

**UN Women Submission to the Special Rapporteur on Human Rights of Migrants: Ending Immigration Detention of Children and Seeking Adequate Reception and Care for them**

UN Women supports human rights-based and gender-responsive migration governance that addresses the specific experiences, needs and risks of women and girls at all stages of migration. Discriminatory migration policies in many countries limit or restrict the migration of women and girls, compelling them to resort to irregular channels, heightening their risk of sexual and gender-based violence, exploitation and abuse. Without access to regular migration channels, women may turn to unscrupulous recruiting agents or human smugglers. The high costs of regular migration may also lead women to smuggling networks.[[1]](#footnote-1) The use of irregular migration channels increases the likelihood that migrant women and girls are detained as a punitive measure by States to curb irregular migration.

Furthermore, many States do not offer community-based alternatives for migrant children, including unaccompanied minors, and hence children are being detained in the same detention centres as adults in often appalling conditions such as overcrowding, inadequate food, insufficient access to drinking water, unsanitary conditions, lack of adequate medical attention, and lack of access to education. The lack of child-friendly facilities and environments can have negative consequences on the physical and emotional health of girls and boys.

The detention of migrant girls has negative impacts on their health and wellbeing. They are often separated from their family unit, main caregiver and/or social network which causes anxiety, stress and trauma. Immigration detention centres lack the specialist mental health care and sexual and reproductive health services that women and girls require. The rights of detained migrant women and adolescent girls to control their reproductive lives and have healthy and positive pregnancy outcomes are undermined by the lack of pre-and post-natal care and abortion services. Immigration detention centres rarely provide safe and private sanitation facilities and products, which are necessary for migrant women’s and girls’ dignity and well-being and the absence of which increases their exposure to sexual harassment, exploitation and abuse while being detained.

UN Women supports – and urges – an end to any form of detention of migrant children. In line with the general comment published jointly by the Committee on the Rights of the Child and the Committee on Migrant Workers[[2]](#footnote-2), UN Women considers the detention of migrant children a child rights violation, and that the principle of ‘detaining as a last resort’ does not, and should not, apply to children in the context of migration. Any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice.

To the greatest extent possible, migrant girls should be kept with their families, and non-custodial and community-based alternatives to detention should *always* be sought in line with the principle of the best interests of the child. Alternatives to detention should respect human rights and wellbeing, preventing potentially life-long harmful physical and psychological consequences of child detention. Such community-based alternatives can include the surrender of passports/travel documents to the authorities with regular reporting requirements, guarantors such as family members or community supporters, foster care or supervised independent living arrangements. It is critical that migrant women and girls have access to gender-responsive and child- and adolescent-friendly health care, including mental and sexual and reproductive health services. Survivors of sexual and gender-based violence should be given access to gender- and child-sensitive essential services. Facilities should be sex-segregated to afford women and girls safety and privacy and protect them from sexual and gender-based violence. Additional measures should address the specific vulnerabilities of migrant girls with disabilities and children who identify as LGBTQI, who face high risks of abuse. It is also critical to systematically collect sex-disaggregated data on children in immigration detention to inform and improve migration policies and practice.

1. Inter-Agency Coordination Group against Trafficking in Persons (ICAT), ‘The Gender Dimensions of Human Trafficking’ (2017) [↑](#footnote-ref-1)
2. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=11> [↑](#footnote-ref-2)