

End immigration detention of children

ALGEMEEN

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Giving former detained migrant children a voice



Geen kind in de cel. Een dialoog van Amnesty International, Defence for Children, Stichting IKJ, Kerk in Actie, Stichting Kinderpostzegels Nederland, Stichting LOB, UNICEF Nederland en VluchtelingenWerk Nederland.

“Papa, hebben we iets ergs gedaan?”

Kinderen en ouders in vreemdelingendetentie

The detrimental impact of detention

Damage to children:

- Feeling of insecurity (the hatch)
- Parents are unable to fulfil their role
- Lasting damage to the child's development; higher risk of:
 - depression, PTSS en anxiety disorder
 - somatic problems
 - self injury
 - insomnia, concentration problems

Relevant interests of the child to be taken into account

- **General Comment 14**
 - **Vulnerability of the child (75-76)**
 - **Safety, protection and expected damage to the child (71-74)**
 - **Right to education (79)**
 - **Health (77-78)**

Developments in the Netherlands

- Abolition of border detention for children arriving by air
 - alternative implemented: screening upon arrival in order to trace possible child trafficking victims
 - referral to open location to await asylum procedure, similar to people arriving by land
 - Example of viable alternative

Developments in the Netherlands

- Increasing use of migration detention of children prior to expulsion
 - Frequent arrests at semi-open family locations
 - No previous withdrawal from authorities' sight required anymore
 - Alleged 'child friendly' character as a justification of excessively resorting to detention

'Child-friendly' detention facilities

- Better than the cell – no hatch and no heavy locked doors
- No alternative to detention: children are still detained, despite child friendly facilities
 - Assumption that the best interest of the child requirement is met (judgments)
 - Less inclination to investigate real alternatives to detention (judgments)

The closed family location



'Child-friendly' closed family location in the Netherlands not a best practice

- Real alternatives should be investigated (cf. Popov v. France, § 119)
 - Residence restrictions: semi-open locations
 - Daily reporting obligation
 - Open facilities with intensive caseworker support