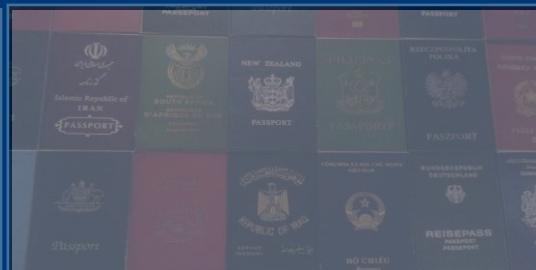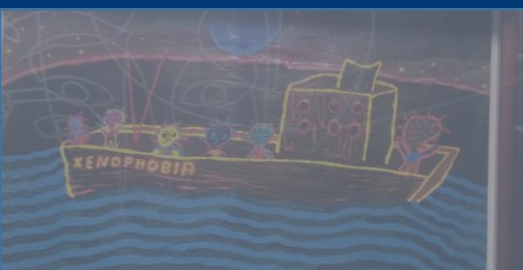# Sites of Confinement:
Confines, Control and Resistance at the Border
Thursday 17th March 2016
Turin, Italy

Conference Report

Dr. Victoria Canning, The Open University

Co-ordinator of the Prisons, Punishment and Detention Working Group for the European Group for the Study of Deviance and Social Control

This workshop was the third in the 'Sites of Confinement' series developed by the Prisons, Punishment and Detention Working Group for the European Group for the Study of Deviance and Social Control. This years' day conference was organised and hosted by the Law Department of the University of Turin in partnership with the Harm and Research Collaborative at The Open University.

The aim of this conference has been to stimulate discussion around the ambiguity of sites of confinement with specific focuses on migration; race and racism; and physical, social and spatial bordering as control. Drawing together academics and activists working and campaigning across Europe, we analysed the inconsistencies and contestations within pre-trial detention, administrative detention and the different forms of reception/confinement of asylum seekers, refugees and illegalised migrants. Alongside issues in control and punishment, the conference focussed on forms of everyday resistance by those living in sites of confinement, as well as those campaigning for freedom.

Report also available through the European Group for the Study of Deviance and Social Control newsletter, April 2016

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Introduction

As the world turns to watch Greece and Turkey's responses to the ongoing border crisis, other countries which sit on the periphery of Europe have arguably become obscured. Italy is one such country; a key point of entry for people moving from North and Sub-Saharan Africa to Northern Europe, it has struggled to respond to its own refugee crisis. Reports of inhumane conditions in reception and detention centres, alongside increases in deportation (particularly across the richer North, as we will see below) have drawn global concern. Although fewer people reach this region than its more Easterly neighbours, the Central Mediterranean Route is a key passageway that has been fraught with deaths at sea and reports of border violence.

It was for these reasons that holding the third 'Sites of Confinement' conference in Italy was key. In contrast to the first two symposiums, which focussed on confinement fairly broadly, *Confines, Controls and Resistance at the Border* sought to look specifically at the ways in which countries across Europe have responded to the ongoing refugee crisis. Of specific concern was the harms of criminalisation at borders; the uses of detention and deportation as control measures and deterrents; and the increasingly restrictive ways in which law and policy seek to reduce the mobility of people across the continent.

Processes of Spatial Exclusion

The day was introduced by Victoria Canning, who outlined the objectives of the *Prisons, Punishment and Detention Working Group*, and its position on the reduction of spaces of confinement and detention. Central to the points raised was defining 'confinement'. Since seeking asylum is often arduous and complex, asylum and immigration processes can be confining in and of themselves. As such, and in the face of increased border controls, there is real concern for the rights and wellbeing of people held in temporal and spatial limbo, particularly when legal assistance is sparse or non-existent.

All panels drew together activists and academics. The first panel, *Perspectives on Detention*, was instigated by Simone Santorso who provided a gleamingly synopsised outline of the otherwise complex developments of immigration detention and deportation in Italy since the 1980s. His paper described ways in which the withdrawal of autonomy for poorer migrants, specifically refugees, has equalled the withdrawal of mobility for most people. This is not confined to race and class in Italy, but also nationality: the historical mobilisation of people from Morocco, Algeria and the Horn of Africa are at disproportionate risk of deportation. Deportation itself has increased across Italy, but particularly in the richer North of the country which is responsible for anywhere between 60-70% of all deportations. As with detention, Santorso pointed out that the Italian prison also reproduces social borders based on the ghettoization of national identities.

Cristina Fernandez-Bessa and José A. Brandariz-García followed on similar themes, but shifted our focus to Spain. In documenting the decrease in administrative deportation – which is cost-intensive – they were able to highlight a managerial shift toward *criminal* deportation whereby people have been ordered to leave in a way that is more cost-effective. Outlining managerial rationality through government technologies of power, they were able to document ways in which patterns of racialisation emerge: again, more

people from Morocco and Algeria are deported than any other nationalities. These become 'deportable' and through mediated representation of such groups as criminal, the deportations arguably evade critique and resistance from the general public.

The final paper in the first panel was presented by Giovanni Torrente, co-ordinator of *Association Antigone*, who gave a fascinating overview of the trends in foreign prison populations and alternatives to justice in the Italian context. Using quantitative analyses of prison population data, Giovanni demonstrate the exponential rise in prison populations from the 1980s, but drew attention to points in time when general prison populations declined for some years where alternatives to custody rose. This, he argued, reflected a greater 'net-widening' of criminal justice measures. However, alongside living in poor conditions with little (if any) time outside of prison cells, foreign prisoners gain minimal access to alternatives to custody. This is evidenced by the fact that most are in prison for less than three years, a clear indication that they are criminalised for minor offences and as such in Italy, should legally have access to alternatives to prison.

Crime and Criminalisation

Alvise Sbraccia introduced us to Panel 2, *Criminalisation of Migrants.* Following on from the earlier points raised, Sbraccia drew us to two keys elements of the criminisalation agenda: the extension of administrative law, including the role of the police to control migrants; and the impacts that criminalisation has on migrants who are working illegally. The latter issue brought our attention not only to the potential for the exploitation of migrant workers, but also the social isolation which can stem from precarious living. His paper identified a critical aspect of mobility and immobilisation: a 'crisis of diplomacy' between France and Italy which rests on identification and responsibility. While France places responsibility on Italy to fingerprint those who arrive at its borders, Italy well knows the complications that doing so brings, the forced return of migrants back to Italy and thus the economic and social burden of humanitarian accountability.

Drawing us further north to the United Kingdom, Monish Bhatia synopsied the increasingly punitive responses to illegalised immigrants and asylum seekers living in Britain. As with Sbraccia's paper, Bhatia's research highlighted the personal implications of living 'off the radar' for people who are deemed illegal or irregular, in particular the emotional impacts that temporal confinement can have. By relaying the voices of refugee men who have faced intense criminalisation, Bhatia showed the individual implications of detained in prisons and Immigration Removal Centres in the UK. Both the threat and lived reality of detention and confinement can impact significantly on the wellbeing of irregularised or illegalised migrants or workers, and Bhatia's research indicated that the criminalisation agenda has an ever widening capacity for harm in this context.

Guido Savio[1], a lawyer member of ASGI (Association for Legal Studies on Immigration - Associazione per gli studi giuridici sull'immigrazione) presents two main examples of criminalisation of foreigners in Italy. The first is the introduction of criminal offences

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[1] Thanks to Valeria Ferraris for translating this section from Italian to English.

with the only purpose to increase the possibilities for the authorities to expel migrants, creating a vicious circle between criminal and administrative detention. The second is represented by the offences on smuggling. In particular, the criminalisation of those who transport migrants risks punishing people who drive the boats, only because they were the only ones able to do it. In conclusion he also underlines a current paradox of the administrative detention rules: the maximum length of the detention is now 90 days but for the asylum seekers detention can last up to one year.

Borders in Crisis: Challenging and Resisting Confinement and Control

Frances Webber moved us to the final panel, *Refugee Crisis, Border Control and Reception,* analysing the socio-legal context of border controls, and arguing that the EU has embraced a militarised solution to refugees in a way that means 'the refugee route to Northern Europe is closed'. Using examples of how the legal system in Britain has gradually become pitched against refugee access to sanctuary, Webber critiqued collective expulsions and the criminalisation of arrival. This, she argued, has developed a 'denial; prevention; deterrence; criminalisation' matrix, thus even gaining access to *seek* sanctuary is made almost impossible. Criminal law, and increasingly civil law, is used to 'squeeze people out', including in the reduced capacity for legal representation in the face of legal aid cuts. Webber then moved our attention further North, to Scandinavia. Emphasising the impact of closed borders, Webber highlighted research that found 74 people had died in immigration detention in Norway with 'no questions, no names, and no outrage'. Crucially she asks how we can hold people and states accountable if we do not even know people have lost their lives. This brought us back to the legal obligations of states to protect those who are persecuted and who have arguably begun to view 'human rights obligations as *optional'.*

Drawing us to the experiences of people in detention, Evgenia Iliadou provided an overview of her time working in immigration detention centres in Greece in 2008-2009, specifically the now defunct Pagani Centre in Lesvos. Through photographic documentation, Iliadou uncovered the conditions that detainees were made to live in: over-crowded conditions with 1200 people in a building with capacity for 300; two toilets and one bath in each room of 80 people; and evidence of excrement on parts of the floor, on which some detainees had to sleep. From her time supporting migrants in the centre, Iliadou has over 300 drawings, poems and letters from detainees – largely Afghani men and unaccompanied minors – which depict the violence people were fleeing from countries in conflict, their expectations for a new life in Europe, and poignantly the ways in which borders had deflated such expectations for individuals' futures. Perhaps most interesting is the timing of Iliadou's work: this was not the refugee crisis as it is currently framed – as a *Syrian* problem - but a crisis in the aftermath of previous wars; a reminder that Greece has sat at the forefront of migration well beyond the recent surge in refugee numbers, and while much of the world turned a blind eye.

Moving back to the Central Mediterranean Route, Valeria Ferraris considered the significance of military operations as a means of controlling and surveilling the borders between Italy and the Libyan coast. Addressing the agendas of *Mare Nostrum* and reflecting on her own experience in undertaking research with the Italian Navy, Ferraris problematised the idea that 'if we want to save lives, the Italian sea needs to be

surveilled'. With the recently introduced presence of NATO between the Greek and Turkish borders, the perception of border control as 'life saver' has become ever more dominant, and as Ferraris pointed out, more difficult to contest as more lives are lost at sea. Her own experience of research in this context reiterates the points made by Simone Sbraccia earlier in the day: Italian border controls at times avoid compulsory finger printing so that people are not confined to staying in Italy; a form of political resistance to spatial responsibilisation which pushes other EU states to respond to have to respond to the surge in refugee numbers entering the South of Europe.

The final presentation for this panel and indeed the day was delivered by *No Borders* activist Rafael Campagnolo. Working at the France/Italy border, Campagnolo pointed out that although increasingly controlled and militarised, the same route has a long history of passage for smugglers, refugees and economic migrants - reflecting Illiadou's earlier points regarding Greece. This summer has seen more people arriving at the border, and thus more organisations whose responsibility it has become to identify and document arrivals. Perhaps the most concerning aspect of this has been the increasingly coercive environments under which this is being undertaken, such as 'fingerprints for food' strategies as a means of identification without physical force. Nonetheless, Campagnolo summarised a key point inherent to the objectives of the day: the importance of struggle and resistance in the face of a 'repression of solidarity', and the value of grassroot movements led by migrants which contest rights abuses and continue to fight increasingly punitive border regimes.

The Working Group would like to extend our thanks to the Harm and Evidence Research Collaborative at the Open University and the Universita di Torino, Departmento di Giurisprudenza who funded this conference. Special thanks to Valeria Ferraris for hosting the conference.

For further discussion on the ongoing refugee occupation of Turin's Olympic Village, please see Canning, V. and Iliadou, E. (2016), *Occupying Turin: Refugees Breathe Life into Abandoned Buildings of Olympic Village,* available at https://theconversation.com/occupying-turin-refugees-breathe-life-into-abandoned-buildings-of-olympic-village-56831