Please cite as: EUAA, '4.8.5 Detention of minors and applicants with special needs' in *EASO Asylum Report 2021*, Gennaio 2022.

4.8.5 Detention of minors and applicants with special needs

The detention of vulnerable groups, particularly children, should be a measure of last resort. UNCHR and the Council of Europe strongly support the termination of detention practices for children. [724] This commitment was reinstated by the Parliamentary Assembly calling all Member States to ensure that “on no account should children be placed in detention”. [725], [726]

The administrative detention of minors was brought into focus in Switzerland. While this measure is already forbidden for children under 15 years, a legislative proposal was endorsed by one of the two chambers of the Swiss parliament for the full prohibition of detention for minors under 18 years in deportation procedures. [727] However, the second chamber did not follow in March 2021 and the proposal has not come into force so far. [728]

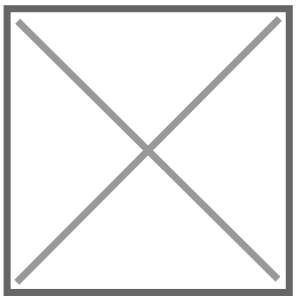
The issue of the accommodation of children with detained parents was raised in Latvia. The internal regulations of the State Border Guard were revised. Following the assessment of the best interests of the child, children are accommodated together with the detained parent in the accommodation premises of the State Border Guard and the information is added to the Register of Asylum Seekers.

Civil society organisations raised concern over the use of pre-removal detention for children with families in France, [729] even though national authorities emphasised that the legislation clarifies that detention should be used for the shortest period of time, as long as removal arrangements are in progress and that the best interests of the child should be of primary consideration, and alternatively, less coercive measures are considered before ordering detention. In Czechia, the OPU and the Forum for Human Rights observed challenges in the identification of vulnerable persons in detention. [730]

Persistent challenges in undertaking age assessments in detention were highlighted by the National Ombudsperson [731] in Spain, noting that inconsistencies in medical tests and excessive delays may result in the separation of families and summary expulsions.

The conditions of secure centres in Poland were examined by the United Nations Committee on the Rights of Child, noting that children follow compulsory schooling and cultural, educational and remedial activities are organised. [732] The Polish Border Guard noted that it is responsible for the management of secure centres for foreigners. There are six secure centres in Poland, in two of

them (in Kętrzyn and Biała Podlaska) there is a possibility of placing families with children. In these centres, minors are provided with education based on the special agreements with the Municipal Commune in Kętrzyn and the Municipal Office in Biała Podlaska.



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