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There are alternatives to child detention

Approximately 83,000 migrant workers and 52,000 asylum seekers live in Israel today. Due to the lack of migration policy in Israel, many of the said migrants reside in Israel with no legal status and no opportunity to obtain legal status.

As part of the immigration authorities' means of coping with undocumented migrants, **migrants and asylum seekers are arrested and detained, among them a significant number of children who find themselves behind bars for periods of time ranging from a number of days to several months.** The arrest and detention of children has become a common procedure in the Israeli authorities' conduct toward migrants who have family members in Israel. Hundreds of children have found themselves in difficult situations – separated from their fathers; confined without health services, education and care; with no open playtime area or the care of social workers.

When it comes to children, finding alternatives to detention is required by law. The negative psychological effects on children behind bars, who have to witness their parents in a state of agony and helplessness, are significant and can be long-lasting. . The experience of detention crumbles their world and can undermine the sense of security required for healthy child development.

As such, many countries dealing with migration have developed alternatives to detention in cases involving children. Alternatives to detention can provide a familiar and supportive environment for the child and his or her family until a decision has been made on their status or deportation, while at the same time granting the immigration authorities the possibility to supervise children and their families. **Experience in other countries indicates that implementing alternatives to detention is cheaper than keeping the**



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family in detention facilities. Australia, for instance, has cut costs by 69% by using detention alternatives. In addition, international research has found these alternatives to be effective in managing children, families and other vulnerable groups in the community, with compliance rates on immigration requirements averaging 90%.

The State Comptroller, Yosef Shapira, recently mentioned the need to explore and adopt alternatives to detention. He asserted that the Ministry of Interior uses children's detention as a first resort, systematically failing to review the option of releasing children and families. In a report relating to undocumented minors he wrote:

"The Population Authority needs to conduct a substantive and comprehensive examination of the option of implementing any of the alternatives it has been offered, and in so to create a "bundle of alternatives" that will be examined according to the circumstances of every case. Detention should only be used in cases in which none of the alternatives are feasible. Such a strategy is meant to ensure that children's incarceration will be conducted, to the extent possible, in the spirit of the Convention on the Rights of the Child."

The detention of children should be a last resort, and even then, with clear time limitations, and in special conditions appropriate for children. Until this last resort is implemented, the following procedures should be adopted regarding undocumented children in Israel.



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Suggestions for Alternatives to Detention

A. **"Case Manager" – A social worker, rather than a police officer or warden, who serves as an intermediary agent between families and authorities**

In the traumatic process of detention, the first official that has contact with the child is of crucial importance. At present, the main actors with whom the family has contact are police officers and the immigration authorities' personnel, who are not trained to attend to children in times of crisis, thereby exacerbating the distress for both parent and child.

Entry to the apartments where the migrants reside with their children is often done with force. In many cases, mothers have been arbitrarily arrested during the day, on their way to or back from work, their children "plucked" from nurseries in the middle of the day, and taken directly to the detention center in the airport. Such conduct toward children is disproportionate and harming.

It is highly recommended that families with children will not be arrested at all but as last resort only, it is essential that a social worker will accompany the arresting forces in order to minimize the trauma of the children involved. The social worker accompanying the arrests procedure should not be in any case the same one that accompany the family during all other procedures, to maintain the trust of the family in the case worker accompanying them during their journey to legal status or departure.

An agent with therapeutic knowledge - a social worker, welfare professional, or psychologist - should take part in all contact between authorities and families with children to serve as a mediator between migrants and immigration authorities.

The intermediary agent, called in professional jargon 'case manager', assists the child to cope with the extreme change in his or her life, empowers the child and family and also strengthens the family's trust toward the state's authorities. Studies indicate that the chances of migrants cooperating with procedures pertaining to their status, or adhering to



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authorities' instructions to depart the country, are exceptionally higher if a case manager is involved, and if migrants believe that their status request has been examined fairly and transparently, and that they have exhausted all options to stay in the country legally.

Australia, Belgium, Spain, England, and other countries have successfully adopted the case management model.

B. Living in the community with case management support

For cases in which supervision is required to ensure the departure of families who already live in the country and are integrated into society, community based support models are often an inexpensive and effective alternative to detention.

A thorough screening and assessment process can establish whether support or conditions may be required to assist and ensure that children and families remain engaged with authorities whilst residing in the community.

For example, following assessment, authorities may decide to enlist the support of a case manager, granting stay permits for limited periods of time, or, only where deemed necessary, impose conditions such as mandatory reporting, or deposit of monetary bail to ensure timely departure from the country. Any conditions applied should be regularly reviewed.

Using these options, the family can continue to live in their usual place of residence until proceedings are concluded, supporting stability in the child's life. Living in the community allows families to be self-sustaining, and in most cases financial aid from the state authorities or NGOs is not required.

Research conducted by the International Detention Coalition (IDC) indicates that **migrants in alternatives to detention in the community rarely abscond**. In the United States, more than 85% of asylum seekers living in the community have regularly attended legal



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proceedings on their matter. In Australia, those who resided in the community complied with authorities in 93% of the cases, while in Belgium that figure stood at 82%.¹

Australia, the United States, and Canada have adopted living in the community as an alternative to detention.

C. Living in Family Facilities with support from a case manager

Living in open Family Facilities, run by welfare services, is an alternative to detention that ensures closer supervision. The right of internal movement is not restricted and there are viable and realistic options to temporarily leave the facilities during the day. Such facilities ensure that migrants, and particularly their children, do not experience a loss of freedom or detachment from the outside environment.

Family housing models allow families to reside in the community at a nominated address, with support from a case manager. Residences may be clustered in one location or spread throughout any given setting, depending on the wish of authorities and availability of resources. This ensures authorities can distribute the migrant population and preventing a disproportionate burden on specific regions or neighborhoods in which migrants normally live. Case managers may be present within the facility to ensure support and engagement, as is the case in housing models in a number of countries.

Belgium, for instance, decided not to detain undocumented children. Migrant families without legal status are placed in one of four housing complexes and are attended to by a case manager. Those residing there may leave the complex for different purposes, such as to meet their lawyer, shop, participate in religious services, etc. Each family receives food vouchers and prepares its own meals. The residence is equipped with kitchen tools, bed sheets, towels, and toys. Children can attend schools outside the complex. A doctor visits the families' residence regularly. The main restriction is that at least one family member

¹ Reference 'There are Alternatives' here



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must stay within the complex at all times, unless the entire family has been given permission to leave the facility by the "Care Coordinator." The entire family must stay inside the complex throughout the night.

Australia and Belgium have adopted open facilities as alternative to detention.

D. Expansion of use of youth villages for unaccompanied children:

For the past eight years, youth villages run by the Ministry of Education's Administration for Agricultural Education have successfully integrated unaccompanied minors who arrived in Israel. At present, minors who have been held in detention centers for long periods are released to the said youth villages. There is evidence that these minors have been able to successfully integrate, and even complete their studies. As far as we know, this is a unique example of an alternative to detention for unaccompanied minors, not used anywhere else in the world.

By adopting a strengthened screening and assessment process to identify unaccompanied minors and their suitability for placement in such villages, Israel can expand the use of alternatives, and eliminate the detention period before children are directed to a youth villages.

Given the success of the model to date, it would seem that Israel now has the opportunity to expand on this model and increase the number of youth villages available to unaccompanied minors, demonstrating a good practice for other countries to consider adopting also.

Conclusion:

Detention practices involving children require special attention by welfare professionals trained in dealing with children. The alternatives to detention suggested in this document are humane, efficient and have even proven to be financially advantageous in many countries. The detention of children should be the last resort; after all other



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options have been exhausted, rather than the first and most common resort, as is the case in Israel today.

Israel should formulate a policy for children without status in Israel and adopt alternatives to detention. **This is a necessary step deriving from current reality and from international treaties, Israel has signed and ratified: the Convention on the Rights of the Child, and the Convention relating to the Status of Refugees.**

The organizations signed below have drafted a detailed National Action Plan with alternatives to detention for children. These organizations and individuals are available for further exploration, discussion and development of the proposed alternatives.

The following experts from various fields have advised on and support the NAP:

- Retired Judge Saviona Rotlevi, former Chairperson of the Committee on the Rights of the Child
- Advocate Yehudit Karp, former personal assistant to the Attorney General of Israel
- Prof. Nimrod Aloni, Chair of the Institute for Progressive Education, Kibbutzim College
- Prof. Michelle Slone, School of Psychological Sciences, Tel Aviv University
- Dr. Garciela Carmon, Child and adolescent psychiatrist, head of Latif Mental Health Center for Children, Adolescents and Families in Umm al-Fahm and Shefa-'Amr, Co-Chair of Physicians for Human Rights
- Dr. Daniel Hamiel, Clinical and medical psychologist
- Mr. Dor Harary, Adolescent psychologist, Institute for Progressive Education, Kibbutzim College