

NGO Statement – Alternatives to Detention

Agenda Item 2.c

Oral Version

418 words

Mr. Chair, Ladies and Gentlemen,

NGOs thank UNHCR for its increasing attention to the arbitrary detention of refugees, asylum seekers and stateless persons, including the recent adoption of a *Global Strategy: Beyond Detention*.

Globally, countless millions of refugees, asylum seekers and stateless persons are at risk of immigration detention each year, and this harmful practice continues to be used by states despite evidence that immigration detention is costly, arbitrary, and seriously harms the mental and physical health of those detained.

Immigration detention not only infringes fundamental rights to liberty and freedom of movement, it is simply not an effective way for states to manage migration. Detention policies in destination countries have no impact on irregular arrivals, and research increasingly shows that detention hinders long-term integration and return prospects.

In the case of children and families, the use of immigration detention is never appropriate. In 2012, the UN Committee on the Rights of the Child found that “the detention of a child because of their or their parent’s migration status constitutes a child rights violation and always contravenes the principle of the best interests of the child.” More recently, the UN Special Rapporteur on torture found that child immigration detention amounts to “cruel, inhuman or degrading treatment.” In short, detention is a costly, ineffective, and harmful practice, especially for children and other vulnerable groups.

Therefore, NGOs would like to draw the Standing Committee’s attention to the effective implementation of alternatives to detention (ATD). ATD are “any law, policy or practice by which persons are able to reside in the community, without being detained for migration-related reasons.” This includes a number of innovative strategies for effectively supporting individuals in the community while their status is being resolved; such as the use of individual screening and assessment, the provision of legal aid, counseling services and case management.

Research demonstrates that the most successful alternatives to detention are those that use constructive engagement, rather than enforcement. Rather than focusing on the physical location of the individual, or imposing unnecessary restrictions, successful ATD assess each case and work to ensure individuals have the necessary support, options and

protection within the community to comply with migration authorities. When effectively implemented, alternatives can substantially reduce or eliminate the need for detention at all.

Such reforms have already been welcomed by a broad range of international bodies and NGOs, who stand ready to help explore and collaborate on ATD implementation as a matter of priority.

Thank you, Mr Chair