



# International Detention Coalition

Human rights for detained refugees,  
asylum seekers and migrants

## The issue of immigration detention at the UN level:

### Recent developments relevant to the work of the International Detention Coalition (IDC) January 2011

The International Detention Coalition (IDC) works to protect the rights of refugees, asylum seekers and migrants in immigration detention around the world. The IDC is a coalition of over 200 non-governmental groups and individuals working in over 50 countries. Coalition members provide legal, social and other services; undertake research and reporting as well as advocacy and policy work.

Countries around the world are increasingly using detention as a migration management tool in an attempt to address irregular migration. Refugees and asylum seekers in particular, are increasingly detained for long periods, in conditions below international standards, often with little or no access to asylum procedures and with no right to challenge their detention.<sup>1</sup> Between January 2009 and mid-2010 immigration policies have been 'characterized by greater restrictions and fewer rights, with a clear trend towards introducing laws to deter and criminalize asylum-seekers who arrived irregularly or overstayed their visas.'<sup>2</sup>

The IDC has been working at the international level, as well as regionally, to counter this trend through education, networking, advocacy, reporting and research, with a particular focus on preventing and limiting the use of, seeking alternatives to, and using the least restrictive forms of, immigration detention. This report aims to provide a brief on recent discussions and developments on immigration detention at the UN level.

Developments at the UN level over the last 18 months suggest there is growing international recognition among UN agencies of the issue of immigration detention, particularly the detention of children, and the importance of exploring and promoting alternatives to immigration detention. For example, the Global Migration Group, an interagency group comprised mainly of UN entities, adopted a statement this year calling for States to review the situation of migrants in irregular situations, as irregular migrants often face 'prolonged detention or ill-treatment.'<sup>3</sup> The statement also recognised that children are at particular risk.

A list of recent UN meetings on immigration detention can be found in Appendix 1, and a full list of immigration detention references in UN statements and reports can be found at: <http://idcoalition.org/idc-report-the-issue-of-immigration-detention-at-the-un-level/>

<sup>1</sup> ExCom UNHCR, *NGO Statement on International Protection (Agenda Item 5. a)*, October 2010, Geneva, p. 7 <http://www.unhcr.org/4caed7129.pdf> viewed 23 August 2010.

<sup>2</sup> UNHCR, *Report of the United Nations High Commissioner for Refugees to the General Assembly*, October 2010, Geneva p. 7, <http://www.unhcr.org/4cbea0d79.pdf> viewed 23 August 2010.

<sup>3</sup> Global Migration Group, *Statement of the Global Migration Group on the Human Rights of Migrants in Irregular Situation*, 30 September 2010, Geneva,

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10396&LangID=E> viewed 24 September 2010.

## International / UN level developments

Whilst there is no UN body with a mandate solely dedicated to immigration detention, several UN bodies look at immigration detention within their wider mandates. This report will examine the recent work of the following bodies in regard to immigration detention:

1. The General Assembly
2. The United Nations High Commissioner for Refugees (UNHCR)
3. The Office of the High Commissioner for Human Rights (OHCHR)
4. The Human Rights Council
5. The Working Group on Arbitrary Detention
6. The Special Rapporteur on the Human Rights of Migrants
7. The Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

### 1. The General Assembly

The General Assembly is the main policymaking and representative organ of the United Nations and comprises all 192 members of the United Nations. The General Assembly has recently recognised the serious problem of immigration detention in two resolutions. In resolution 63/184, adopted in 2009, the Assembly called upon States ‘to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention.’<sup>4</sup> The Assembly called for periods of detention to be reviewed and alternatives to detention to be implemented.<sup>5</sup> The Assembly also noted with approval that some States have adopted measures to reduce the detention of irregular migrants.<sup>6</sup> In 2010 the Assembly again adopted a resolution on the protection of migrants and repeated its calls for States to reduce the detention of undocumented migrants.<sup>7</sup>

### 2. The United Nations High Commissioner for Refugees (UNHCR)

The UNHCR was established in 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. The UNHCR’s Executive Committee (ExCom) meets in Geneva annually to review and approve the agency’s programs and budget, advise on international protection and discuss a wide range of other issues. ExCom’s Standing Committee meets several times each year to carry on the body’s work between plenary sessions. The UNHCR also holds annual consultations with NGOs.

The UNHCR defines detention as follows: ‘Confinement within a narrowly bounded or restricted location, including prisons, closed camps, detention facilities or airport transit zones, where freedom of movement is substantially curtailed, and where the only opportunity to leave this limited area is to leave the territory.’<sup>8</sup>

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<sup>4</sup> UN General Assembly, *Resolution, 63/184 Protection of Migrants*, 63<sup>rd</sup> sess, March 2009, para. 9, [http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy\\_and\\_research/un/63/A\\_RES\\_63\\_184\\_EN.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/63/A_RES_63_184_EN.pdf) viewed 18<sup>th</sup> October 2010.

<sup>5</sup> *ibid.*

<sup>6</sup> *ibid.*, para. 13.

<sup>7</sup> UN General Assembly, *Resolution, 64/166 Protection of Migrants*, 64<sup>th</sup> sess, March 2010, para 4, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/471/79/PDF/N0947179.pdf?OpenElement> viewed 18<sup>th</sup> October 2010.

<sup>8</sup> ONHCR, *Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum Seekers*, Geneva, 1999, p. 3 <http://www.unhcr.org.au/pdfs/detentionguidelines.pdf> viewed 1 November 2010.

The UNHCR has been active on the issue of immigration detention for some time.<sup>9</sup> However, recently the UNHCR has given increasing weight to the problem of immigration detention and particularly alternatives to the detention of refugees and asylum seekers. The issue of immigration detention featured significantly for the first time in the 2010 ExCom meetings and the work of the IDC was also mentioned in ExCom's 2010 Note on International Protection. The Note states that to 'address unjustified detention, UNHCR advocates strongly for the use of effective alternatives to detention' and refers to a study conducted by the IDC to illustrate the positive results of particular alternative policies.<sup>10</sup>

In 2008, 2009 and 2010 the IDC helped to run side meetings during the annual NGO consultations on the topics of 'Detention monitoring and human rights mechanisms' and 'Alternatives to immigration detention.' In addition, at the 2009 ExCom, UNHCR and the IDC held a side meeting on alternatives to detention, attended by 30 governments. At the side meeting Ms. Erika Feller, Assistant High Commissioner for Protection, noted that although alternatives to detention have been discussed within the UNHCR for many years, the discussion has led to few concrete suggestions. She therefore announced that the issue of detention would be given priority over the next year.<sup>11</sup>

The UNHCR does appear to have given priority to the issue of immigration detention during the last year. In April this year the UNHCR held its first regional roundtable on detention alternatives in East Asia. The UNHCR also committed to further revising its 1999 Guidelines on the Detention of Asylum Seekers, and in early 2011, the UNHCR plans to launch a study on alternatives to the detention of asylum seekers.<sup>12</sup> The UNHCR is also planning to hold a global 'Alternatives to Detention' roundtable.<sup>13</sup> Hopefully the UNHCR will continue to build on this momentum and will use the revised guidelines and research to advocate more strongly for alternatives to detention to be implemented.

### **3. The Office of the High Commissioner for Human Rights (OHCHR)**

The OHCHR is a United Nations agency that works to promote and protect human rights. It was established by the UN General Assembly in 1993. The office is headed by the High Commissioner for Human Rights, who co-ordinates human rights activities throughout the UN System and supervises the Human Rights Council. The current High Commissioner is South African lawyer Navanethem Pillay.

In September 2009, the UN High Commissioner remarked that the plight of 'migrants, and particularly migrants in an irregular situation, is one of today's most critical human rights challenges...Promoting a human rights-based approach to migration will be one of the

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<sup>9</sup> For example for conclusions relating to detention dating back to 1977 see UNHCR, *A Thematic Compilation Of Executive Committee Conclusions*, 4th edition, August 2009, p. 136, <http://www.unhcr.org/3d4ab3ff2.pdf> viewed 6<sup>th</sup> September 2010.

<sup>10</sup> ExCom UNHCR, *Note on international protection*, 61<sup>st</sup> sess, 30 June 2010, para 40, <http://www.unhcr.org/refworld/pdfid/4caaeabe2.pdf> viewed 6<sup>th</sup> September.

<sup>11</sup> International Detention Coalition, *Report: Alternatives to Detention, UNHCR/IDC Side Meeting, ExCom, 30 Sep 2009*, 2009, <http://idcoalition.org/idcunhcr-alternative-to-detention-excom-meeting-notes/> viewed 1<sup>st</sup> November 2010.

<sup>12</sup> ExCom UNHCR, *NGO Statement on International Protection*, October 2010, p. 7, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SNAA-8A69A9-full\\_report.pdf/\\$File/full\\_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/SNAA-8A69A9-full_report.pdf/$File/full_report.pdf) viewed 1 November 2010.

<sup>13</sup> UNHCR, *2010 UNHCR Annual Consultations with NGOs*, 2010, Geneva, p. 15, <http://www.icva.ch/doc00004349.pdf> viewed 1 November 2010.

priorities of my office for the next biennium.<sup>14</sup> The OHCHR appears to have identified migrants' rights, including immigration detention, as a priority area for 2010/11. The Strategic Management Plan for 2010-2011 notes that although there have been advances in promoting the human rights of migrants, serious concerns remain.<sup>15</sup> 'Immigrants are often routinely detained, at times without proper judicial safeguards, and increasingly face violence, arbitrary detention and expulsion.'<sup>16</sup> The office will therefore 'continue to advocate against the criminalization of irregular migrants and address concerns related to migration detention.'<sup>17</sup>

OHCHR released a study this year on the rights of the child in the context of migration and the report contains a section on detention. The report emphasises the harm caused by detaining children and concludes that children should only ever be detained as a last resort.<sup>18</sup> The report encourages the use of alternatives to detention and references the IDC's study on alternatives to the detention of children.<sup>19</sup>

#### **4. The UN Human Rights Council (replaced UN Commission on Human Rights in 2006)**

The Human Rights Council is an inter-governmental body made up of 47 States and is responsible for strengthening the promotion and protection of human rights around the world. Like the UNHCR and the OHCHR, the Council has recently been focusing more on the rights of migrants. The Universal Periodic Review (UPR) reviews the human rights records of all 192 UN Member States once every four years and is one of the main features of the Council. The process has 'underscored with increasing urgency concerns about human rights violations related to the detention of migrants, and of asylum-seekers.'<sup>20</sup>

In September 2009, the Human Rights Council held a special panel discussion devoted to the human rights of migrants in detention centres. The Council resolved to hold the panel discussion because 'international human rights mechanisms...have given increasing attention to human rights concerns related to the recourse to detention of migrants and the duration and conditions of their detention.'<sup>21</sup> The panel discussion was therefore held against the background of an increasing number of concerns being voiced by international human rights mechanisms about the rising use of immigration detention.<sup>22</sup>

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<sup>14</sup> Navanethem Pillay, *Opening remarks of the High Commissioner* (Speech delivered at the Human Rights Council Panel Discussion on Human Rights of Migrants in Detention Centres) Geneva, 17 September 2009 <http://www2.ohchr.org/english/issues/migration/taskforce/docs/HCStatementPanelMigrants.pdf> viewed 1st November 2010.

<sup>15</sup> OHCHR, *High Commissioner's Strategic Management Plan 2010-2011*, Geneva, 2009, p. 18, <http://www.ohchr.org/Documents/Press/SMP2010-2011.pdf> viewed 27th October 2010.

<sup>16</sup> *ibid.*

<sup>17</sup> *ibid.*, p. 54.

<sup>18</sup> OHCHR, *Study on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration*, 2010, paras. 51-53,

[http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.29\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.29_en.pdf) viewed 27th September.

<sup>19</sup> *ibid.*, para 54.

<sup>20</sup> Navanethem Pillay, *Opening remarks of the High Commissioner* (Speech delivered at the Human Rights Council Panel Discussion on Human Rights of Migrants in Detention Centres) Geneva, 17 September 2009

<http://www2.ohchr.org/english/issues/migration/taskforce/docs/HCStatementPanelMigrants.pdf> viewed 1st November 2010.

<sup>21</sup> Human Rights Council, Panel Discussion On Human Rights Of Migrants In Detention Centres, *Informal Summary Of Discussions*, Geneva, 2009, p. 17 [http://www2.ohchr.org/english/issues/migration/taskforce/HRC\\_panel\\_discussion.htm](http://www2.ohchr.org/english/issues/migration/taskforce/HRC_panel_discussion.htm) viewed 4th October 2010.

<sup>22</sup> *ibid.*

The IDC drafted a joint statement on immigration detention signed by 147 groups from around the world, tabled at this meeting by Migration Forum in Asia, Migrant Rights International, Amnesty International and Network for Immigrant and Refugee Rights.<sup>23</sup>

The Council recognised the problem of immigration detention in two resolutions in 2010: one of arbitrary detention and the other on the human rights of migrants. For example, resolution 15/16 'calls upon all States to respect the human rights and the inherent dignity of migrants and to put an end to arbitrary arrest and detention and, where necessary, to review detention periods in order to avoid excessive detention of irregular migrants, and to adopt, where applicable, alternative measures to detention.'<sup>24</sup>

## 5. Special Procedures

The Human Rights Council has created a number of special enquiry mechanisms, known as Special Procedures, to address thematic issues and specific country situations. There are currently 31 thematic mandates. Those of most relevance to the issue of immigration detention are the Working Group on Arbitrary Detention, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

## 6. The Working Group on Arbitrary Detention

The Working Group on Arbitrary Detention is a UN-mandated body of independent human rights experts that investigate cases of arbitrary arrest and detention. It was established in 1991 by the former Commission on Human Rights as one of the "Special Procedures" created to monitor human rights violations, and is currently under the purview of the Human Rights Council.

The Working Group on Arbitrary Detention has addressed the issue of immigration detention on several occasions. Notably, in 1999 the Group adopted Deliberation 5, in which it set out 10 principals concerning the situation of immigrants and asylum-seekers.<sup>25</sup> The Group has reiterated over the last few years that immigration detention should be a last resort and that it is permissible only for the shortest periods of time.<sup>26</sup> They urge that alternatives to detention should be sought whenever possible and oppose the criminalisation of irregular migrants.<sup>27</sup>

All country mission reports contain a chapter on administrative immigration detention. In 1997 the Group's mandate was extended to cover the issue of administrative custody of

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<sup>23</sup> <http://idcoalition.org/joint-statement-to-the-human-rights-council-migrants-in-detention-meeting/>

<sup>24</sup> Human Rights Council, *Resolution 15/16 Human rights of migrants*, 15<sup>th</sup> sess, October 2010, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.RES.15.16\\_En.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.RES.15.16_En.pdf) viewed November 1st.

<sup>25</sup> Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention to the Commission on Human Rights*, Geneva, December 1999, Annex II, p. 29 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G99/165/70/PDF/G9916570.pdf?OpenElement> viewed 18 October 2010.

<sup>26</sup> For example see: Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention*, Geneva, February 2009, para. 75, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/110/43/PDF/G0911043.pdf?OpenElement> viewed 18 October 2010.

<sup>27</sup> *ibid.*

asylum-seekers and immigrants.<sup>28</sup> Since then, its observations of practices within States have prompted it to examine in more and more depth the issue of immigration detention.<sup>29</sup> The group's annual reports covering the years 1998, 2003, 2005 and 2008 include in-depth analyses of the issue.<sup>30</sup> The group's reports from 2009 and 2010 contain sections on Detention of immigrants in irregular situations.<sup>31</sup> In its annual report for 2007 the Group recommended to the Human Rights Council 'an in-depth and urgent deliberation to seek effective alternatives to prevent violations of rights affecting the large numbers of asylum-seekers and irregular migrants in detention around the world.'<sup>32</sup> This helped prompt the Human Rights Council to hold their panel discussion on the human rights of migrants in detention centres.<sup>33</sup>

The Working Group welcomed the Human Rights Council's panel, in which its Chairperson-Rapporteur participated. However, it remains concerned that the human rights of detained migrants in an irregular situation and those of asylum-seekers and refugees are still not guaranteed.<sup>34</sup> During its fifty-sixth session (November 2009), the Working Group decided to focus on the issue of alternatives to detention, both in criminal law and in the administrative detention context, as one of its main priorities in 2010.<sup>35</sup> In relation to alternatives to detention, the Group has requested States and other stakeholders to provide it with information, including good practices that it could recommend to States to follow.<sup>36</sup>

## 7. The Special Rapporteur on the Human Rights of Migrants

The mandate of the Special Rapporteur on the Human Rights of Migrants was created in 1999 by the Commission on Human Rights. The mandate of the Special Rapporteur covers all countries. The Special Rapporteur has addressed the question of administrative detention of migrants in several of its reports to the Human Rights Council. For example, the 2009 report, prepared by Special Rapporteur Jorge Bustamante, contains two sections on the rights of children which include discussions on immigration detention. The report recommends that 'detention of children should be a measure of last resort and should only be taken for the shortest period of time possible.' Additionally 'the deprivation of liberty of children in the context of migration should never have a punitive nature.' The Rapporteur has also addressed migration-related detention in a number of its communications to governments and in reports on country visits.<sup>37</sup>

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<sup>28</sup> Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention to the Human Rights Council*, Geneva, January 2010, para. 55, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30\\_AEV.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.30_AEV.pdf) viewed 18 October 2010.

<sup>29</sup> *ibid.*

<sup>30</sup> *ibid.*

<sup>31</sup> Report of the working group on arbitrary detention 2009, paras 65-68 and Report of the working group on arbitrary detention 2010, paras 54-65.

<sup>32</sup> Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention to the Human Rights Council*, Geneva, 2007, para 80, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/100/91/PDF/G0810091.pdf?OpenElement> viewed 25<sup>th</sup> October 2010.

<sup>33</sup> Human Rights Council, *Resolution 11/9. The human rights of migrants in detention centres*, 11<sup>th</sup> sess, June 2009, [http://ap.ohchr.org/documents/E/HRC/resolutions/A\\_HRC\\_RES\\_11\\_9.pdf](http://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_11_9.pdf) viewed 1 December 2010.

<sup>34</sup> Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention to the Human Rights Council*, Geneva, January 2010, p. 2.

<sup>35</sup> *ibid.*, para 51.

<sup>36</sup> *ibid.*

<sup>37</sup> For example in 2008-2009 in relation to the issue of detention communications were sent to Belgium, Estonia, France, Italy, Republic of Korea, Saudi Arabia and the United Arab Emirates <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/133/38/PDF/G0913338.pdf?OpenElement> viewed 18 October 2010.

## 8. The Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

In 1985 the UNCHR created the position of Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to examine questions relevant to torture. The Rapporteur has occasionally addressed the issue of immigration detention. A number of country reports contain information on immigration detention. For example, the preliminary report on the Rapporteur's mission to Greece contains a section on migrants and detention.<sup>38</sup> The Rapporteur's interim report to the Human Rights Council calls upon the General Assembly to take action to improve the situation of the ten million prisoners and detainees worldwide by drafting and adopting a special United Nations convention on the rights of detainees.<sup>39</sup> While this would presumably include those in immigration detention, the issue of immigration detention is not discussed in the report.

### Conclusion

The IDC welcomes the increasing recognition, at the UN level, of the growing criminalisation and detention of irregular migrants, the detrimental effect of immigration detention and the need for the exploration and development of alternatives to immigration detention, particularly children.

There has been some encouraging discussion of alternatives to immigration detention at an international level and some countries have established models that demonstrate alternatives can work well and cost less than detention. However, detention continues to be widely used as measure of first resort, without proper consideration of viable community-based mechanisms<sup>40</sup>.

There is much more work to be done to build on these positive developments and ensure the rights, dignity and wellbeing of refugees, asylum seekers and migrants affected by immigration detention.

Identified gaps at the international level include the need for greater monitoring and reporting on places of immigration detention, including countries that have recently begun to implement immigration detention policies. With access to detention facilities continuing to be limited or non-existent in many countries, increased advocacy is needed to encourage states to accede to the CAT and the OPCAT.

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<sup>38</sup> UN Special Rapporteur on Torture, *UN Special Rapporteur on Torture presents preliminary findings on his Mission to Greece*, 20 October 2010

<http://www2.ohchr.org/english/issues/torture/rapporteur/> viewed 25<sup>th</sup> October 2010.

<sup>39</sup> UN Special Rapporteur on Torture, *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, August 2010, p. 4,

<http://www2.ohchr.org/english/issues/torture/rapporteur/docs/A.65.273.pdf> viewed 11th October.

<sup>40</sup> The IDC is currently completing research into viable community-based alternatives to detention, to be launched in early 2011. <http://idcoalition.org/idc-research-update-march-2010/>

There is a need for enhanced coordination across UN agencies on immigration detention, and further consultation and collaboration with civil society groups on research, advocacy, education and service provision to detainees, such as legal advice and social and health services.

In addition, with the growing regionalization of immigration detention, regional and national dialogue on alternatives to detention and improving conditions and protection of those in detention is urgently needed. The IDC remains concerned that governments are cooperating bilaterally and multilaterally in detention initiatives that attempt to restrict migration flows without considering alternatives. Industrialized countries continue to fund, pressure and provide incentives to neighbouring countries to detain asylum seekers. In some places people seeking protection have not been given access to UNHCR and have been returned to countries that are not signatories to the UN Refugee Convention, placing refugees at risk of being returned to danger. These trends are apparent in regions across the globe.<sup>41</sup>

The recent East Asian Roundtable on Alternatives to Detention in Seoul provides a positive example of recent regional discussions. Hosted by the South Korean government and UNHCR in April 2010, this forum explored housing refugees, asylum seekers and irregular migrants in the community while their migration status is being resolved, without resorting to detention.<sup>42</sup> The IDC encourages governments in other regions to organize and participate in similar forums.

In conclusion, given the lack of one UN body with an overarching mandate on immigration detention, no international instrument on detention standards specifically for refugees, asylum seekers and migrants<sup>43</sup> and the growing use of immigration detention worldwide, both the UN and civil society must remain vigilant, proactive and work collaboratively to ensure governments uphold international human rights standards for those in immigration detention.

Jo Hambling and Grant Mitchell  
December 10, 2010

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<sup>41</sup> <http://www.unhcr.org/refworld/docid/4565dfbb4.html>;  
<http://www.msf.org.uk/ukraine.focus>;  
[http://ec.europa.eu/delegations/ukraine/press\\_corner/all\\_news/news/2010/20100203\\_02\\_en.htm](http://ec.europa.eu/delegations/ukraine/press_corner/all_news/news/2010/20100203_02_en.htm);  
<http://www.globaldetentionproject.org/countries/europe/turkey/introduction.html>;  
<http://www.just-international.org/index.php/the-european-unions-return-directive-strengthens-qfortress-europeq-against-immigrants.html>;  
<http://www.globaldetentionproject.org/countries/europe/spain/introduction.html>;  
<http://www.globaldetentionproject.org/de/countries/africa/mauritania/introduction.html>;  
Donde esta la frontera, Flyn, 2002

<sup>42</sup> [http://www.arirang.co.kr/News/News\\_View.asp?nseq=102492&code=Ne2&category=2](http://www.arirang.co.kr/News/News_View.asp?nseq=102492&code=Ne2&category=2)

<sup>43</sup> Existing international human rights standards include that detention must not be arbitrary, indefinite or non-reviewable, that there is access, monitoring and minimum standards on conditions, that asylum and legal advice is ensured, and in particular, that there is a presumption against the use of immigration detention and that alternatives to immigration detention are actively pursued in the first instance.



## Appendix 1:

Recent UN level events relating to immigration detention		
Date	Name	Location
29 June 2010	<b>UNHCR</b> Annual Consultations with NGOs Side Meeting: Alternatives to Immigration Detention	Geneva, Switzerland
26-27 April 2010	<b>UNHCR</b> Intergovernmental sub-regional East Asian Roundtable on Alternatives to Detention	Seoul, South Korea
30 Sep 2009	<b>UNHCR Executive Committee</b> Side meeting: Alternatives to Detention	Geneva, Switzerland
17 Sep 2009	<b>Human Rights Council</b> 12th Session Panel Discussion on human rights of migrants in detention centres	Geneva, Switzerland
1 July 2009	<b>UNHCR</b> Annual Consultations with NGOs Side meeting: Alternatives to Immigration Detention	Geneva, Switzerland
25 June 2008	<b>UNHCR</b> Annual Consultations with NGOs Thematic session: Detention monitoring and human rights mechanisms	Geneva, Switzerland

References to the International Detention Coalition		
Date	Document	Reference
4-8 October 2010	UNHCR Executive Committee of the High Commissioner's Programme (Sixty-first session)  <i>Note on international detention</i>  <a href="http://www.unhcr.org/refworld/pdf/id/4caaeabe2.pdf">http://www.unhcr.org/refworld/pdf/id/4caaeabe2.pdf</a>	<b>40.</b> To address unjustified detention, UNHCR advocates strongly for the use of effective alternatives to detention. A global survey of alternatives to detention in use in a number of States, conducted by the <i>International Detention Coalition</i> , concluded that the use of such alternatives, especially for vulnerable people and children, has shown positive results.
5 July 2010	Study of the Office of the United Nations High Commissioner for Human Rights on challenges and best practices in the implementation of the international framework for the protection of the rights of the child in the context of migration  <a href="http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.29_en.pdf">http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.29_en.pdf</a>	<b>54.</b> State authorities seeking to uphold the principle of family unity in situations of irregular migration should seek to address the situation of parents and families in ways that do not contemplate the detention of migrant children. The principle to be applied in such circumstances should be "care" rather than a punitive or disciplinary approach, and adequate alternatives to detention, such as community-based and casework-oriented models, should be contemplated in the first instance. <sup>46</sup>  Footnote 46 For a study on alternatives to the detention of children, see <i>International Detention Coalition</i> , "Children in Detention". Available from <a href="http://idcoalition.org/wp-content/uploads/2008/12/children-in-detention.pdf">http://idcoalition.org/wp-content/uploads/2008/12/children-in-detention.pdf</a>