26th June 2024

56th session of the UN Human Rights Council

Item 3 – Interactive Dialogue with the Special Rapporteur on trafficking in persons, especially women and children

Defence for Children International (DCI) welcomes the opportunity to speak on behalf of the NGO Panel on Children Deprived of Liberty.

The detention of child victims of trafficking is a harmful practice that exacerbates their trauma and violates their rights. It is imperative to adopt alternative solutions that focus on their protection, rehabilitation, and reintegration. Instead of being treated as victims in need of protection and rehabilitation, they are often treated as criminals, which further stigmatises and alienates them. In addition to psychological harm and rights violations, detention disrupts the critical developmental processes of these children. It also interrupts their education, which is essential for their future opportunities and integration into society. The lack of a nurturing environment hinders their ability to rebuild their lives and achieve their full potential.

Recognising the detrimental impact of immigration detention on children, it becomes imperative to explore and implement alternative solutions that uphold children's rights. Furthermore, alternatives to detention not only mitigate the harm inflicted on children but also demonstrate cost-effectiveness and efficacy. Alternative solutions prioritise the best interests of the child, recognising their rights to safety, protection, and dignity. By employing child-friendly practices and trauma-informed care, these approaches mitigate the adverse effects of detention.

As this year marks the fifth anniversary of the presentation of the Global Study on Children Deprived of Liberty to the UN General Assembly, the NGO Panel remains concerned about the serious negative effects that deprivation of liberty has on the physical and psychological health of children as well as the long-term developmental impacts this will have on them. Immigration detention is never in the best interests of the child and constitutes a child rights violation.

While children are on the move on an unprecedented scale, we call on Member States to:

- Strengthen training and capacity-building to inform all maritime and law enforcement actors about standard operating procedures (SOPs) on the protection of victims of trafficking.
- Ensure effective implementation of the obligation of non-refoulement and prohibition of collective expulsions.
- Implement clear legal measures to prohibit *de facto* and *de jure* deprivation of liberty of children due to their legal or migratory status, as well as that of their families.
- Ensure effective coordination with social and child protection systems.
- and; to implement the recommendations of the UN Global Study on Children Deprived of Liberty[1].

[1] United Nations Global Study on Children Deprived of Liberty, 2019
https://childrendeprivedofliberty.info/wp-content/uploads/2020/01/Full-Global-Study-Nov-2019.pdf

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