THE BEST INTERESTS OF THE CHILD – MIGRANT MINORS IN DETENTION:

A COMMON EU APPROACH AND FACING LEGAL CHALLENGES

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This thesis focuses on the rights of the child and his/her best interests in regard to migration detention. The practices concerning this issue vary among the Member States of the European Union. The aim of the research is to identify whether a common European approach can be reached in regard to migrant minors in detention. After an attempt to define the term ‘child’ in law and practice and an analysis of the most important reasons why children get detained, the research aims to approach the problem by analysing it at three levels – the international level, the regional and the national one.

The research is based on an examination of the legal tools at all levels. Additionally, it focuses at international level on the discussion of contradictory interests of the child. At regional level it evaluates the developments of the European Court of Human Rights on the one hand and the European Union on the other hand. The part that deals with the issue at national level gives – additionally to the overview of legal tools – an insight into practice of four selected Member States of the European Union.

The findings on all levels are intended to draw conclusions whether a common European approach is possible, by which international standards such an approach is influenced and which consequences it has on national level.
ABBREVIATIONS

CAT    Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEAS   Common European Asylum System
CoE    Council of Europe
CPT    Committee for the Prevention of Torture
CRC    Convention on the Rights of the Child
CRC Committee    Committee on the Rights of the Child
ECHR   European Convention for the Protection of Human Rights and Fundamental Freedoms
ECtHR  European Court of Human Rights
EU     European Union
FRA    Fundamental Rights Agency
GA     General Assembly
GMG    Global Migration Group
HRC    Human Rights Committee
ICCPR  International Covenant on Civil and Political Rights
NGO    Non-Governmental Organisation
Res    Resolution
RD     Reception Directive
OHCHR  Office of the High Commissioner for Human Rights
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<th>Acronym</th>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNHCR</td>
<td>United Nations High Commissioner for Refugees</td>
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<td>(UN)WGAD</td>
<td>(United Nations) Working Group for Arbitrary Detention</td>
</tr>
</tbody>
</table>
CONTENT

1. Framing the Inquiry ................................................................................................... 1
   1.1. A short Background to the Study ................................................................. 1
   1.2. Aims and Objectives of the Research ........................................................... 2
   1.3. Content Matter .............................................................................................. 2
   1.4. Limitations and Determinations .................................................................... 4
   1.5. Methods and Sources .................................................................................... 6
2. The Concept of a Child in General and Distinctions in the Specific Circumstances of Migration ...................................................................................................................... 8
   2.1. Introduction .................................................................................................... 8
   2.2. Who is a Child? ............................................................................................ 8
   2.3. Accompanied v. unaccompanied children .................................................... 11
3. The Status of a Child as ‘Reason’ for Immigration Detention and Challenges lying ahead ............................................................................................................................... 15
   3.1. Overview of the Challenges .......................................................................... 15
   3.2. Detention and the Asylum Process – A Rocky Road for Children to attain Refugee Status .................................................................................................................... 15
   3.3. Irregular Immigration – A crime? ................................................................... 21
   3.3.1. Criminalisation of Irregular Migrants as States’ Practice – Acceptable Reasons? ............................................................................................................................. 22
   3.3.2. Criminalisation of Irregular Immigrants or Protection Measures for Children? ................................................................................................................................. 23
4. The International Legal Framework and the Concept of The best interests of the child ........................................................................................................................................ 27
   4.1. Introduction ................................................................................................... 27
4.2. The International Framework with Focus on the CRC............................. 29
4.2.1. Migrant Children Accommodated in Detention facilities – Allowed or Forbidden?.................................................................................................................. 29
4.2.2. Conditions in Detention – Migrant Detainees Treated as Prisoners?......... 33
4.3. The Best Interests of the Child – An easy concept? ................................. 35
4.4. Immigration Detention - The Best Interests of the Child or the Best Interests of the Destination Country? ................................................................. 38
4.4.2. Accompanied children and the Issue of Family Unity......................... 41
5. Regional Legal Framework......................................................................... 44
5.1. Some introductory Words.......................................................................... 44
5.2. Council of Europe..................................................................................... 44
5.2.1. The ECHR and its Importance concerning Children in Immigration Detention – An Overview................................................................. 44
5.2.2. Detention of Immigrant Children under the EC(t)HR .......................... 44
5.3. European Union ....................................................................................... 50
5.3.1. Pointing out the Challenge and the Approach of the EU in Regard to Children in Immigration Detention ................................................................. 50
5.3.2. The Returns Directive ........................................................................ 51
5.3.3. CEAS – An Improvement or a Never Ending Story? ........................... 53
5.3.3.1. The Impact of the Reception Directive and its Recast on Children in Detention – A Major Improvement or Old Wine in a New Bottle? ......................... 54
6. EU States in Focus – The Exemplary Practice Analysis of Greece, Malta, Austria and Sweden..................................................................................................... 60
   1. Introduction .................................................................................................. 60
6.1. Greece ....................................................................................................... 60
6.2. Malta ........................................................................................................ 64
6.3.  Austria .............................................................................................................. 68
6.4.  Sweden ............................................................................................................. 73
6.5.  A Short Comparison of the Four Countries ..................................................... 76
7.  Conclusion and Reflections - Summary of Key Factors and a Look into the Future  

7.1.  A Framework of Conclusions ........................................................................ 79
7.2.  A summary of the Key Findings and Reflections thereof.............................. 79
7.3.  Some Recommendations ............................................................................... 81
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