekers in 2015. Aleris is reported as charging 84,000 Swedish Kroner (\$9,434) a month to place a refugee child with a family.<sup>47</sup> Jokarjo is owned by Bert Karlsson, the founder of the anti-immigration New Democracy party, who was paid 170 million Swedish kroner (\$38.8 million) in the first six months of the 2015 to house 5,000 refugees at 30 different sites.<sup>48</sup> Services for asylum seekers are now considered a good private equity investment.

### Nordic Countries Key Points

Many years of privatisation of services for migrants and refugees with increasing outsourcing during the recent increase in number of asylum seekers

Companies involved in services have background of health and social care services rather than prison services.

Private equity investors recognise the provision of services for asylum seekers as an investment opportunity

## 2.4 Germany, Austria and Switzerland

**Table 8: Germany, Austria and Switzerland immigration statistics**

	Germany	Austria	Switzerland
International migrants	12,005,000 (2015)	1,492,400 (2015)	2,438,700 (2015)
People expelled	21,895 (2014)	2,480 (2014)	n/a
Immigration detainees	4,812 (2013)	4,171 (2013)	5,417 (2014)
Children detained	15 (2013)	175 (2013)	131 (2014)

Source: Global Detention Project

Germany has taken in one of the largest numbers of asylum seekers since 2015 in Europe but at the same time the numbers of asylum seekers detained has decreased in the last few years. Unlike the UK and the US, the extent of the privatisation of services for refugees and migrants is more limited. Three companies, European Homecare, BOSS Security & Services and Kotter, have been involved in providing a number of services in detention facilities in Germany. <sup>49</sup> Many of these services are contracted out with the state maintaining the management of the centres.

The increase in the number of asylum seekers has led to the establishment of new reception centres, which are run by private security companies. Private security companies have been running reception centres and other services for asylum seekers in every state, except Bavaria. Contracts go to the lowest bidder. This sector is not regulated and has only the minimum requirements for training. No extra training is given for working in a reception centre. Germany is one of only four European countries which has an unregulated security industry. <sup>50</sup> The costs of paying outsourced security services are much lower than paying a police officer, who are subject to a system of accountability and also provide community support services. <sup>51</sup>

Other companies providing services for refugees and asylum seekers have expanded during the last few years. European Homecare, a company providing social services, has expanded into “psychosocial support in the transit area of Düsseldorf airport, in the mobile support of unaccompanied underage refugees and of foreign deportees in prison”. <sup>52</sup> In 2016, European Homecare provided accommodation services in 100 centres to 20,000 asylum seekers. <sup>53</sup> Since 2014, the profits of European Homecare have grown with a 66% return on equity. <sup>54</sup> Campaigners have highlighted the poor living standards for refugees at the same time as companies report large profits. In 2014, the company was withdrawn from the Siegerland Buchbach accommodation centre after acts of torture and ill-treatment by security officers against asylum-seekers had been reported in the media. <sup>55</sup>

ORS is a Swiss company which was set up in 1995 to run migrant reception centres. The owner sold in 2005 and since then the company has been sold to three private equity investors. Initially sold to Argos Soditic, which sold the company in 2009 to Zug, a Switzerland-based Invision Private Equity AG, for three times the amount invested.

In 2013 Equistone Partners Europe Ltd. bought ORS. Equistone’s investors include American public pension funds California State Teachers’ Retirement System, the Maryland State Retirement and Pension System, and the General Organization for Social Insurance of Saudi Arabia. The business is seen by investors as providing logistics, care and hostelry business for refugees. The company recorded revenue of \$99 million last year. <sup>56</sup>

Although a Swiss company, ORS now operates refugee centres in Austria, where it is a dominant player and Germany. It competes with not-for-profit organisations which traditionally provides refugee services. It has had a contract with the Austrian government to manage all asylum seeker shelters since 2012. Since January 2014, it has been paid \$24 million to run the camps housing the 65,000 asylum seekers. <sup>57</sup> This is paid as a set rate for every camp that ORS runs plus an additional price for every asylum seeker provided

with accommodation. Overheads are low because employees at the shelters constitute about 85% of the company's workforce.<sup>58</sup>

ORS has been criticised recently for the conditions in a camp in Transkirchen, Vienna. Originally housing 1,800 people, the centre has taken on over 4,500 new residents. Many asylum seekers have to sleep outside without tents. Amnesty International and UNHCR have described the conditions as unacceptable and the services run with "blatant ignorance and thoughtlessness" including with respect to the care of unaccompanied minors.<sup>59</sup> ORS is still in demand to provide services in Germany.<sup>60</sup>

### Germany, Austria and Switzerland Key Points

- There has been some use of the private sector to provide services for asylum seekers and migrants but on a much smaller scale than in the UK and the United States.
- Recent growth in the use of private security services to run reception centres.
- Some health and social care companies deliver services for refugees and asylum seekers
- Private equity investors involved in companies delivering services

### 2.5 Other European Countries

Other European countries have also adopted privatisation policies for some services, for example, security and health. In Spain, all medical services are delegated to the private sector. In 2013, the Spanish companies EULEN Seguridad and Serramar Vigilancia y Seguridad signed a contract for €6.5 million with the government for the surveillance of closed centres in the Spanish enclaves of Ceuta and Melilla in Morocco where the detention conditions are renowned for being extremely bad.<sup>61</sup>

Since 2012, in Greece, the surveillance of migrant camps has been transferred to private security companies. Since 2013 this applies also to the migrant detention centres with G4S operating in a number of them (see also 2.6 European Union).<sup>62</sup>



Health workers caring for refugees



In Belgium, until recently, open collective reception centres for asylum seekers were managed exclusively by a public federal agency Fedasil in partnership with the Red Cross. Since 2015, amid the mismanagement of the refugee crisis in Europe, Fedasil can mandate via public contracts private companies to run open centres.<sup>63</sup>

These examples show that governments are looking increasingly to the private sector to run services for refugees and migrants. With growing evidence that the private sector does not deliver quality services and that their services have a damaging effect on migrants and refugees, governments need to be challenged on this privatisation policy.

## Other Countries Key Points

- Increasing outsourcing of services for migrants and refugees, often beginning with health services
- Governments see the private sector as a solution to the increased demand for services rather than expanding their own capacity

## 2.6 European Union (EU)

The relationship between the EU institutions, private business and other third parties can take different forms:

### Outsourcing to airline carriers

The EU has used the private sector to control the number of asylum seekers that enter Member States. One form of this privatisation has resulted from the 2001 European Union Directive 2001/51/EC called the “Carrier Sanctions Directive”. Article 3 states:

“Member States shall take the necessary measures to oblige carriers which are unable to effect the return of a third-country national whose entry is refused to find means of onward transportation immediately and to bear the cost thereof, or, if immediate onward transportation is not possible, to assume responsibility for the costs of the stay and return of the third- country national in question.”

Airlines are responsible for the cost of sending back passengers who do not have the correct documents and visas to enter a country. The Directive does recognise the obligations of the Geneva Convention relating to the Status of Refugees, which governments have responsibility for mandating. Effectively by-passing the responsibility to airlines, governments have outsourced their obligations to the Geneva Convention to the private airline sector.<sup>64</sup>

### Conflicts of interest with security industry

The EU is also showcasing private companies to police European borders. Frontex, the EU Border and Coast Guard Agency, has been reported to using private companies producing weapons and security equipment to demonstrate to national agencies, who are potential customers. The equipment covers surveillance systems which could be used to identify boats of migrants crossing the Mediterranean. This is part of the development of EUROSUR (European External Border Surveillance System), a new way of managing European borders by collecting information on over-stayers and to allow pre-vetted travellers to move more quickly through borders.<sup>65</sup>

The research that is informing the development of EUROSUR and ‘Smart Borders’ has been funded through the creation of the European Security Research Programme (ESRP), which in 2004 became a part of the EU’s 7th Framework Research Programme (FP7) from 2007-2013. This has provided funding for several security

research projects which are given to research institutes which work in partnership with private companies which produce security systems, for example, Thales, BAE, IAI or EADS.

**Table 7: Nordic countries immigration statistics**

Name	Value	Partners
PERSEUS (Protection of European Seas and Borders through the intelligent use of surveillance)	€43.6 million	EADS, Boeing
OPARUS (Open Architecture for Unmanned Aerial Vehicle-based Surveillance System)	€1.4 million	Sagem, BAE Systems, IAI, two Thales subsidiary companies
SEABILLA (Sea Border Surveillance)	€15.5 million	Thales, Sagem and BAE subsidiaries

Source: IPS News, 2013 <sup>66</sup>

The involvement of EU institutions and private sector security companies can be seen as a conflict of interest between European governments and the private sector. A Member of the European Parliament, Ska Keller, was reported as saying that:

“Surveillance technology is the wrong answer to migration challenges. The way forward is not drones but improved, Europe-wide standards for asylum seekers and more solidarity and burden-sharing among member states.” <sup>67</sup>

### Security of EU agency staff

Following the arrival of large number of refugees, for the main fleeing war in Syria, at the EU borders, the EU council agreed in June 2015 a new “hotspot-based approach” as a model of operational support by the EU agencies to Member States faced with disproportionate migratory pressure. The stated objective is for the EU agencies - European Asylum Support Office (EASO), Frontex and Europol- to support those member



4th may 2016, Reggio Calabria (Italy)

states, for now Italy and Greece, to swiftly identify, register and fingerprint incoming migrants and help implement the EU relocation plans of refugees.

EASO is charged with supporting the processing of asylum cases. In the case of Greece, the security of EASO staff operating in the hotspot Lesbos is outsourced to G4S. A legal aid organisation Mythilene has taken a case against EASO on the ground that it would be preventing, alongside the security company, migrants from accessing certain areas including EASO office thus hampering access to the asylum application process.<sup>68</sup>

More than a year after its introduction, whilst the number of arrivals via the Aegean sea has reduced as a result of the EU/Turkey agreement (see below), the hotspot approach is yet to reduce the number of arrivals via the Mediterranean sea. In both countries, as other member states remain reluctant to take in their share of refugees, many migrants or asylum applicants are trapped in prolonged detention with no or little access to asylum procedures and public services.

### Externalisation or outsourcing to third countries

Since the late 1990s, when the fight against irregular immigration became a central focus of migration policy, the EU started “offshoring” or “outsourcing” the control of its borders (see 3.3 Impact of Australia ‘offshoring’). This can take the form of financial support for the training of border guards, for surveillance equipment and for “voluntary returns” of migrants to their country of origin. The fight against irregular immigration was integrated in all association, cooperation or partnership agreements in the Mediterranean area, Central Asia, the Balkans and the ACP countries. It went further in the early 2000s with the inclusion of a clause on compulsory readmission in the event of irregular immigration in ‘any future cooperation, association or equivalent EU bilateral agreements with any country’.

Outsourcing to third countries has reached a step further following the mismanagement of the arrivals of refugees, mainly from Syria, Iraq and Afghanistan, in 2015, with the processing of asylum responsibilities, which has even more controversial legal, moral and practical implications. In March 2016, the EU/Turkey bilateral agreement was struck to return irregular migrants crossing from Turkey to Greece. For every Syrian turned back from Greece to Turkey, the EU is to take in another “legal” Syrian already in Turkey with an upper limit of 786,000 people. The so-called 1 to 1 deal has been condemned by many human rights organisations, PSI, EPSU and the ETUC as well as the United Nations High Commissioner for Refugees, for being immoral and illegal as it contravenes the UN 1951 Refugee Convention, the European Convention on Human Rights and the EU Charter of Fundamental Rights regarding collective expulsion, or “blanket returns and principle of non-refoulement”. In exchange, Turkey was promised a total of €6 billion to support the processing of asylum claims and facilitating access to the integration in society amongst others; visa liberalisation for Turkish citizens and the relaunch of the EU accession talks. Turkey was added to a European list of safe third countries to circumvent the obligation to process individually asylum claims of those arriving via the Aegean Sea and to “return” newcomers back to Turkey. Many consider that Turkey is not, however, a safe country.

As this report is being finalised, a deal with Libya to prevent migrants or asylum seekers from reaching the EU shores, amid pressure from Italy, is due to be adopted by the Council of Ministers. It includes the plans to provide €200 million to support the training of Libyan border guards to operate inside Libyan coastal waters and force the boats back, to provide them with supplementary surveillance equipment and to finance “voluntary returns” of migrants to their country of origin. Whilst it is no secret that Libya is a highly unstable country, it has not signed the UN Geneva Refugee Convention, has no domestic legal provisions or a procedure in place on asylum, it is also a very dangerous place for migrants or asylum-seekers. According to the Guardian, “Conditions for migrants and refugees in Libya are worse than in concentration camps, according to a paper sent to the German foreign ministry by its ambassador in Niger”. Also, a project to set up “asylum processing camps” in North Africa is currently being rekindled.

## European Union Key Points

- The EU outsources services for refugees and migrants in different ways: by outsourcing to airline carriers, working with the security industry to promote their policing of EU borders and entering bilateral agreements with other countries, to reduce refugee and migration flows.
- The involvement of EU institutions and private sector security companies can be seen as a conflict of interest between European governments and the private sector.
- The ‘Hot spot’ approach was adopted recently to facilitate support from EU agencies to EU member states. But as other member states remain reluctant to take in their share of refugees, many migrants or asylum applicants are trapped in prolonged detention with no or little access to asylum procedures and public services.
- The EU-Turkey agreement on refugees has been condemned by UNHCR and other human rights organisations including by PSI and EPSU for being in violation of the UN Refugee Convention and EU Conventions. Another deal is being pursued with Libya to prevent migrants and asylum seekers from reaching EU shores.

## 3. IMPACT OF PRIVATISATION

The previous section has shown that the impact of privatisation of services for refugees and asylum seekers affects their access to a fair asylum process, poor detention conditions, access to health and other services. This section shows the impact of the privatisation of services which can result in the deaths of migrants and asylum seekers. It also shows that ‘off-shoring’ of services delivers poor quality services and has an impact on local communities near the ‘off-shored’ centres and the professionals who deliver health services.

### 3.1 Causes of deaths across Europe

A report published in 2015 by the Institute of Race Relations (UK) documented asylum and immigration-related deaths and the role that governments’ immigration policies and practices had contributed to these deaths across Europe.<sup>69</sup> This report documented 160 deaths but stressed that this was only an indicative number because many deaths of asylum seekers are undocumented in some European countries. The causes of these deaths are the result of the precariousness of the status, rights and basic living standards, strongly influenced by the poor quality of basic services delivered to asylum seekers and refugees.

Of the 160 deaths, the Institute of Race Relations report found that 123 deaths were the direct and indirect result of the asylum system. Almost half of these deaths were due to suicide which was the result of fear of deportation days before deportation was due to take place or mental health problems exacerbated by the slow process of asylum applications. The lack of treatment or inappropriate treatment for medical conditions caused 26 deaths. Destitution was attributed as a cause of 16 deaths. Other deaths were the result of contact with police or security guards involved in deportation, the hazards of the accommodation centres, whether physical risks such as railways, or psychological risks of untreated mental health problems of other asylum seekers.

**Table 10: Causes of reported deaths**

Causes	Number
Suicide	60
Untreated medical conditions, inappropriately treated or conditions exacerbated by conditions of detention	26
Destitution France, Spain, Greece, Ireland	16
Direct contact with police	9
Police chases – thrown themselves off buildings	4
Hazards near accommodation camps e.g. railways	4
Killed by room mates with untreated psychological conditions	2
Died during deportation	2
Lack of information about causes	30
Total of deaths due to direct/indirect result of asylum system	123

Source: Abu-Hayyeh R. & Webber F. (2015) *Unwanted, Unnoticed: an audit of 160 asylum and immigration deaths in Europe* European Research Programme, Institute of Race Relations



6 June 2016 Rosarno (Italy)

Table 11: Examples of these deaths

Cause of death	Example
Suicide	In Germany in 2010, an asylum seeker from Chad, Djamaa Isu, aged 21, was found dead in an asylum camp in Brandenburg in Eisenhüttenstadt. He had been refused asylum and had not received any medical care. He hanged himself while awaiting deportation. The camp, run by a private company BOSS, was dirty and overcrowded with frequent protests.
Lack of medical treatment	A Syrian refugee died after leaving an 'emergency centre' in Harmanli in Haskovo Province, Bulgaria. He had been complaining of chest pains and medical problems but had not received any treatment at the centre. He had arrived in Bulgaria with his wife and three children but they were not given any help in obtaining accommodation in Sofia. They then went to another asylum centre, Voenna Rampa, where the man had a heart attack. An ambulance was called an hour after he died.
Destitution	A Bosnian asylum seeker was found dead in a tent in a disused parking lot in Metz, France. The man was believed to be in poor health and died of natural causes. Earlier there has been complaints by a local campaigning NGO, Moselle Collective for the Struggle Against Poverty, about the conditions in the camp.
Direct contact with police	A Pakistani undocumented migrant died after jumping from his flat in Nicosia, Cyprus after the police came to the building to do immigration checks. The man was afraid that he would be detained and deported.
Died during deportation	Jimmy Mubenga, aged 46, was about to be deported to Angola from the UK. He died of asphyxia during his deportation at Heathrow airport. He had lived in the UK for 17 years, had permanent residence and was married with five children. He had served a sentence for assault and was to be deported following the end of his sentence. Three G4S guards assaulted him in the aircraft when he was alleged to have become violent. The inquest found that he had been unlawfully killed as a result of the use of unreasonable force. The coroner reported that "endemic racism" among G4S staff was a factor in his death. Although the three guards were accused of manslaughter, a jury found them not guilty because they had not been given any evidence that the three guards has previously made racist comments about asylum seekers..



Refugees arriving in Greece on rubber life-raft

**Table 12: Number of deaths by country**

Country	Number
Germany	29
Norway	23
UK	22
Ireland	18
France	13
Greece	11
Spain	8
Switzerland	8
Italy	3
Austria	2
Malta	2
Sweden	2
Finland	1
Total	142

**Source:** Abu-Hayyeh R. & Webber F. (2015) *Unwanted, Unnoticed: an audit of 160 asylum and immigration deaths in Europe* European Research Programme, Institute of Race Relations

The countries with the three highest number of reported deaths are Germany, Norway and the UK, which have all privatised services for asylum seekers. There is documented evidence of the poor conditions that asylum seekers have had to live in these countries. However, all the countries show that the care of asylum seekers is not a priority for European governments. In addition the deaths of thousands of migrants and refugees in the Aegean and Mediterranean seas have shown the reluctance of the EU to act. Some of the causes of deaths are due to the racism of public authorities, particularly police, and their lack of motivation to take responsibility for the most basic care of asylum seekers.

### Causes of Deaths Key Points

- Privatised services cause the deaths of refugees and migrants across Europe due to poor care, destitution, unsafe living conditions, police violence and deportation
- Countries with the highest number of reported deaths have privatised services for refugees and migrants

### 3.2 Impact on health

Privatisation of services for refugees and migrants has an impact on their health. As the IRR study showed, the mental health of refugees is affected by their living circumstances and the insecurity of their lives. A literature review of the links between detention and poor mental health was commissioned as part of the UK investigation into the welfare of immigration detainees. This review examined the evidence for links between detention and poor mental health. The evidence from across the world “demonstrates incontrovertibly that detention.... undermines welfare and contributes to vulnerability”.<sup>70</sup> The longer the period of detention, the greater impact on mental health. The effects of detention continue long after release. There is growing evidence that the mental health of staff working in detention centres is also affected.<sup>71</sup> The report emphasised that its findings have serious policy implications which need to be addressed.

## Health Impact Key Points

- Detention affects the health of refugees and migrants in the short and long term
- The mental health of staff is affected by working in detention centres

### 3.3 Impact of 'off-shored' services in Australia

**Table 13: Australia immigration statistics**

	Australia
International migrants	6,763,000 (2015)
Immigration detainees	8,588 (2015)
Children detained	1,700 (2013)

Source: Global Detention Project

As mentioned in Chapter 2, the European Union (EU) is currently considering whether to 'off-shore' services for asylum seekers and refugees when their claims are being considered so that they do not enter European countries. Since 2001, Australia has 'offshored' asylum seekers arriving by boat, who have not been allowed into Australia. They are sent to either Nauru, an island in the Pacific Ocean, Manus in Papua New Guinea or Christmas Island, off the coast of Indonesia. There are extensive accounts of how services for asylum seekers in these locations are delivered by the private sector with a consistent lack of respect for human rights. There is much to learn from the two decades of experience which Australia has of running 'off-shored' services.

The impact of privatisation and 'off-shoring' can be seen in a series of reports published by the Australian Parliament.<sup>72</sup> In 2015, a Select Committee of the Australian Parliament published a report on 'Recent allegations relating to conditions and circumstances at the Regional Processing Centre (RPC) in Nauru - Taking responsibility: conditions and circumstances at Australia's Regional Processing Centre in Nauru'. The Select Committee had heard evidence from a wide range of individuals and organisations.<sup>73</sup> It made a series of recommendations on the basis of the evidence received. Again, this was not the first time that the Regional Processing Centre (RPC) in Nauru had been subject to an inquiry. The Moss Review (2015) into the physical and sexual abuse of children at the RPC had made a series of recommendations earlier in 2015.

The 2015 Select Committee reported that it had received extensive evidence about the behaviour of staff working at the RPC and that "there was cause for ongoing concern about the performance and accountability of Commonwealth contracted service providers".<sup>74</sup> The contractor, Transfield Services had received 725 complaints in a period of 14 months until April 2015. These included 45 allegations of child abuse and sexual assault. Problems of record keeping and accountability were also reported.<sup>75</sup>

A film of a riot at the RPC showed that security personnel were preparing to use unreasonable force against the asylum seekers and were also seen to use derogatory language. The Select Committee reported that "The footage revealed a workplace culture which is inconsistent with Wilson Security's role to provide safety and security to asylum seekers within the facility."<sup>76</sup> Wilson Security initially denied that the film of the riot had been taken in their evidence to the Committee. This was later found to be false information because the film had been made.<sup>77</sup>

In Australia, the Senate State Select Committee found that standards of living for asylum seekers was unacceptably low including "exposure to the elements, lack of privacy, poor hygiene and insufficient access to water and sanitation".<sup>78</sup> Health and welfare workers with direct experience of the RPC had reported the links between poor living conditions and high levels of physical and mental health problems experienced by asylum seekers.<sup>79 80</sup>



Children were particularly at risk at the RPC. There was evidence of abuse of children, traumatising and mental illness among children. “These children ...often do not feel safe, and in fact are often not safe.”<sup>81</sup> The Select Committee recommended that RPC is not a safe or appropriate environment for children and they should not be held there.<sup>82</sup> In August 2016, a series of files documenting complaints and accounts of ill-treatment taking place in the RPC were released by the Guardian newspaper.<sup>83</sup> The files show evidence of sexual abuse to children, trauma and self-harm and unacceptable standards of living.<sup>84</sup>

Conditions in Manus, Papua New Guinea, have also been widely criticised by human rights agencies. The Papua New Guinea Supreme Court ruled in 2016 that Australian detentions centres were unlawful on Manus and will have to be closed.<sup>85</sup> As a result asylum seekers will be moved to either Nauru or Christmas Island.

The reaction of the Australian government to these leaked files again shows the secrecy and lack of transparency that characterises the attitude of the Australian government to its offshore detention centres. New legislation will make it illegal for any worker to report on the conditions in the centres. As a result of the publicity resulting from these leaked files, the companies involved in the delivery of services, for example, Wilson Security Services, have been told that they have been involved with human rights violations and will be “liable for crimes against humanity”. Wilson Security Services has announced that it will be withdrawing from the contract in October 2017.<sup>86</sup>

## Christmas Island

In 2001, a Norwegian cargo ship, MV Tampa, responded to an emergency call from a boat carrying 433 asylum seekers. It picked them up and sailed to Christmas Island but the Australian government refused it permission to land because it did not want to have any obligations towards the asylum seekers. The MV Tampa declared a medical emergency and sailed into Australian waters. The Australian government sent military troops to board the vessel, at the same time declaring Christmas Island and neighbouring islands outside the migration zone. Anyone entering this zone was not allowed to claim asylum. The asylum seekers were taken to Nauru, a small island in the Pacific.<sup>87</sup>

By the time of the Tampa incident, there were already some asylum seekers housed on the island. Local people were involved in taking their details, providing food, organising volleyball matches and finding clothing. During the Tampa incident, Christmas Island became a militarised zone. In 2002, the islanders were informed that a detention centre was to be built on the island. There was no consultation. Several detention centres have been built and have led to higher prices and competition for resources. The detention centre workers have not integrated into the island either socially or culturally.<sup>88</sup>

In 2011, after 150 men escaped from a detention centre, there were protests and riots in the detention centres. Serco was the company responsible for managing the centre but soon lost control so the Australian Federal Police were called in. Asylum seekers were protesting about over-crowding, lack of information about their applications and the length of time spent in detention.<sup>89</sup>

An ethnographic study of the effect of the Christmas Island detention facilities on the local population found that the attitude of the local population towards the facilities and asylum seekers changed over a decade. The study shows how local people are directly affected by the building and maintenance of detention centres and that the impact of corporate and bureaucratic systems is felt not just by asylum seekers but also local communities. The incidents in 2011 changed the attitudes of the local population towards the asylum seekers, making them more hostile. However, they also feel alienated from the Australian government which does not consult them or respect them. This study found that:

“A great deal of fear and antagonism to asylum seekers results from negative contact in times of crises or from having experience of asylum seekers mediated by government or media sources.”<sup>90</sup>

The local communities do not trust the information that is given out by government. This study shows that the effects of privatised, securitised asylum services are not just felt by the asylum seekers themselves. It also affects local populations, in this case, residents of a small island.

The Australian experience of ‘off-shored’ asylum services shows that distancing services from the Federal government and the source of decisions about asylum claims can cause breakdowns in communication between stakeholders which exacerbates existing tensions. The detention centres have a negative impact on local populations, as seen by the changes in attitudes towards asylum seekers in Christmas Island and the recent decision of the Papua New Guinea Supreme Court that Australian detention centres can no longer be run in Manus.

‘Off-shoring’ services for asylum seekers does not make the process more humane or quicker. It is more likely to result in a lack of coordination between government, detention centres and asylum seekers. It isolates the centres and allows security workers to abuse and mistreat asylum seekers, who have no power to challenge them. It is more difficult for legal representatives of asylum seekers to see their clients and for human rights activists to challenge abuses.

### Australia ‘off-shoring’ Key Points

- Australian experience of ‘off-shoring’ shows that it results in poor quality services, isolation of migrants/refugees from sources of support and the alienation of local populations.
- Refugees and migrants, especially children, regularly experience abuse which affects their physical and mental health

### 3.4 Impact on workers

The privatisation of services does not just affect the quality of the direct services provided to asylum seekers and migrants, it also has an impact on the professional practices of the staff who are involved in these services. Health services are often affected by the tensions between the company contracted to deliver care and the professionals responsible for providing it. A study of professionals working within detention



Life jackets washed up on beach in Greece

centres in Australia showed some of the ethical issues that face professionals in these environments.<sup>91</sup> There is a complex relationship between health care professionals and immigration detention centres.

The reality of detention centres is that refugees are criminalised during their detention and that the regimes in place increase a process of dehumanisation. In Easter Island asylum seekers are called by a number rather than by name. Professionals also undergo a change in relation to their professional judgements. They are employed in centres away from their peers and other forms of professional support. They have to work with detention staff who do not have an awareness of professional ethical issues or may be operating in a way which is in direct conflict with professional ethical standards. This has a strong effect on the medical and therapeutic relationships which health care professionals are used to. Detention centres use a specific corporate, technical and bureaucratic language which may conflict with the values and standards of professionals. This has been found to create conflicts in certain professional groups. Nurses reported that they developed conflicting dual loyalties between their patients and their employers.<sup>92</sup>

Medical care is often limited and inadequate and is often determined by cost rather than need. In Australia, ultrasounds were considered to be too expensive because a patient would have to travel to a hospital many miles away from the detention centre, at least two guards would have to travel with the patient and this would make the cost of the medical intervention too high to justify.<sup>93</sup> This illustrates how health care becomes a commodity within a privatised detention facility with access defined by available resources.

The professional ethical issues that arise when professionals are employed in detention facilities are difficult to resolve. A psychiatrist, Derrick Silove was quoted as saying:

“Evidence that prolonged detention under harsh conditions damages the mental health of previously traumatised refugees places a heavy burden on all of us.”<sup>94</sup>

Whether professionals feel that their prime responsibility is towards their patients or to the company/ organisation which is employing them will influence how they deal with abuse of asylum seekers. Their failure to challenge abuse may result in them becoming socialised in the values of the detention centre. They may be contractually forbidden to challenge and speak out against abuses.<sup>95</sup>

## Key Points

- Health professionals are directly affected by working in ‘off-shored’ services and have their professional judgements undermined
- Professional ethical standards are compromised by working for privatised services
- Health of professionals is affected by these working conditions

## 4. MIDDLE EAST

This section provides case studies which show how two countries with some of the highest number of refugees in the world have developed different responses to the increased number of refugees entering their countries.

### 4.1 Turkey

Turkey now has the largest number of refugees living within its borders. In contrast to the use of the private sector for asylum services by European countries, Australian and North America, Turkey has approached the movement of Syrian refugees into Turkey with strong government leadership.<sup>96</sup> The Turkish government has spent an estimated \$7.6 billion on settling Syrian refugees. It has adopted a non-camp approach so that only 12% of refugees are living in camps.<sup>97</sup> All other refugees are living in urban areas, finding their own accommodation and becoming self-sufficient. However, the position of refugees is not secure.

Turkey signed the 1951 Geneva Convention and the Protocol Relating to the Status of Refugees but only with a “geographical restriction” which means that refugees arriving from outside Europe are not recognised as refugees. This has serious implications for the status of refugees within Turkey today because they are given a ‘guest’ status which is not recognised by international law and places them in an insecure position. Inevitably, refugees will try and move to another country.<sup>98 99</sup>

In 2013, a law 6458 Law on Foreigners and International Protection defined a Temporary Protection (TP) regime for Syrian refugees. This legislation defines the rights and responsibilities of refugees under Temporary Protection, outlines which services will be provided for them and sets out the nature of the national, local and international agency coordination involved. Under this regulation, registered Syrians have free access to public services such as education and health, social services and the local labour market but rights and freedoms in the law are not covered.<sup>100</sup> People with a TP identification card can get access to electricity, water, communication services and can open a bank account. About 2.7 million Syrians have registered for Temporary Protection.<sup>101</sup> This is only half of the total Syrian refugees in Syria.

Turkish government ministries have worked together and the Disaster and Emergency Management Authority coordinates the emergency responses. The Directorate General of Migration Management is the only institution responsible for protection and asylum issues. Of the refugee camps that have been set up near the Turkish border, all are staffed by Turkish government employees with some involvement of NGOs. The Turkish government finances and manages the camps directly. The government-led approach has had some immediate benefits. Syrian refugees with assets have invested in businesses in Turkey. Local markets have benefited from having large numbers of refugees. Government spending has helped local suppliers.<sup>102</sup>

However, although the government has provided a supportive environment for Syrian refugees, there are some social tensions because of the effect of rising prices and rents in many cities. Competition for jobs and pressure on local infrastructure are also felt strongly. There are some cultural differences. Many Syrian refugees do not speak Turkish and are at a disadvantage when trying to find advice from appropriate institutions to access services.<sup>103</sup>

The longer the Syrian refugees stay the more that other measures will be needed to support their integration into Turkish society. In January 2016 a new decree was issued which aimed to help Syrians access the domestic labour market because large numbers of Syrian refugee graduates were leaving Turkey because of a lack of employment.<sup>104</sup> Although the nationality of those benefitting was not stated explicitly, it was aimed at Syrians under temporary protection. However there has been limited implementation because Syrians have to be registered in the province where they will be employed and Syrian workers cannot form more than 10% of the workforce. As Syrian refugees are concentrated in provinces near to the Syrian border, the requirement for registration makes it difficult for them to move to other provinces which may have more employment opportunities. Although there is evidence that Syrian refugees are beginning to move across Turkey rather than remaining in the border areas. Enabling Syrians to access jobs is now the most urgent priority for the Turkish government.<sup>105</sup>

The position of Syrian refugees in Turkey is difficult. Although the Turkish government has made provisions for Syrian refugees to access public services following registration as part of the Temporary Protection scheme, there are many thousands who are unregistered.

Many Syrian refugees are working in the informal textile sector, often in exploitative conditions.<sup>106</sup> They have found jobs through informal labour networks which do not recognise labour rights. Increasingly, refugee children are being employed because they learn quickly and will not challenge the working conditions or pay. Informal workers are not paid the minimum wage and employers do not pay tax or social security contributions.<sup>107</sup>

The experience of Turkey and other regions where refugees have been supported to be economically and social self-reliant with freedom of movement and protection, is that they are more likely to contribute economically to the host country. The example of Turkey has also found that government service provision is more effective than outsourcing services.

“Integrating support for refugees into mainstream government service provision can be more cost effective and sustainable than setting up parallel delivery channels.”<sup>108</sup>

Whilst, government-led services are not exempt from problems, this is important evidence that shows that government/ public sector provision of refugee and migrant services is more efficient and effective than outsourcing services to the private sector. However, the current political situation in Turkey and the purge of judges, teachers and other civil servants as well as mass arrests will all impact on public services which will affect the well-being of the Turkish population and refugees. The problems which many refugees are already facing are not likely to be solved.

### Turkey Key Points

- The Turkish government has taken responsibility to provide services directly in refugee camps.
- The legal position of refugees in Turkey is insecure because Turkey has only signed the 1951 Geneva Convention/1997 Protocol with ‘geographical restrictions’. Refugees from outside Europe cannot claim asylum.
- Legislation which provides for temporary protection for refugees provides access to public services but does not guarantee legal rights and freedoms.
- A major problem is providing access to jobs for refugees. Many refugees have found jobs through informal labour networks which do not recognise labour rights.
- Increasingly, refugee children are being employed because they learn quickly and will not challenge the working conditions or pay.
- Current political situation and the purges of public servants will affect the well-being of the local Turkish population as well as refugees making some existing tensions worse.

### 4.2 Jordan

Jordan has a long history of receiving refugees from Palestine and Iraq. Over 642,000 Syrian refugees have settled in Jordan since 2011,<sup>109</sup> with 16% living in camps.<sup>110</sup> Influxes of refugees have been associated with increased international aid to Jordan, a country which has been dependent on foreign aid for many decades.

Although Jordan has a long-standing experience of integrating refugees, it has not signed any international protocols that govern the treatment of refugees, for example, the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol. However, Jordan signed a 1998 Memorandum of Understanding with UNHCR which sets out principles for dealing with refugees which outlines cooperation but is not a legal document. It does not give refugees legal rights to housing, employment, public education and freedom of movement.<sup>111</sup> More recently Jordan has started to limit the access of Syrian refugees to health care and freedom of movement.<sup>112</sup> One of the most controversial issues is the right to employment and livelihoods.

In the current crisis, Jordan has again used the large numbers of Syrian refugees to negotiate for increased aid. Like Turkey, refugees live mainly in towns and cities, rather than camps. This has been increased competition for jobs and public services with Jordanians.<sup>112</sup> Increasingly, these issues are a source of conflict between Syrian refugees and poor Jordanian communities. Long standing problems of access to water resources, youth unemployment and problems of health and education services have been exacerbated by the competition for resources.

As Jordan has traditionally been dependent on aid from international agencies, the Jordanian government has recently been negotiating with the European Union to agree a trade treaty which would enable Jordan to access EU markets. On 4 February 2016, the EU announced a trade initiative which was a response to requests from the Jordanian government. It will cover a wide range of manufactured products and be available to producers in 18 specified industrial areas and development zones which employ a minimum

percentage of Syrian refugees (15% in the first year but rising to 25% in the third year).<sup>113</sup> The aim is to allow 200,000 Syrian refugees to enter the Jordanian labour market.<sup>114</sup>

This initiative will allow the relaxation of ‘Rules of Origin’ for some products manufactured in certain economic development zones, using Syrian refugee labour. The industries will be subject to less government regulation and taxes.<sup>115</sup> This is a 10 year agreement but will be reviewed mid-term. It is similar to an EU agreement for imports from “Least-Developed Countries under the Generalised System of Preferences (GSP) / Everything but Arms (EBA)” scheme, which allows LDCs to pay reduced or no tariffs on products exported to the EU. The issue of human rights has been raised in relation to economic development zones in Jordan in the last decade with accusations of exploitation, unfair treatment of low wage labour.<sup>116</sup> A study of the Jordan Qualifying Industrial Zones (QIZ) in 2013 found that there had been reports of human rights and poor employment conditions.<sup>117</sup>

Also in 2016, the World Bank agreed a loan of \$100 million to help Jordan create 100,000 jobs which Syrian refugees will be able to access. In the World Bank’s assessment for this loan, it highlights several problems with the working conditions in the Qualifying Industrial Zones which have been reported in the last few years. These cover “forced labour, sexual exploitation and discrimination.” Compliance of the QIZs with labour and environmental standards is weak. The World Bank assessment questions whether there will be institutional capacity to improve compliance because there is a lack of staff with enough technical expertise.<sup>118</sup> Institutional capacity of the organisations setting up the QIZs is also weak with a lack of clarity about responsibility at national and local levels and “improper management of social issues”. Existing legislation on minimum wages, child labour, bonded and contract labour and registration of employees with social security needs to be enforced.<sup>119</sup> Another indication of weak enforcement of existing legislation is the finding that although migrant workers make up 70% of the QIZs, only 30% of migrant workers use the hotline to report grievances.<sup>120</sup>

Existing Jordanian legislation still forbids workers from joining a trade union of their choice as opposed to the single trade union structure organised by the government. Although there is a Collective Bargaining Agreement, only since 2014 has there been an agreement to “eliminate discriminatory practice in the calculation of overtime and benefits for migrant workers in the sector over a three year period”.<sup>121</sup> The World Bank assessment shows that the threats to human and labour rights for Syrian refugees in the Jordanian QIZs will remain in the future.

The approaches of Turkey and Jordan to the refugees from Syria are different. Turkey has retained a strong government leadership with new legislation which outlines access to services and government management of services. Jordan is more dependent on international aid. A new trade agreement and a World Bank loan will create new jobs in the Qualifying Industrial Zone (QIZ) but the history of labour and environmental rights abuses suggests that Syrian workers will have limited access to labour rights.

### Jordan Key Points

- Jordan has long history of receiving refugees and has received increased international aid to support them
- Jordan has not signed the 1951 UN Convention/1997 Protocol relating to the status of refugees. Refugees do not have legal rights to public services and freedom of movement.
- Refugees live mainly outside camps but there are growing tensions with local populations over competition for scarce water resources, jobs and health and education services
- Employment is a major issue and a recent Jordan-EU trade deal will support the entry of 200,000 Syrian refugees into employment
- A €100 million will also contribute more jobs in Qualifying Industrial Zones but these have a poor record of respecting labour rights with weak enforcement from government institutions

## 5. LABOUR RECRUITMENT

Private recruitment agencies and labour brokers are forms of privatized labour recruitment. Private agents play a significant role in moving migrant workers from one country to another in return for fees. They may engage in illegal activities, for example, helping migrant workers to cross borders illegally, raising their fees on arrival in the host country and involving migrant workers in smuggling and trafficking systems. This can lead to debt bondage or even slavery for the migrant worker. As there are more migrant workers than there are jobs, private agents operate in their own interests and not necessarily the interests of the migrant workers, the employers or the governments.<sup>122</sup>

Recruitment of workers from one country to another is a global business. Multinational companies manage most highly skilled recruitment often through human resources departments. Low wage workers are usually recruited through labour agents who are part of a network of money lenders, brokers and sub-agents as well as recruitment companies in major cities of the sending countries and recruitment companies in destination countries. Some migrants are handed by the labour agents directly to the employers. Other labour agents lease workers to companies but remain as the migrants' employer on record.<sup>123</sup>

The big differences in wages paid in the sending and destination countries shape the recruitment market. This leads to many abuses experienced by migrant workers. Fees and the costs of recruitment are often much higher than the average wage in the sending country. This can lead to migrant workers borrowing large sums of money from moneylenders at high rates of interest. The debts that migrant workers accumulate result in a form of debt bondage.<sup>124</sup> The information given by labour agents about employment is often incorrect because the jobs may not exist or the jobs or not what the migrant worker was led to expect. Labour agents use threats and coercion to control the migrant workers that they move across borders.<sup>125</sup>

The failure to stop these abuses does not only damage the migrant workers. It also harms the workers in the destination countries because their wages are undercut and poor working conditions go unchallenged. Migrant workers are often unwilling to report an employer because they want to return to work the following year. Most labour migration visas are tied to one employer. If a migrant worker loses a job, they will not be able to return to the country.<sup>126</sup>

Although some governments have attempted to regulate labour recruitment practices many have been ineffective. Regulation and other licensing programmes try and make labour recruiters show they have certain levels of annual income, have appropriate training and show evidence that they have placed workers. Sometimes governments try and set fee rates or will only allow a migrant worker to leave if they have evidence of a job contract. The large number of sub-contractors make it difficult for governments to regulate the industry. Labour agents may operate in small villages and are part of the communities where migrant workers come from. Some governments provide pre departure education for migrant workers but this may be too late because they will already have paid high fees and there is not enough institutional support for migrant workers to exercise their rights.<sup>127</sup>

The case of Namibia shows some of the problems that governments face in trying to regulate labour recruitment. In the 1990s labour brokers or labour hire agencies were introduced to Namibia, which offered employers migrant workers on a temporary or permanent basis for a set fee per worker. The migrant workers came from all over Southern Africa. This system of labour recruitment had an impact on the domestic workforce and the implementation of Namibian labour rights. The migrant workers were paid much lower wages than Namibian workers. Employers became aware that migrant workers were cheaper and had fewer rights and so reduced the number of permanent workers. Namibian workers were resentful because migrant workers caused national wages to fall, undermined protective labour legislation and reduced their power to negotiate with employers.<sup>128</sup> This shows that the labour broker model causes divisions between workers and reduces the protection of labour legislation.

One of the largest labour broker companies was Africa Personnel Service (APS) set up in South Africa as part of the Black Economic Empowerment Programme, which helped black South Africans to set up new businesses. APS is one of 10 companies which provide workers to the mining, fishing and retail sectors in

both private companies and state enterprises in Namibia. The labour brokers take between 15 to 55 percent of a temporary workers hourly wage. Workers often do not have paid leave, redundancy or any guarantee of regular work. Workers are often moved by the labour brokers from job to job with no termination of employment rights.<sup>129</sup>

In 2007, and Namibian government introduced an amendment to the Labour Act which would have made it illegal for labour brokers to operate. The amendment stated that “no person may, for reward, employ any person with a view to making that person available to a third party to perform work for the third party”.<sup>130</sup> However the labour brokers, together with the employers’ federation challenged this change in legislation in the Supreme Court and were eventually successful in getting the amendment changed.<sup>131</sup> The revised amendment required labour brokers to offer employment conditions “that are in no way worse than those offered to permanent staff in comparator all positions.”<sup>132</sup> The experience of Namibia shows that even with government commitment to reducing the power of labour brokers this is often difficult to achieve because of the power of employers and labour broker companies.

Private sector labour brokers have become dominant in many countries. The way in which they work with employers results in a lack of respect for labour rights, often affecting not just migrant workers but also permanent workers in the receiving country. The many levels of subcontracting make it difficult to regulate their activities. The case of Namibia shows the difficulties in controlling private sector labour brokers. The 2012 PSI World Congress adopted a resolution on labour brokers submitted by a South African affiliate which agreed “To engage employers and governments to prevent privatisation in all of its forms, and to work towards the eradication of labour broking in favour of decent work and permanent employment, including the filling of all vacancies, and an expansion of public works to meet the needs of communities”.<sup>133</sup>

### Labour recruitment Key Points

- Private agents play a significant role in moving labour from one country to another in return for fees but they often engage in illegal activities and exploit workers.
- Big differences in wages paid in the sending country to the receiving country result in the abuse of labour rights and debt bondage.
- Abuse of labour rights of migrant workers also affects workers in the receiving countries because their wages and working conditions are undercut.
- Attempts to change the systems of labour recruitment with more government regulation have been undermined by the power of the labour recruiters and the large number of sub-contractors, which are difficult to regulate.



Syrian child in front of make-shift refugee camp



## 6. IFIS, MDBS AND INTERNATIONAL AGENCIES

### 6.1 Multilateral Development Banks

This section examines how privatisation and public-private partnerships are being promoted by International Financial Institutions (IFIs), Multi-lateral Development Banks (MDBs) and multinational companies. A paper written by the Multilateral Development Banks (MDBs) in 2016 to support the 'One Humanity' agenda launched by the UN in February 2016 shows the approach of the MDBs to the refugee crisis. They recognise that it is providing them with new opportunities to promote the private sector. They propose that MDBs can provide a bridge between humanitarian and development agencies by providing "appropriate investments to support local infrastructure" to humanitarian agencies which will be working to address the needs of refugees as well as working with development agencies by "increasing fiscal space by supporting greater private investments". In order to address developmental issues, MDBs aim to develop partnerships between governments, international organisations, civil society organisation as well as the private sector, which has a specific role to play in promoting livelihoods.

An example of how some of the MDBs are working with the private sector can be seen in their lending €40 billion to support countries bordering Syria in the next five years in 'hosting' refugees. This is a clear indication that provision of public services will be through private sector provision. The European Bank for Reconstruction and Development (EBRD) organised a conference in February 2016 just after the announcement of this loan entitled 'Enabling the private sector to support refugee-hosting communities'. One session was entitled the 'Commercialised Approach to the Municipal Resilience Agenda' which looked at how municipal infrastructure could be upgraded using a market-approach, drawing on the private sector.<sup>134</sup> This is another way of promoting the PPP infrastructure agenda. There is an emphasis on meeting the needs of both host and refugee communities, but it also shows that the refugee crisis is providing new opportunities to promote privatisation and PPPs in all the countries in the Middle East.

The MDBs argue that they can provide governments with additional 'fiscal space' by involving the private sector in the provision of public services.

"MDBs can blend loans with grants to support municipal infrastructure projects to improve efficiency and sustainability, as well as establish public-private partnership in health, education and water and sanitation/waste management sectors."

MDBs can access both private and public investments and support the provision of basic services by developing partnerships with the private sector and civil society partnerships. The European Investment Bank, the International Financial Corporation (IFC) and EBRD will be collaborating with the private sector to increase access to resources. One of the specific areas is to improve the quality of infrastructure and services and "reducing the financial burden of host governments", another way of pushing a privatisation agenda.<sup>135</sup>

#### International Finance Corporation

The IFC, at the moment, does not see a strong role for private sector investments in refugee areas but it does have a strategy which it will use in engagement with both host and refugee communities. The first part of this strategy is a clearly pro-privatisation approach.

"Creating fiscal space for governments in the region to address humanitarian needs by attracting investors ... To provide private financing and provisioning of services that would otherwise need to be financed through public funds."

IFC is focusing on private provision of, particularly, health and education services, in Jordan, Iraq and Lebanon.

A second strategy is to increase opportunities for jobs and livelihoods and improved service delivery. The focus is on the host communities but IFC expects this to also benefit refugees. Similarly it is exploring PPP

possibilities for social housing, waste management and landfills in areas near to refugee camps. As well as working to increase employment opportunities, IFC is working with another division of the World Bank Group, the Trade and Competitiveness Global Practice which works with countries to achieve “rapid and broad-based economic growth, centered on strong contributions from the private sector”. Part of the joint IFC/Trade and Competitiveness Practice strategy is to work on labour market reforms, the development of special enterprise zones and access to the EU market. This links to the support for Jordan’s Qualifying Industrial Zones (QIZ) which have been funded through a recent World Bank loan of €100 million and supported with an EU trade agreement in 2016.

MDBs and World Bank Group strategies for refugees in the Middle East are clearly supporting privatisation of services and infrastructure but many other investments can result in economic, social and environmental changes which often result in conditions which trigger migration. Increasingly the World Bank Group is investing larger proportions of funds through ‘financial intermediaries’ which are often banks or private equity investors, rather than directly to health and education sectors. Apart from the different priorities that financial intermediaries have, it is also difficult for the World Bank Group to assess the impact of its investments.<sup>136</sup>

An example of the impact of IFC investments can be seen in its investments in Dragon Capital Group Ltd (DCGL) and one of its managed funds, Vietnamese Enterprise Investments Ltd (VEIL). The aim of the investment (\$26.92 million) was to support market reforms and the development of the Vietnamese securities market. It is difficult to assess whether social and environmental standards were followed due a lack of IFC transparency. Dragon Capital Group Ltd (DCGL) and Vietnamese Enterprise Investments Ltd (VEIL) own shares in Hoàng Anh Gia Lai (HAGL), which is one of Vietnam’s largest companies which has land concessions covering 50,000 hectares for natural rubber, sugarcane and palm oil plantations in Cambodia and Laos, through several wholly and partially owned subsidiaries. There have been conflicts between local communities in Cambodia and Laos and the plantations with local land being seized. People have lost their livelihoods and face food insecurity.<sup>137 138</sup>

The International Finance Institutions have long invested in capital and technology intensive activities which force communities to leave their homes and migrate to either cities or other countries. In collaboration with multi-national companies, the projects which IFIs support often create the conditions which push people to migrate. Seeing the global migration crisis as a business opportunity is further evidence that IFIs are not investing in the long term interests of refugee communities but in the expansion of their own businesses.

## MDBs Key Points

- MDBs see the recent increase in migration as an opportunity to promote privatisation and public-private partnerships (PPPs), especially in countries which are hosting refugees.
- The IFC also sees new opportunities to encourage the private sector to deliver public services, presenting it as extra ‘fiscal space’ for governments and promoting PPPs.
- Investments by the World Bank Group often result in social, economic and environmental changes, which result to loss of land and livelihood therefore forcing people to migrate.

## 6.2 UNHCR

Many companies have become involved in donating money to charities working with Syrian refugees through their corporate accountability programmes. As an indication of the influence of the private sector on humanitarian agencies, Table 14 shows the extent of private sector funding for four international agencies.

**Table 14: Private sector funding**

Agency	Amount \$
World Vision	\$2.2 billion
UNICEF	\$1.67 billion
Save the Children	\$822 billion
UNHCR	\$ 215

Source: IOM Private Sector Partnership Strategy 2016-2020 C/106/INF/16

Increasingly, humanitarian agencies, such as UNHCR and International Organization for Migration, are starting to work more closely with the private sector. On 20 June 2014, UNHCR set up a Thematic Group “Engaging the Private Sector in Finding Solutions for Displacement” under the Solutions Alliance, a multi-stakeholder platform that:

“Aims to find solutions for protracted displacement and to work differently from the start to avoid new displacement situations from becoming protracted. This Initiative recognises the role the private sector can play in comprehensive and innovative solutions for displacement. With nearly 60 million refugees and internally displaced persons worldwide, more concerted and collaborative efforts are needed to promote greater self-reliance, decreased dependency on aid and lasting solutions.”<sup>139</sup>

In 2015, at the World Humanitarian Summit, the UN organised a ‘Business Consultation on Innovation’ to increase the number of public-private partnerships in emergencies using innovation and technology. Held in San Francisco, many Silicon Valley companies, such as Facebook, Google and Airbnb, were present.<sup>140</sup> A further business consultation organised by UN Development Programme and the NGO SPARK took place in June 2016 in Amsterdam. In recognition of the role that the private sector can play in providing new opportunities for displaced people, the meeting:

- “1. Proposed the creation of a business mechanism or matchmaking platform on business solutions for displacement;
2. Identified opportunities to collaborate around selected displacement country contexts; and
3. Further developed concrete proposals around ‘LinkedIn’ groups on skills mobility for the displaced, ‘Business-in-a Box’ solutions for entrepreneurship, including through connections to value chains of larger companies, and digital remote work opportunities.”<sup>141</sup>

These proposals show how the nature of private sector involvement with UN agencies such as UNHCR is changing from conventional corporate social responsibility and moving towards the exploitation of business opportunities to develop businesses and recruit workers.

In September 2016 “Partnership for Refugees,” was set up and drew together more than twenty global companies such as Accenture, Airbnb, Goldman Sachs, Google, Hewlett-Packard, IBM and J.P.Morgan.<sup>142</sup> All these companies are involved in some form of information communications technology or financial services. The potential to expand the market for their products globally will be enhanced by providing support for refugees.

### UNHCR Key Points

- Private companies have worked previously with UNHCR through corporate social responsibility programmes.
- UNHCR is now investing in partnerships with the private sector to help generate employment opportunities and other business opportunities, involving large multinational companies.

### 6.3 International Organization for Migration (IOM)

The IOM has traditionally worked with the private sector in three ways:

1. Receiving technological, human resources and financial contributions from the private sector which have been used to work with migrants in different situations.
2. Working with companies to improve its operational and strategic performance and to gather data and advocate on migration issues.
3. Buying goods and services from a wide range of companies and organisation across the world.

More recently, IOM has agreed a strategy to work with the private sector between 2016-2020 which sets specific targets for raising money from the private sector and for developing public-private partnerships. An analysis of this strategy shows that while the traditional ways of working with the private sector will continue, there is a new goal of developing long term partnerships (PPPs) with the private sector as well as charitable foundations and other organisations and individuals. There are four suggested types of partnership::

1. Advocacy, awareness raising and knowledge building long term relationships;
2. Innovation partnerships to develop new products, technologies, services approaches that directly or indirectly support migrants and societies;
3. Resource mobilisation partnerships which aim to generate funds to support IOM activities;
4. Implementation partnerships which deliver programmes and which need participation from the private sector.

Although these partnerships build on the previous ways in which IOM has worked with the private sector, the implementation partnerships are similar to the outsourcing/ contracted out relationships that the public sector has been involved in. As a sign of the IOM commitment to this strategy with the private sector, it has already invested \$117,000 in 2015 and will be investing \$250,000 in 2016. It will be approaching donors to support these private sector partnership developments.<sup>143</sup>

The involvement of the private sector in services for asylum seekers and refugee is moving into a new phase since the migration crisis of 2015. There is growing evidence that the private sector globally sees the migration crisis as a business opportunity. This can be seen in the changes of relationships between UN agencies working with refugees, e.g. UNHCR and IOM. It is also visible in recent reports from multilateral development banks and new loans from the World Bank.

#### IOM Key Points

- Like UNHCR, IOM has previously worked with companies through corporate social responsibility programmes and buying goods and services from them.
- IOM now investing in partnerships with the private sector to deliver IOM programmes, a form of outsourcing.
- Globally, the private sector sees new business opportunities in working with refugees and migrants.

## 7. CONCLUSION

### 7.1 Quality of services

The privatisation of services for refugees and asylum seekers has a direct impact on the quality of services, which results in services that are inappropriate and insensitive and ignore human rights.

### 7.2 Health

There is incontrovertible evidence that the detention of asylum seekers and undocumented migrants leads to poor mental health and the longer the period of detention, the more damaging the effects. PSI and EPSU oppose detention of migrants simply for failing to hold valid residence permits. This position is backed by the case law of the US Supreme Court and EU Court of Justice.<sup>144</sup>

### 7.3 Business models

Companies being awarded contracts often have previous experience of prison privatisation or other forms of detention in Anglo-Saxon countries. In others, they have previous experience in social care.

There is a lack of transparency about how contracts are awarded and managed which creates governance problems for public agencies managing the contracts and there is indication that the lowest bid is the main award criterion.

There is a growing market in migration management services in Europe and globally with private equity companies buying and selling companies delivering these services.

Private companies are increasingly making money out of refugees and migrants because governments are unwilling to provide services.

The private sector views the global migration crisis as a business opportunity and is being supported in exploiting these new opportunities by IFIs, MDBs and international agencies as well as by EU agencies, such as Frontex and EASO.

### 7.4 Workers

Workers in the privatised services are often unqualified, not properly trained and poorly paid, which results in services being delivered in ways that do not respect the human rights of asylum seekers and refugees and lack a 'public sector ethos'.

Service users often feel unable or are afraid of complaining about poor quality of services. Workers in these services run by private companies are often abusive and bullying towards them, which is further compounded by a lack of public scrutiny and quality standards.

Workers delivering services such as health have their professional integrity undermined by the way in which privatised services are managed.

### 7.5 'Off-shoring' and Out-sourcing of human rights and humanitarian obligation

'Off-shored' asylum services create isolated centres where abuse is difficult to monitor and asylum seekers are alienated from government services, legal advice and other forms of support. Developments at EU level to outsource asylum responsibilities to third countries such as Turkey and Libya must be carefully watched.

Outsourcing of migration management services which should be part of public welfare services raises wider issues because the commodification of these services results in them being seen as economic activities which do not reflect the need to protect human rights or promote social inclusion.

International Financial Institutions (IFIs) and Multilateral Development Banks (MDBs) view the global migration crisis as a way of extending their promotion of public-private partnerships and privatisation.

Private labour recruitment agents are responsible for undermining the labour rights of migrant workers and permanent workers in the receiving countries.

### 7.6 Refugees and migrants should be valued and their human rights protected

When refugees and migrants are seen as a resource for the host country and measures are introduced that facilitate their integration through access to decent work and quality public services, this can result in benefits for migrants, refugees and host countries. Governments require political will to put these social policy measures in place, through public provision of services, in cooperation with civil society and social partners.

All migrants and refugees are entitled to the full protection of their human rights. It is the obligation of States to have their rights protected.

The low ratification of the UN Migrant Workers Convention remains an obstacle to the full enjoyment of migrants of their human rights. To date, 154 States have ratified the UN Refugee Convention, but still leaves several States that are yet to ratify, including those that are hosting a large number of refugees.

Furthermore, as evidence in this study shows, States are disengaging from this human rights obligation and relegating it to the private sector and through forms of off-shoring and outsourcing.



Syrian Refugee woman with child

## 8. RECOMMENDATIONS

### 8.1 Quality public services

Campaign for quality public services for refugees and migrants to be delivered by the public sector and abandon the privatisation of these services.

Advocate for equal treatment and non-discrimination in access of refugees and migrants to quality public services, ensure funding of public services, with an adequate number and well-trained staff. Quality public services plays an indispensable role in promoting inclusion and cohesion in society and countering xenophobia and all forms of intolerance.

### 8.2 Health services and professionals

Work with health trade unions and other professional bodies to highlight how privatised services compromise the professional judgements of health professionals and affects their health and quality of service.

### 8.3 Business models

Make the business models of the companies involved in the privatisation of services for refugees and migrants better understood showing that the underlying profit motives are detrimental to the human rights of refugees and migrants.

### 8.4 Off shoring

Campaign against all forms of off-shoring and outsourcing of services for refugees and migrants. The detailed evidence of Australian off-shoring shows that it results in the abuse of adults and children and the denial of basic human rights.

Oppose the outsourcing of State obligations to human rights and humanitarian law, such as those promoted in the EU-Turkey Deal, EU-Libya agreement and other similar forms of bilateral agreements that deter migration and refugee flows. Evidence shows that these agreements do not reduce irregular migration, but only makes the migration channels more dangerous and puts migrants and refugees vulnerable in the hands of smugglers and traffickers.

### 8.5 Valuing refugees and migrants

Campaign for institutions to recognise how institutional racism affects the way public services are delivered and how this results in the denial of basic human rights.

Work with other agencies and local authorities to promote social policies aimed at the sustainable and rights-based integration of refugees and migrants into local economies and societies.

Continue to campaign for recognition and protection of the human and labour rights of all migrant workers through active ratification campaigns of the UN and ILO Migrant Conventions.

Mobilise around PSI's No Recruitment Fees Campaign, [www.world-psi.org/nrf](http://www.world-psi.org/nrf), which calls for the abolition of policies and practices that allow for the charging of recruitment fees and related costs on migrant workers. No worker should pay in order to get work. Employers should bear the full cost of recruitment.

## 8.6 Addressing root causes

Integrate the campaign for migrant and refugee rights with efforts to address the root causes of migration and forced displacement in promoting democracy and peace, tax justice, fair trade, decent work, social protection and implementation of the 2030 sustainable development goals (SDGs).



**APPENDIX A: Companies active in providing services to refugees and migrants**

Company	Country of origin	Revenues (2015)	Profits (2015)
Adolfson Group/ Hero Norge	Norway	NOK 9 billion	Not available
Aleris	Sweden	SEK 8,540 million	SEK492 (EBITDA)
Attendo	Sweden	SEK 9bn (2014)	SEK 822m (EBITA, 2014)
CCA (Corrections Corporation of America)	USA	\$1,793 million	\$280 million
European Homecare	Germany	Not available	Not available
G4S	Denmark/ UK	£6,4 billion	£427 million (PBITA)
Geo Group	USA	\$1,843 million	\$235 million
Jomast – property development company	UK	Not available	Not available
ORS	Germany	Not available	Not available
Serco	UK	£3,914 million	£132.7 million
Transfield Services now Broadspectrum	Australia	A\$3,208 billion	A\$20 billion

## End Notes

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