

*Concept Note*

## Commemorating the 5th Anniversary of the Global Campaign to End Immigration Detention of Children and Destination Unknown Campaign

*Organised by the International Detention Coalition (IDC) and Terre Des Hommes, in partnership with OHCHR and the Special Rapporteur on the Human Rights of Migrants*

*12.30pm , June 12, Children on the Move Conference, Berlin*

### Background

Every day, all around the world, more than 50 million children are leaving their homes, risking a dangerous journey and the real risk of being locked in immigration detention.

Whether detained themselves or impacted by the detention of their guardians, children are particularly vulnerable to abuse and neglect. Children that are unaccompanied or separated from their parents or guardians are particularly at risk and are often unable to advocate for their fundamental human rights. The immigration detention of children has been shown to have long-lasting mental and physical health implications for children, even when used for very short periods of time.

The Global Campaign to End Immigration Detention of Children was launched during the 19<sup>th</sup> Session of the UN Human Rights Council in 2012, to draw attention to the many detrimental effects that immigration detention has on children, and to encourage states to cease the immigration detention of children consistent with their CRC obligations.

Children on the move is a complex and growing phenomenon at global level. This major challenge is basically what Destination Unknown is about: Children on the move have the right to move as well as being protected. Prevention aiming at simplistically avoid children to move has proven to be inappropriate. This also hampers the fundamental right of a child to move.

The Convention on the Rights of the Child provides that children should be protected against all forms of discrimination and punishment on the basis of the status, activities, expressed opinions, or beliefs of their parents, legal guardians, or family members. In all actions concerning children, the best interests of the child should be the primary consideration. Given the detrimental effects that detention can have on children, these obligations imply that states should never detain children based on the migration status of they or their parents. And children should never be separated from their parents or guardians unless it is considered in the child's best interests to do so.

The first out the 10 demands of the DU campaign is : Children on the move are entitled to protection based on their best interests as per Convention on the Rights of the Child, independently of their migration status, gender, age, health, nationality, religious or cultural belongings or any other ground.

Accordingly, States have been called upon to expeditiously and completely cease the immigration detention of children and their parents, and to adopt alternatives to detention (ATD) that fulfill the best interests of the child and allow children to remain with their family members and/or guardians in non-custodial, community-based contexts while their immigration status is being resolved. Some governments have implemented community release or bail programs across the board for all types of migrants; while other ATD models have been specifically tailored to meet the protection needs of children and families. A variety of countries have legislated for at least some form of alternative to detention, such as reporting requirements, bail or designated residence. Others have piloted or systematized more comprehensive case management and community supervision models with

individuals living freely in the community.

193 UN Member States committed to working to end child detention in the New York Declaration signed in September 2016. These commitments are included in the Global Compact for Safe and Orderly Migration, as well as the Global Compact for Refugees. The members of the DU campaign and a great number of strategic allies joined the initiative for [children rights in the Global Compacts](#).

This event commemorates the achievements of both campaigns, providing a space for analysis and insight into how Member States, Un Agencies and civil society can work together to achieve the commitments outlined in the Global Compact.

The next couple of years are crucial to moving forward to promote the rights of children on the move as well as alternatives to detention for children.

### Objectives

Against this background, the Destination Unknown Campaign and the Global Campaign to End Immigration Detention of Children are hosting a side-event at the Children on the Move conference during lunchtime on June 12.

The event aims to:

- Highlight the nine recommended principles for children on the move and other children affected by migration
- Highlight the results of institutional learning exercise on the achievements of the DU campaign (online tracking change platform) and the perspective for the coming 3 years until 2020
- Highlight the clarity that has now been achieved in international standards that immigration detention is never in the best interests of the child
- Highlight ending the immigration detention of children as a global priority, and an achievable priority, over the next 5 years;

The event aims to inspire, provide a space for reflection, and encourage NGO participants to more fully engage with both campaigns. It will be coordinated by advocates with lived experience, placing their voices front and centre of this discussion.

### Participants

The side event will bring together key representatives from child rights organizations.

Chair:

**Marianne Quintau – Global Campaign to End Immigration Detention of Children Advocate** who was born in Brazil and after living 7 years in the US, she spent 3 weeks at a detention center in New York which had a profound effect on her before being returned to Brazil, a country that she could barely remember. "So much of my identity was the USA, and here I was being told - you do not belong." Marianne has recently graduated in International Relations in Brazil and is currently working on a Master's Degree Thesis project about Immigration Detention of Children in the USA and Australia. She has been an advocate with the End Immigration Detention of Children Campaign since its beginning.

Welcome:

**Leeanne Torpey, Coordinator, Global Campaign to End Child Immigration Detention**  
**Vincent Tournecuillert – Destination Unknown Campaign Coordinator**

Panelists:

**Ms. Pia Oberoi, OHCHR**, Pia Oberoi is the Advisor on Migration and Human Rights at the UN Office of the High Commissioner for Human Rights, where she leads the work of OHCHR's migration team on policy and legal issues related to the human rights of all migrants and the intersections between migration and human rights. Prior to this, Pia led the migrants' rights work of Amnesty International's International Secretariat, and has been an expert consultant for NGOs and policy think tanks around the world. An expert on migration from the perspective of migrants' human rights, refugee and human rights law and policy, Pia has written about, lectured on and published extensively on related issues,

including in the context of the current migration and refugee crisis. Pia holds a DPhil in International Relations from St Antony's College, Oxford University.

**Bernard Gastaud, Committee Member, Convention on the Rights Child** Bernard is one of 18 independent experts with recognized competence in the field of human rights elected for a four year term commencing in 2016. Bernard is from Monaco and comes to the position with a wealth of experience include experience as the Legal Adviser for legal and international affairs to the Department of External Relations (Ministry of Foreign Affairs of the Principality of Monaco) and as a Member of the Committee of legal advisers on public international law (CADHI) Council of Europe He is a member of Member of the World Association of Children's Friends (AMADE).

**Mr. François Crépeau, UN Special Rapporteur on the human rights of migrants**

François is Full Professor and holds the *Hans and Tamar Oppenheimer Chair in Public International Law*, at the Faculty of Law of *McGill University*. He is a fellow of the *Royal Society of Canada* and was a Fellow 2008-2011 of the *Pierre Elliott Trudeau Foundation*. He has given many conferences, published numerous articles, and written or directed five books. He heads the "Mondialisation et droit international" collection at Éditions Bruylant-Larcier (Brussels), in which 23 books have been published since 1997, and is a member of several editorial committees.

Until 2011, he also sat on the *Quebec Law Society's* Committee on Human Rights and Committee on Citizenship and Immigration, was the "Justice, police and Security" domain coordinator for the *Quebec Metropolis Center* and was a member of the *Canadian Commission for UNESCO*.

**Farah Abdullahi Abdi - Destination Unknown Youth Advocate**, a young Somali refugee, who was forced to flee his home in Kenya because of persecution and stigma associated with his sexual orientation. Farah arrived in Malta without his family at only 16 years of age.

**Najeeba Wazefadost - Global Campaign to End Immigration Detention of Children Advocate**

(detained in Australia) was born in Afghanistan and was 12 years old when she and her family fled the Taliban's genocidal massacres of the Hazara ethnic minority when she was 12. She arrived in Australia by boat with her parents, four siblings and two uncles in September 2000. People smugglers hid Najeeba Wazefadost and her family in a truck to get out of Afghanistan, then flew them to Jakarta on false passports. Her younger brother was born in Indonesia and just days old when they set sail for Australia before being intercepted by the Australian Navy on a flimsy fishing boat. She and her family spent several months in Curtin Detention Centre before being sent to Tasmania to live. They held Temporary Protection Visas for three years before being granted permission to stay. Three generations of her family now live in Australia; all passed through Curtin detention centre. "Leaving your country for good is one of the hardest decisions a person can be forced to make."

**Interventions:**

**Saskia Blume, UNICEF**

**Pinar Aksu - Global Campaign to End Immigration Detention of Children Advocate**

**Videos**

A tale of two children - <https://vimeo.com/125656403>

[9 recommended principles: https://principlesforcom.jimdo.com/](https://principlesforcom.jimdo.com/)

**Audience participation events**

Postcards with the words "FREEDOM IS:" will be placed at the seats of the events, and people will answer them, at the end of the event we will put them up on a noticeboard and encourage people to take photos with them.

A large A0 size map with a message "Liberty is a fundamental right" will be on the wall during this event and people will be given two dots – orange for where they were born, blue for where they live now. By the end of the event, we will have a map with a clear message: we are ALL migrants!

**Location, time and date**

The side event will take place over lunch on June 12 at the Children on the Move Conference in Berlin. Tagungswerk, Lindenstr. 85, 10969 Berlin, Germany