



NGO Committee on  
**MIGRATION**

## **Community Alternatives for Migrant Children in Detention**

Proposed by the NGO Committee on Migration

It is estimated that globally **1 million children** are affected by immigration detention (Hamilton et al., 2011). Children at risk of immigration detention include those traveling with family members, unaccompanied minor children, asylum-seeking and refugee children, and children whose parents are seeking asylum or refugee status (Farmer, 2013). As a vulnerable group, children on the move are more likely to experience human rights violations as a result of detention practices and deteriorating facilities infrastructure. These children are often detained in adult facilities, denying them the right to access age-appropriate services. Compounding the problem, detention for immigration reasons is inadequately monitored, especially in the case of children. Countries have been found to detain unaccompanied children for months or years in unacceptable conditions, often without access to education, outdoor recreation, adequate food and water or appropriate sanitation facilities (Farmer, 2013; Global Detention Project, 2013). **Children should never be subjected to the deplorable practice of immigration detention.** Policymakers should actively seek alternatives to detention in order to protect the best interests of children on the move.

The poor conditions and human rights violations that children experience in detention are perpetuated because of the absence of a uniform immigration detention policy and lack of accountability. Without a uniform policy, children are often detained for undetermined lengths of time and are denied information pertaining to their future. The United Nations Convention on the Rights of the Child (CRC) was created to protect all children's rights (1989). Specific articles can be applied to protect the rights of children on the move and address the practice of detention, including:

- Children should **not be detained unlawfully or arbitrarily** (Article 37)
- Children in detention have the **right to challenge the legality of their detention** before a court or another independent body (Article 37)
- Children in detention should be **treated with respect and humanity** and they have the right to healthy development and to be able to recover from past trauma (Article 37)
- Children separated from their parents have a **right to special assistance** (Article 20).

Despite the fact that the CRC is widely ratified by UN member states and is a legally binding instrument, it is not effectively enforced. All stakeholders need to analyze current detention practices and seek alternatives to the detention of children for immigration reasons.

### **Human Rights Violations**

Children on the move experience grave human rights violations while being detained. First, many detention centers have been found to have high rates of sexual abuse, physical abuse and neglect (American Civil Liberties Union, 2011). Physical measures have been a means of disciplining children placed in detention, including restraints, steel batons and beatings. Negligent measures such as isolation and confinement have also been reported (Hamilton et al., 2011). While detained, the child's right to education is frequently disregarded, preventing them from obtaining valuable life skills and developing as human beings. Also, staff is often not trained to work with children, and medical and social services have not been altered to meet the needs of a child (Dottridge, 2012).

Poor facility conditions combined with vast human rights violations, lead to negative physical and mental health outcomes in children. Research has shown that detention is highly distressing for children

and has the potential to result in poor social adjustment as well as symptoms of depression (Salem and Flaskerud, 2011). While in detention, children are commonly separated from their parents, who otherwise provide a sense of safety and security. Without their parents present, children have increased difficulties coping, especially psychologically. Children who have undergone extreme trauma while in detention are at a higher risk for developing posttraumatic stress disorder (PTSD). PTSD can manifest itself for years following the original trauma and hinder a child's ability to lead a normal life (Salem and Flaskerud, 2011).

### **Alternatives to Detention and Further Recommendations for Action**

The human rights violations and high risks associated with detention make evident the need for civil society's participation in both preventative and remedial measures. Grassroots organizations have the ability to provide necessary support services to children who have been detained or have been affected by immigration detention. Currently, some of the most active organizations combating this issue are the International Detention Coalition (IDC), Terre des Hommes, Platform for International Cooperation on Undocumented Migrants (PICUM) and UNICEF. Through program development, advocacy and outreach, as well as education, grassroots organizations are able to influence policy decisions and provide recommendations for improved practices.

Collaboration at the national level is also needed to strengthen civil society's current efforts on the ground to address the practice of detaining children for immigration reasons. The NGO Committee on Migration recommends that alternative practices to the detention of children be instituted. Some of these recommendations include:

- Placing the child in **community-based or family-type settings** while immigration status is being determined
- Granting a **temporary visa (bridging visa)** while immigration status is being determined
- Providing the child with **age-appropriate care from qualified service professionals**
- Placing the **best interest of the child** above immigration enforcement

(Corlett, 2013; Australian Human Rights Commission, 2011; Byrne and Miller, 2012; Dottridge, 2012).

In order to ensure these recommendations are realized, wider awareness needs to be brought to the issues faced by children on the move. One of the ways to facilitate this discussion would be through the creation of national level task forces within pre-existing immigration agencies. Task force members should include qualified professionals and those who are most affected by this practice, such as: migrants, representatives of grassroots organizations, child protective and legal service providers, as well as government officials. This task force would conduct research, monitor current conditions and help establish accountability and work toward the cessation of detaining children for immigration reasons.

All stages of migration pose a risk for children, further substantiating the need for interdisciplinary, culturally appropriate support services to be provided throughout the process. Preventative measures, such as the provision of stable education or personal development opportunities, can protect children from placing themselves at a heightened risk during migration. Detaining children for immigration reasons is extremely harmful. The numerous human rights violations and negative health impacts children experience while in detention, lead us to recommend that alternatives to detention should become the normative practice. **Seeking alternatives to the detention of children needs to be a collective effort and a priority at the international, national and local level.** Adopting alternatives to detention will ensure that the best interests of the child are protected.

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