

# International Detention Coalition

Human rights for detained refugees,  
asylum seekers and migrants

Ben Lewis  
Advocacy Coordinator, International Detention Coalition

## ENDING THE PRACTICE OF CHILD IMMIGRATION DETENTION

Ending the Immigration Detention of Children:  
What Role for the European Institutions?

“A Child is a Child. How Can the European Union Ensure the Rights of  
Undocumented Migrant Children and Families?”

Brussels, 14 November 2013  
12.30 – 15.30, Room PHS 5B001, European Parliament

[www.idcoalition.org](http://www.idcoalition.org)

*Envisioning a world without unnecessary immigration detention*

## INTRODUCTION

First of all, let me thank the organizers for the opportunity to be with you today and share the perspective of the International Detention Coalition on this very important topic.

The (IDC) is a global network of non-governmental organizations in 67 countries working together to uphold the human rights of people affected by immigration detention, and the immigration detention of children has been one of our three strategic priorities since 2009.

Through the IDC's research and work with members, States and UN partners around the world, we have seen the harmful physical and mental health impacts that immigration detention has on children, and have come to believe that it can never be in the best interests of a child to detain them based on either they or their parents' immigration status.

So today, I will share with you the work the IDC has undertaken to promote our belief that children and families should never be detained.

I will do this by first focusing on our international research and development of an alternative to detention model called the Child-Sensitive Community Assessment and Placement (CCAP) model.

And second, I'll share our efforts to launch the Global Campaign to End Child Detention, an initiative that was formally launched in 2012 and has now been endorsed by over 95 organisations and nearly 10,000 individuals around the world.

## CHILDREN IN IMMIGRATION DETENTION

Beginning with our research: In response to the thousands of children detained every day simply because they lack the proper documents, in 2011 the IDC undertook international research interviewing children who had formerly been detained in places of immigration detention across all regions of the globe.

We found, first of all, substantial evidence that it is never in the best interests of a child to be detained for migration-related reasons. Regardless of the conditions in which they are kept, detention has a profound and negative impact on children. It undermines their psychological and physical health and compromises their development. Children placed in immigration detention for even very short periods of time—one or two days—are at a heightened risk of suffering from depression and anxiety, and frequently suffer symptoms such as insomnia, nightmares and bed-wetting, feelings of hopelessness and frustration. These symptoms may manifest as acts of violence against themselves or others, and detention erodes the functioning of families, meaning that children may lose the support and protection of their parents, or be forced to take on roles beyond their level of maturity.

Second, we found that there are alternatives. Our research found a number of international positive practices being used by States to effectively manage migrants in the community without the need for damaging, unnecessary and costly detention. We found that these mechanisms are able to maintain high compliance rates with a range of migrant populations, are on average 80% less

costly than traditional custodial detention models, and better protect the rights of children and their families, while still addressing important government migration objectives.

We have compiled these good practices into a 5-step model, called the Child-sensitive Community Assessment and Placement model, or CCAP. This model is aimed at outlining the various tools available to States to ensure that child migrants and their families are effectively managed in the community while awaiting a final decision in their case without the need for detention.

From guardianship to shelters and case management models, we found many examples of alternatives to detention across the globe, which allow States to act in the best interests of the child while still addressing legitimate State concerns around migration management.

We have found that a number of States are already reassessing their migration management strategies, and moving away from the detention of children through the successful implementation of ATD.

Together, these findings led us to the conclusion that children should never be detained for migration related reasons, and that it is simply not in the best interests of a child to ever subject them to immigration detention.

This is consistent with the findings of other international child rights experts. Among others, the UN Special Rapporteur on the Human Rights of Migrants, recently called on states to end the practice of child immigration detention. So, too, the UN High Commissioner for Human Rights. And, importantly, the Committee on the Rights of the Child—the leading international body of child rights experts and the group responsible for interpreting and ensuring state compliance with the most widely ratified convention in the UN system—stated unequivocally last year that:

“States should expeditiously and completely cease the detention of children and their parents on the basis of their immigration status . . . [and] adopt alternatives to detention that fulfill the best interests of the child and allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved.”

And that...

“The detention of a child because of their or their parents’ migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child.”

Committee on the Rights of the Child,  
Report Of The 2012 Day Of General Discussion  
*The Rights Of All Children In The Context Of International Migration*

So we are seeing a growing international consensus on the need to end child detention and implement child-sensitive, community-based alternatives for children and families.

## GLOBAL CAMPAIGN TO END IMMIGRATION DETENTION OF CHILDREN

To bring greater attention to this issue and to encourage states to act expeditiously to end the practice of child detention, in March 2012 the IDC launched a Global Campaign to End Child Detention at the 19th Session of the UN Human Rights Council. As noted earlier, this campaign has now been endorsed by over 95 organisations and nearly 10,000 individuals globally, and has been officially launched in 8 countries.

I'd like to show you a short clip from the campaign so that you can hear the voices of formerly detained children themselves speaking about the impact that immigration detention had on them.

### END CHILD DETENTION CAMPAIGN CLIP

## CONCLUSION

To conclude, I'd like to turn to the topic of this panel, which is "What is the role of the European Institutions?" Drawing upon our research and the perspectives of our 300 members globally, the IDC recommends that the European Institutions join the international child rights community in asserting in the strongest and most unambiguous terms that:

1. Children should never be detained for migration purposes.
2. It is never in the best interests of a child to be detained based on they or their parents' migration status.
3. States should expeditiously and completely end the immigration detention of children.
4. States should implement child-sensitive alternatives to detention to allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved.
5. States, NGOs and other stakeholders can use the Child-sensitive Community Assessment and Placement (CCAP) model to implement appropriate child ATD.

Thank you.