# PERMANENT PEOPLES TRIBUNAL

Berlin Hearing | 23-25 Oct, 2020

HEARING ON THE HUMAN RIGHT TO HEALTH OF MIGRANT AND REFUGEE PEOPLES

Live Hearing Refugio Berlin

Live Stream https://youtu.be/ **VhZAJZCmbgE** 

Streaming & Infopoint aquarium Skalitzer Strasse 6 (U Kottbusser Tor)







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#### **About the Berlin Hearing**

The political climate in Germany and Europe has deteriorated massively in relation to refugees and migrants. Asylum applications are being rejected more and more rigorously and sick, traumatised and pregnant people are being increasingly deported. The enforcement of the Human Rights of migrant and refugee peoples is often very difficult or even impossible within German and European courts. At the same time, we are currently witnessing a shift in our social discourse to the far right and an infringement of our democratic and social values. This political trend is accompanied by the introduction of increasingly repressive policies, which are not only directed against refugees and migrants but further threaten their support systems.

The Corona Pandemic has intensified this situation: Without health insurance or valid residence documents, refugees and migrants are at high risk and fear of a possible infection with Covid-19. In particular, mass accommodations in comparison to private homes exacerbate this risk of infection. Simultaneously deportations, even of vulnerable groups, are carried out to countries whose health systems and economies have been of poor quality before the crisis

and have now largely collapsed. With the Berlin hearing, we want to raise the public awareness for these developments.

Inspired by solidarity between migrants, refugees and other social movements towards equality and inclusive society, since 2017 a large number of migrants organizations and civil society networks active in the defence of human rights in Europe, called on the Permanent Peoples Tribunal (PPT), with the aim to give clear visibility to the migrant and refugee peoples from all backgrounds as subjects of fundamental human rights; to identify and judge the chain of co-responsibility in the violation of those rights experienced throughout the whole migratory journey and to urgently identify and promote appropriate mechanisms for access to justice. The PPT responded and opened the Permanent Peoples Tribunal Session on the Violations of the Human Rights of Migrant and Refugee Peoples in July 2017 in Barcelona. Since then, Hearings have been held in Barcelona, Palermo, Paris, London and Brussels.



#### **Overview**

**Friday** Opening (14h)

**Hearing 1** Access to Health Care in Germany

**Hearing 2** Access to Health Care (Europe)

**Hearing 3** EU Border Politics

Saturday Hearing 4 Situation on the Greek Islands

**Hearing 5** Criminalization of Solidarity

**Hearing 6** Racism and Criminalisation of Refugee and Migrant People

**Hearing 7** Encampment and Risk of Deportation in Germany

Hearing 8 Migrant Workers' Rights

**Sunday** Jury's Comment on the Berlin Hearing (10h)

#### Languages

English

french

**German** 

**S** Spanish

## Friday, 23 October

13:30 – 14:00 h 14:00 – 15:30 h Welcome (Refugio Café)

Opening Welcome Speech g/e/s IPPNW, borderline-europe,

Transnational Migrant Platform – Europe, La Via Campesina

Inauguration of the Panel of Jurors

Presentation of the Indictment g – Intervention by PPT Jurors e/f

15:30 – 16:00 h

Coffee/Tea Break

**Hearing 1** Access to Health Care in Germany

16:00 - 18:00 h

Access to Health Care for Refugee Women

Fatuma Musa, United Action e.V. (GER)

Access to health care for people without health insurance g

Inga Sell & Friederike Löbbert, Medibüro Berlin & Medinetz

Mainz (GER)

• For the Right to Health without Discrimination for Refugees with Special Needs g Karsten Dietze, Handicap

International (GER),

• Access to Mental Health Care for LGBTIQ+ Refugees and Migrants • Syrine Boukadida, LesMigraS (GER)

• Integration and Regularization [ CoraSol (GER)

Questions from the PPT Jurors



# Program

17:30 – 18:00 h	Break
18:00 – 20:00 h	Hearing 2 Access to Health Care (Europe)
	<ul> <li>Violations of migrants' and refugees' right to health during the COVID-19 pandemic</li> <li>Frances Webber, Institute of Race Relations (UK)</li> <li>Migrant and Refugee Health matters! Violations of the Right to Health and the Access to Health Care for (undocumented)</li> <li>Migrant &amp; Refugee Peoples in the Netherlands</li> <li>Transnational Migrant Platform-Europe / Migrant &amp; Refugee organisations (NL)</li> <li>Migrant and Refugee Women – Claim our Right to Health</li> <li>MELISSA – Network of Migrant Women in Greece (GR)</li> <li>Questions from the PPT Jurors</li> </ul>
	Hearing 3 EU Border Politics  • The Simplicity of Complicity – Smuggling, Human Traficking and the EU Border Politics  Philip Ishola, Love146 (UK)  • Cooperation with EU neighbouring Countries despite Human Rights Violations?  Muhammad al-Kashef, Alarmphone (GER)
20:00 h	Questions from the PPT Jurors  Dinner
	Saturday, 24 October
8:30 - 9:00 h 9:00 - 11:00 h	Welcome (Café)  Hearing 4 Situation on the Greek Islands
	<ul> <li>Introduction Ramona Lenz, Medico International</li> <li>Video message Legal Centre Lesvos (GR)</li> <li>Medical expert assessment on living conditions and Health Care in Moria Camp g</li> </ul>

Jessica Horst, vdää & Gerhard Trabert, Armut und Gesundheit e.V. (GER) Two Testimonies Stand by me Lesvos (GR) • Video message e Pikpa Camp (GR) Ouestions from the PPT Jurors Hearing 5 Criminalization of Solidarity e Sea-Watch (DE) Ouestions from the PPT Jurors 11:00 - 11:30 h Coffee/Tea Break Hearing 6 Racism and Criminalisation of Refugee 11:30 - 13:30 h and Migrant People Consequences of Racism on (Mental) Health Black Visions and Voices (GER) Experiencing Police Violence f Two testimonies (GER) Deportation of a Survivor of a racially-motivated Hate Crime g Flüchtlingsrat Berlin & Ferat Kocak • Videoconference f Sans Papiers (FR) "Oury Jalloh – that was Murder!" Initiative Oury Jalloh Berlin/Mannheim (GER) Questions from the PPT Jurors Lunch Break 13:30 - 14:30 h Hearing 7 Living under Stress – Encampment 14:30 - 16:00 h and Risk of Deportation in Germany Complicity and Silence Testimony of a witness from Mecklenburg-Vorpommern (GER) • **Refugee struggle in Bavaria** • Flüchtlingsrat Bayern (GER) Age Assessment of Minors Testimony (GER)

# **Program**

 Insights from Monitoring Deportations at Airports g Elena Vorländer & Dalia Höhne, Monitoring Group of Forced Returns at Airports in North-Rhine Westphalia (GER) Ouestions from the PPT Jurors 16:00 - 16:30 h Coffee Break **Hearing 8 Migrant Workers' Rights** 16:30 - 18:30 h • Impact of the COVID-19 crisis on Workers, those with problematic Immigration Status and on Migrant **Communities** e Angie Garcia, Waling Waling / PPT London Steering Group (UK) • Testimony on the Situation of Domestic Workers in Madrid e/s Julissa Jauregui, SEDOAC-Servicio Doméstico Activo (ESP), LAB Trade Union (ESP) & El Colectivo "Hitzarme na Orain Trabajadoras de Hogar en Lucha" (Basque Country) • Migrant Workers in Agriculture ECVC/Confédération Paysanne **f** & SOC-SAT/ LVC Almería **s** • Exploitation and Discrimination of Migrant Workers in Germany e ALSO Oldenburg & Guilia Tattarini (GER) Ouestions from the PPT Jurors Sunday, 25 Oct 8:30 - 9:00 h Welcome (Refugio Café) Comment on the EU Pact on Migration and Asylum 9:00 - 10:00 h Wiebke Judith, Pro Asyl (GER), Flore Murard Yovanovitch, Comitato Verita e Giustizia per i Nuovi Desaparacidos (IT), Federico Pacheco, La Via Campesina (ES) Brid Brennan, Transnational Institute (NL) 10:00 - 11:00 h Jury's Comment on the Berlin Hearing Open Space for Questions to the Jurors

#### **Jurors**

#### Luciana Castellina (Italy) - President of the Jury

Luciana Castellina is a Journalist, writer and has been a representative of the Italian Communist party and the Party of Unity for Communism. She served as an MP in the Italian Parliament for several legislatures and an MEP on different occasions. She had previously been the vice-president of the Commission on Latin and Central America of the European Parliament and is the honorary president of ARCI and a member of the Permanent Peoples' Tribunal.



#### Leah Bassel (UK)

Leah Bassel is a member of Haringey Welcome, a campaign group working for fairness, dignity and respect for migrants and refugees in the London borough of Haringey. She researches the political sociology of migration, intersectionality and citizenship as Professor of Sociology at the University of Roehampton. Her books include "The Politics of Listening: Possibilities and Challenges for Democratic Life" (2017), and "Minority Women and Austerity: Survival and Resistance in France and Britain" co-authored with Akwugo Emejulu (2017). Before pursuing an academic career, she was an emergency outreach worker in Paris where she provided humanitarian assistance to asylum seekers and created a circus camp project for refugee youth.



#### **Teresa Almeida Cravo (Portugal)**

Teresa Almeida Cravo is an Assistant Professor in International Relations at the Faculty of Economics of the University of Coimbra and a Researcher at the Centre for Social Studies. She is currently the Head of the International Relations Department and the Coordinator of the Undergraduate Degree in International Relations at the University of Coimbra. She holds a PhD from the Department of Politics and International Studies of the University of Cambridge. In the last years, Teresa has been a Visiting Fellow at the African Studies Cen-



#### Jurors

tre of the University of Oxford, at the University of Westminster, in the UK, at the University of Monash, in Australia, and a Predoctoral Fellow and later an Associate at the John F. Kennedy School of Government at Harvard University. Her research interests include peace and violence, security and development, global interventionism, and foreign policy, particularly within the Lusophone context.



#### Marina Forti (Italy)

Marina Forti is a journalist based in Rome. She worked with the daily newspaper II Manifesto from 1983 until 2013, including as Foreign Editor and Editor-in-chief. As a Foreign Correspondent she travelled extensively in South and South East Asia and in Iran. Her environmental column TerraTerra ("Earth to Earth") was awarded the journalistic prize known as Premiolino. Her book "La signora di Narmada" (2004) was awarded the Elsa Morante Prize for Communication. She also published II cuore di tenebra dell'India (2012) on the social conflicts in rural India. Her latest book is "Malaterra" (2018).



#### **Domenico Gallo (Italy)**

Domenico Gallo is a Magistrate, has been serving in the Court of Cassation since 2007 and recently took on the role of President of the Chamber. He was elected Senator in 1994. He has actively participated in the association life and civil society movements active on the theme of peace and the defense of human rights. He has edited numerous publications on issues related to institutional and human rights issues. In 2013 he published "Da sudditi a cittadini il percorso della democrazia" (Ega). He collaborates with the newspapers Il Manifesto and Il fatto quotidiano.



#### Kira Kosnick (Germany)

Kira Kosnick is a Professor of comparative cultural and social anthropology at the European University Viadrina. In recent years, she acted as a junior professor assistant of Cultural Anthropology and European Ethnology at the Institute for Cultural Anthropology and European Ethnology at the Goethe University. In 2013/14, she taught as a Hannah-Arendt DAAD Visiting Professor for German and European Studies at the Munk School of Global Affairs at the University of Toronto. Her research focuses on migrant media production in transnational spaces, new forms of urban sociality, European cultural policy, neoliberalism and the transformation of labor society, cultural theories.

#### Sarah Lincoln (Germany)

Sarah Lincoln is a human rights lawyer at the Gesellschaft für Freiheitsrechte (GFF) and responsible for the legal assessment and coordination of cases in the area of social rights and migration. Prior to this, she worked for six years as a human rights officer at Brot für die Welt, where she was particularly active against human rights violations committed by (transnational) companies. She has also worked as a research assistant and in voluntary counselling with a focus on migration and asylum law.



#### **Ahmed Said (Germany)**

Ahmed Said is an exiled leftist, Surgeon, Poet and Human rights advocate from Egypt and is now based in Germany. He has been politically active since 2001 in his homeland Egypt and since March 2013 also in Germany. Said was arrested in 2015 by Egyptian security forces in Cairo on the background of his activism abroad and sentenced for two years in Scorpion 2 prison with the accusation of unregistered protest and threatening the national security. He received amnesty on the 19th of November 2016. Currently, Ahmed is the coordinator of the Egyptian Commission for Rights and Freedoms in Germany, Co-founder and executive manager of NGO "open data bank" in Berlin and coordinator & producer of the MENA prison Forum initiative.



### **Jurors/PPT**



#### **Philippe Texier (France)**

Philippe Texier is the President of the Permanent Peoples' Tribunal and an honorary judge at the Cassation Court of France. He was a member of the Committee on Economic, Social and Cultural Rights of the United Nations High Commission for Human Rights from 1987 to 2008 and its Chairperson from 2008 to 2009. He was director of the Human Rights Division of ONUSAL (UN Mission in El Salvador) from 1991 to 1992, and an independent expert of the Human Rights Commission in Haiti from 1988 to 1990.

#### **About the Permanent Peoples' Tribunal**

The Permanent Peoples Tribunal (PPT) was established in 1979, taking the Declaration of Algiers on the Rights of Peoples as a main reference, and it has held since then more than 40 Sessions. The PPT is an Opinion Tribunal – which acts independently of States and responds to the requests of communities and peoples whose human rights have been violated. The goal of PPT Sessions is "recovering the authority of the Peoples when the States and the International Bodies failed to protect the right of the Peoples". According to its Statute, the Court promotes universal and effective respect for the fundamental rights of peoples, examining cases of serious and systematic violations of human rights committed by States, by non-State authorities, by groups and private organizations.

The PPT has jurisdiction to rule on crimes of State, crimes against peace and humanity, crimes of genocide, on grave and systematic violations of the rights and freedoms of individuals, peoples and minorities. The Tribunals activity is due to the absence of a competent international jurisdiction to pronounce itself in cases of justice of the Peoples. In its judgments, the Court is not limited to the application of the existing norms, but it highlights gaps and limits of the international system of protection of human rights in order to trace its evolution. The PPT has its Secretariat at the Lelio e Lisli Basso Issoco Foundation in Rome.

http://permanentpeoplestribunal.org/

#### **Members of the Permanent Peoples Tribunal**

#### Gianni Tognoni (Italy)

A medical doctor by profession, Dr. Gianni Tognoni is the Secretary General of the Rome-based Permanent Peoples' Tribunal since its establishment in 1979. Over the last 35 years, Dr. Tognoni has been deeply involved in the promotion of humans and people's rights, beginning with his participation in the Russell Tribunal II on Latin American Dictatorships (1973-76) and in the preparation of the Universal Declaration of Peoples Rights. In his professional field of medicine, he has collaborated with WHO in the formulation of essential drugs policies, and activated research groups in community epidemiology in most of the countries of central and Latin America, and in Africa. As research director at the Mario Negri Institute in Milan over the last 30 years, Dr. Tognoni has directed research in the fields of cardiology, intensive care, neurology and psychiatry the findings of which have been published in some of the world's leading professional journals.



#### Simona Fraudatario (Italy)

She has worked with the Permanent Peoples' Tribunal since 2006 as coordinator of its activities and Sessions held in Latin America, Asia and Europe. She participated in international conferences on human rights in Latin America and Europe. She edited the second edition of François Rigaux's volume on the Universal Declaration of the Rights of Peoples (La Carta di Algeri, 2012) and was co-editor and co-author of the volume Colombia entre violencia y derecho. Implicaciones de una sentencia del Tribunal Permanente de los pueblos (2012). She was also co-author of Memorie di repressione resistenza e solidarietà in Brasile e in America Latina (2013). She is currently carrying out a research on the role of peoples' Tribunal in denouncing injustice and economic inequalities at the University of Roma tre.



#### **Supporters of the Berlin Hearing**

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