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Detention not a solution for migrants

Geneva (ICRC) – Around the world, thousands of migrants are behind bars. Having already suffered many hardships on perilous journeys, migrants should not be subjected to administrative detention except as a measure of last resort, and States should provide alternatives, says the International Committee of the Red Cross (ICRC) in the run-up to International Migrants Day, 18 December.

Every day, hundreds of people face the ordeal of traveling thousands of kilometres across land or sea in search of a safer or better future. Fleeing conflict, persecution or poverty in their countries, they risk their lives in the hope of improving them. Some reach their destinations, others disappear without a trace. Many are arrested for entering or remaining irregularly in a country's territory and end up in custody.

"The plight of these migrants is a great concern," said Stéphanie Le Bihan, in charge of migration issues at the ICRC. "While awaiting deportation, they may be held for months, sometimes years. Indefinite detention and the uncertainty it brings can cause their mental health to significantly deteriorate. This is even more serious for many migrants who have already suffered physical and mental trauma." The detention of migrants should therefore be undertaken only as a last resort, and on the basis of an individual assessment.

"The authorities should first consider allowing migrants to retain their freedom or alternatives to detention," said Ms Le Bihan. "If recourse to detention is really necessary, they should ensure that the detainees are treated with dignity and held in decent conditions." The ICRC believes that the conditions for people in administrative detention must be non-punitive, and that constraints should be limited to what is strictly necessary.

Minors, in particular those who are unaccompanied, are particularly vulnerable and their development needs cannot be met in places of detention. For them, other measures should be adopted, such as placement in open shelters where they will receive support and assistance, and have access to education. Families should be kept together, and rather than detaining children with their parents alternatives should be found for the whole family.

In a number of countries the ICRC visits migrants in places of detention to assess the conditions in which they are being held and the treatment they receive, whether they are afforded due process of law, and whether they are able to maintain contact with the outside world. It strives to maintain a constructive dialogue with the authorities concerned with a view to bringing about any necessary improvements. The ICRC's work is strictly humanitarian; the organization does not attempt either to prevent or to encourage migration.

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