



**THE BEST INTERESTS OF THE CHILD –MIGRANT MINORS IN DETENTION:
A COMMON EU APPROACH AND FACING LEGAL CHALLENGES**

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ABSTRACT

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

UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
(UN)WGAD	(United Nations) Working Group for Arbitrary Detention

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