ROADMAP TO ENDING CHILD IMMIGRATION DETENTION: MILESTONES TO INCLUDE IN THE GLOBAL COMPACTS

I. WE WILL DEVELOP NATIONAL ACTION PLANS FOR ENDING CHILD IMMIGRATION DETENTION

JUNE 2019

COMMITMENT

Comprehensive, collaborative national action plans are needed to effectively implement the commitment to end child immigration detention. Such plans will need to outline a clear designation of responsibilities to achieve change, and rely on coordination and collaboration between government, civil society, UN, intergovernmental agencies and children themselves.

Funding must be made available to support the development and implementation of these national action plan.

It is encouraged that the National Action Plan review the following areas and develop plans to improve systemic response to children:

- National law and regulation
- Processing systems
- Placement options
- Rights / minimum standards
- Oversight

Monitoring and evaluation must be built into each national action plan.

II. WE WILL REPORT ON THE NUMBER OF CHILDREN HELD IN IMMIGRATION DETENTION EACH YEAR

DECEMBER 2019
AND THEN ANNUALLY

COMMITMENT

Public reporting on child immigration detention is an important step in working towards ending the practice.

Reporting should include a range of demographic information to assist with the development of appropriate alternatives. This would include reporting on the following factors:

- Number of children detained
- Gender
- Unaccompanied vs accompanied
- The names of the centres in which they are detained

III. WE WILL DEVELOP AND IMPLEMENT CHILD-SENSITIVE ALTERNATIVES TO IMMIGRATION DETENTION

BY 2022
NATIONAL ROLLOUT POST PILOT

COMMITMENT

Alternatives to immigration detention must be developed or strengthened to ensure that children are protected and supported while their migration status is being resolved. Alternative care and accommodation must be in accordance with the Guidelines for the Alternative Care of Children.

Pilot projects are one avenue for governments to test possible alternatives and to ensure that children are being adequately protected before upscaling to national systems. Incorporating a strong monitoring and evaluation process will ensure that the pilots are as effective and useful as possible.

Collaboration between government, civil society, UN, intergovernmental agencies and children themselves is encouraged to ensure pilots are designed in a way that meets the needs of key stakeholders.

Monitoring and evaluation will assess whether alternatives ensure the best interests of the child is always a primary consideration.

IV. WE WILL REPORT ON OUR PROGRESS IN ENDING CHILD IMMIGRATION DETENTION IN OUR CRC AND UPR REPORTS

BEGINNING 2019

COMMITMENT

Immigration detention is a child rights' violation. As such, all States party to the CRC will be required to report on their progress in ending the immigration detention of children during their **periodic reporting to the CRC Committee.**

Similarly, States will be required to report on their progress in ending child immigration detention as part of their **Universal Periodic Review** reporting to the Human Rights Council.

V. WE WILL PROHIBIT CHILD IMMIGRATION DETENTION IN LAW AND REGULATION

BY JUNE 2025

COMMITMENT

International standards are clear: any kind of child immigration detention should be forbidden by law and this prohibition implemented in practice.

States must review and improve their laws to ensure compliance with international obligations.

Ratification of relevant international Treaties is encouraged (CRC, 1951 Refugee Convention, CMW, ICCPR, ICESCR, OPCAT).

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I. WE WILL DEVELOP NATIONAL ACTION PLANS FOR ENDING CHILD IMMIGRATION DETENTION

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EXAMPLES OF PRACTICE

All 15 States of the Southern African Development Community have an action plan to implement commitments made at MIDSA. These commitments include developing alternatives to detention, particularly for children. This is reflected in a Regional Action Plan, with national action plans coordinated by IOM in partnership with relevant government authorities and civil society. States that are actively working on alternatives to detention in that region include Botswana, Angola, Malawi, Democratic Republic of Congo, Mozambique, Lesotho and Madagascar.

The UNHCR Beyond Detention Strategy Countries have all committed to developing national action plans, with the first outcome of the strategy pertaining to ending child detention for populations of concern. Small budget lines have been made available to support the work of coordination. These countries are:

- Canada
- Hungary
- Indonesia
- Israel
- Lithuania
- Malaysia
- Malta
- Mexico
- Thailand
- United Kingdom
- United States
- Zambia

The Global Campaign to End Child Immigration Detention has developed a Campaign Scorecard to analyse and assess the progress of States in wor-

II. WE WILL REPORT ON THE NUMBER OF CHILDREN HELD IN IMMIGRATION DETENTION EACH YEAR

DECEMBER 2019
AND THEN ANNUALLY

EXAMPLES OF PRACTICE

A number of countries regularly publish immigration detention statistics, including details of the number of children in immigration detention. Examples include:

- Australia
- Canada
- United Kingdom

III. WE WILL DEVELOP AND IMPLEMENT CHILD-SENSITIVE ALTERNATIVES TO IMMIGRATION DETENTION

BY 2022
NATIONAL ROLLOUT POST PILOT

EXAMPLES OF PRACTICE

A number of countries have established alternatives to detention for unaccompanied children, including: Austria, Latvia, Belgium, Costa Rica, Cyprus, Ethiopia, Finland, France, Germany, Greece, Indonesia, Ireland, Israel, Italy, Kenya, Luxembourg, Mexico, the Netherlands, Serbia, Slovakia, Spain, Sweden, Tanzania, Thailand, Turkey, the United Kingdom, the United States of America, Yemen and Zambia.

Many of these States also ensure that unaccompanied children are not detained while in the context of return: (Belgium, Bulgaria, Estonia, France, Hungary, Ireland, Italy, Lithuania, Portugal, Slovak Republic).

Countries that provide foster care, kinship care, or small group homes for unaccompanied children include Australia, France, Greece, Malaysia, Indonesia, the Netherlands, Serbia and Sweden.

Examples of guardianship models for unaccompanied minors are found in Austria, Cyprus, Kenya, the Netherlands, Sweden, and the United Kingdom (Scotland).

Examples of systems that prevent the detention of children and families include Austria, Belgium, Brazil, Ecuador, Lithuania, the UK. States that avoid detention of families during return in-

IV. WE WILL REPORT ON OUR PROGRESS IN ENDING CHILD IMMIGRATION DETENTION IN OUR CRC AND UPR REPORTS

BEGINNING 2019

EXAMPLES OF PRACTICE

Examples of States that have included information on the rights of children in the context of international migration (including immigration detention) in previous CRC reports include:

- Australia
- Belgium
- Mexico
- United Kingdom

The Progress Reports for UNHCR's Beyond Detention Strategy Countries assess, among other things, their work in ending child detention for populations of concern:

- Canada
- Hungary
- Indonesia
- Israel
- Lithuania
- Malaysia
- Malta
- Mexico
- Thailand
- United Kingdom
- United States
- Zambia

V. WE WILL PROHIBIT CHILD IMMIGRATION DETENTION IN LAW AND REGULATION

BY JUNE 2025

EXAMPLES OF PRACTICE

A number of countries have established a prohibition on immigration detention of all children, without restriction. Examples include:

- Costa Rica
- Ecuador
- Ireland
- Panama
- Mexico

Some countries have only prohibited in law the detention of children who are seeking international protection including Cyprus, Nicaragua and Turkey.

Some countries have policies in place that complement national laws including Italy, Belgium, Germany, Israel, Kenya, Lithuania, Luxembourg, the Netherlands and the United States. It is worth noting that these positive practices are limited to some demographics, such as unaccompanied asylum seeker children, and as such are only partially compliant with international standards.

Some countries have a policy or practice to avoid the detention of children, but have not established this protection in law. Examples include Denmark, Finland, New Zealand, the Philippines, Spain and the United Kingdom. Again, many of these positive practices are limited to certain demographics, such as

I. WE WILL DEVELOP NATIONAL ACTION PLANS FOR ENDING CHILD IMMIGRATION DETENTION

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king towards ending child immigration detention. This comprehensive framework is the basis for a set of recommendations for each country to improve their response to children. This framework could provide a foundation for National Action Plans.

Mexico has mapped its framework here and applied the Child sensitive Community Assessment and Placement model to its national context.

A few countries have mechanisms for formal youth participation in policy development such as Ireland.

REFERENCE DOCS/ GUIDELINES

IDC post on MIDSA Commitments
https://idcoalition.org/news/significant-regional-commitment-to-implement-alternatives-to-detention/

IDC Captured Childhood Report
https://idcoalition.org/wp-content/uploads/2012/03/IDC-Captured-Childhood-Report-Chap-6.pdf

IAWG Child Detention Standards
http://www.iawgendchilddetention.org/wp-content/uploads/2016/11/IAWG_Child-Detention-Standards_Aug-2016_FINAL.pdf

Summary of international standards in plain language:
https://endchilddetention.org/the-issue/child-rights/

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REFERENCE DOCS/ GUIDELINES

Data on immigration detention for a wide range of countries is published by the Global Detention Project. Publically available data on child immigration detention can be found in their country reports.

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NATIONAL ROLLOUT POST PILOT

clude the UK Family Returns Program and Lithuania).

Examples of repatriation programs that support children upon return to their origin country include the Transnational Network of Child Protection Systems in West Africa, the Guatemalan Child Return and Reintegration Project and the IOM repatriation project in El Salvador.

Examples of pilot programs being used as a first step in developing national programs can be seen in Australia, Mexico, and the United Kingdom.

REFERENCE DOCS/ GUIDELINES

The Community Assessment and Placement (CAP) outlines key principles and processes for implementing effective alternatives to immigration detention, found in:
Sampson, R., Chew, V., Mitchell, G., and Bowring, L. There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised), (Melbourne: International Detention Coalition, 2015),

Save the Children Unlocking Childhood

IV. WE WILL REPORT ON OUR PROGRESS IN ENDING CHILD IMMIGRATION DETENTION IN OUR CRC AND UPR REPORTS

BEGINNING 2019

REFERENCE DOCS/ GUIDELINES

MIDSA Reporting Process:
https://idcoalition.org/news/significant-regional-commitment-to-implement-alternatives-to-detention/

V. WE WILL PROHIBIT CHILD IMMIGRATION DETENTION IN LAW AND REGULATION

BY JUNE 2025

unaccompanied asylum seekers, and as such are only partially compliant with international standards.

REFERENCE DOCS/ GUIDELINES

IDC Briefing Paper: Never in a child's best interest: A review of laws that prohibit child immigration detention https://idcoalition.org/wp-content/uploads/2017/06/Briefing-Paper_Never-in-a-childs-best-interests_June-2017.pdf