

Human Rights Council - 39th Session

ITEM 3 –Interactive Dialogue with Working Group on Arbitrary Detention Delivered by: International Catholic Child Bureau (BICE)

International Catholic Child Bureau (BICE) welcomes the opportunity to speak in this dialogue on behalf of the NGO Panel for the United Nations Global Study on Children Deprived of Liberty.

The NGO Panel thanks the Working Group on Arbitrary Detention for its extensive revision of deliberation No. 5 on the deprivation of liberty of migrants. This consolidation of existing practice and jurisprudence is particularly timely given developments in international law over the last 20 years.

We commend the Working Group for highlighting that the deprivation of liberty of asylum-seeking, refugees, stateless, and migrant children, including unaccompanied or separated children, is prohibited. They also make it clear that any form of administrative detention or custody must be applied only as an exceptional measure of last resort and for the shortest period of time. We also welcome the inclusion of the recognition that detaining children because of their parents' migration status violates the principle of the best interests of the child and that children must not be separated from their parents or guardians. We support the call to seek alternatives to detention for the entire family, and urge all States to adopt these steps.

There has been an increased focus on the deprivation of liberty of children in all settings from States, civil society, academia and the United Nations in recent years, including UN agencies, Special Procedures mandate holders, and human rights treaty bodies. The 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 have frequently highlighted that detention of children based on their migration or refugee status is never in their best interests. The Special Rapporteur on Migrants has noted that alternatives to deprivation of liberty of children must be found, including family and community-based solutions. The report of the Special Rapporteur on the Right to Health during the last Council session highlighted concerns about the impact of deprivation of liberty on children's mental and physical health and development. Finally, the recently finalised Global Compact on Migrants includes a commitment by States to work towards ending migration-related detention of children.

This increased awareness of the deprivation of liberty of children around the world has resulted in the UN Global Study on Children Deprived of Liberty, which is now firmly in its implementation phase. The NGO Panel for the Study, which comprises more than 150 NGOs, remains concerned that children continue to be deprived of their liberty in many different settings around the world and that we lack quality, disaggregated data concerning these children. As part of the Study, States were asked to submit a questionnaire with comprehensive qualitative and quantitative data from across regions on the number and situation of children deprived of liberty and encouraged to provide examples of alternative approaches to detention.

We call on States to support the Global Study by providing more quality, disaggregated data and examples of alternatives to detention, participating in the upcoming regional consultations, and contributing with political and financial support. This engagement is crucial for the effective success of the Study and its impact on the lives of the many children deprived of their liberty all over the world, including those detained due to migration-related reasons.

Thank you.