

**Intervention on behalf of International Detention Coalition, Save the Children and SOS Children's Villages**

***Civil Society Dialogue – 28 July, New York***

Thank you to the Co-Facilitators for your continued engagement with civil society and for the opportunity to speak today.

Excellencies, distinguished delegates, ladies and gentlemen, I am pleased to share the following remarks on behalf of the International Detention Coalition, Save the Children and SOS Children's Villages.

Civil society has closely followed the debate on the language on immigration detention of children and we appreciate the cooperation we've enjoyed with delegations to work towards the strongest possible text in the draft Political Declaration.

In paragraph 2.12 in Rev.3 of the draft political declaration, we welcome the commitment of States to the earliest possible ending of the immigration detention of children. We wish to stress the importance of retaining the language ***"recognizing that detention is never in the best interests of children."***

We would like to share some additional text amendments as follows:

2.12 Reaffirming that all individuals seeking to cross international borders are entitled to [Add: **liberty and**] due process in the assessment of their legal status, entry and stay, we will review policies that criminalize cross-border movements, taking into account our legal obligations [Add: **under human rights and refugee law**] with regards to refugees [Add: **and migrants**]. We will also pursue [Add: **non-custodial, community-based**] alternatives to detention [Add: **to ensure immigration detention is always an exceptional measure of last resort**] [Delete: ~~while these assessments are underway~~]. Furthermore, recognizing that [Add: **immigration**] detention is never in the best interests of children, we commit to the earliest possible ending of this practice.

We wish to stress that children must be seen as children first and foremost. States must uphold their international legal obligations to protect the rights of children regardless of their or their parents' migration status.

In their Report of the 2012 Day of General Discussion on *The Rights of all Children in the Context of International Migration*, the UN Committee on the Rights of the Child concluded that the detention of children based on their or their parents' migration status is never in the best interests of the child. A number of UN and regional human rights treaty bodies, special procedures and specialized agencies have reinforced and supported this view.

Furthermore, the Committee on the Rights of the Child has further clarified that immigration detention, even for a limited duration and in contexts that are relatively child-friendly, is never appropriate and has



called on States to adopt non-custodial, community based alternatives to detention that allow children to remain with family members and/or guardians while their immigration status is resolved.

A number of studies have shown that detention of children has a profound and negative impact on their health and well-being. A UK study indicated that even after a relatively short period of detention (an average of 43 days), children showed symptoms such as post-traumatic stress, depression, behavioral difficulties and developmental delays. An Australian study of ten asylum-seeking families, including 20 children detained for a prolonged period found that all but one child suffered from major depressive disorder and half from post-traumatic stress disorder.

The UN Committee on the Rights of the Child's conclusion that the detention of children based on their or their parents' migration status is never in the best interests of the child will be included in a General Comment drafted jointly by the UN Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families. Additionally, this position has now been adopted and reinforced by an overwhelming number of UN and regional human rights experts, including but not limited to: the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the United Nations Working Group on Arbitrary Detention, the United Nations Special Rapporteur on the human rights of migrants, the United Nations Special Rapporteur on torture, the Human Rights Commissioner of the Council of Europe, the Parliamentary Assembly of the Council of Europe, the Inter-American Commission on Human Rights, and the Inter-American Court of Human Rights. It is therefore important that the political declaration adopted on 19 September lives up to these standards and new developments in the international system.

Children are among the most vulnerable in large movements of migrants and refugees. They will have gone through traumatic experiences at each stage of their journey. We ask Member States to show leadership in protecting these children and offer them appropriate reception, refuge and protection so that they can safely recover and start rebuilding their lives. Detaining children should not be viewed as a means to achieve any of these objectives.

We will share these proposals in writing with the Co-facilitators and Member States.

Thank you for your attention.