Detention and the ICRC

Global Protection Cluster meeting – Bangkok 2018
Mandate of the ICRC in detention

The aim of the ICRC’s detention work includes:

ensuring respect for the rights of individuals deprived of their liberty and ensuring that the authorities responsible for their detention fulfil their obligations.

The ICRC’s action to benefit people deprived of their liberty seeks:

to ensure respect for the physical and psychic integrity and the dignity of detainees throughout their period of detention and to help them return to society following detention.
Access & Working modalities

Direct access to places of detention and detainees is a key component of any ICRC detention action.

1. Access to all detainees of ICRC concern
2. Access to all places of detention, all premises used by and for the detainees
3. Right to interview in private all detainees chosen by ICRC
4. Right to register detainees
5. Right to repeat visits

Within a confidential dialogue with the Authorities
• **International armed conflicts:** right to access according to ICRC working procedures: art.126 GCIII, 143 GCIV

• **Non International armed conflicts:** right to offer services: article 3 GC + ICRC Statutes (& Agreement with the detaining authorities)

• **Other situations of violence:** ICRC Statutes (& Agreement with the detaining authorities)
### ICRC detention work in 2017

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Places of detention visited</td>
<td>1'437</td>
</tr>
<tr>
<td>Detainees in places of detention</td>
<td>940'326</td>
</tr>
<tr>
<td>Number of visits'</td>
<td>4'411</td>
</tr>
<tr>
<td>Detainees followed individually</td>
<td>35'274</td>
</tr>
<tr>
<td>newly registered</td>
<td>19'941</td>
</tr>
<tr>
<td>Number of contexts</td>
<td>92</td>
</tr>
</tbody>
</table>
Levels of intervention

- Legal Framework
- Institutional level
- Detaining Authorities
- Place of Detention
- People detained

Multidisciplinary team work

Systemic approach

Individual approach

Support

Mobilization

substitution

Persuasion
Playing the complementarity of the legal instruments

• International law: IHL and IHRL
• National laws
• Standards Minimum Rules
• Professional standards
Beyond detention: a beneficiary centric approach

ICRC detention action is related to a larger scope

Before detention
   Allegation of arrests, tracing request, conduct of hostilities

During detention
   Criminal Justice system (ex overcrowding), situation extra muros

After detention
   DDR, Release check, Follow up
Key contemporary issues

Legal framework: enhancing protection of people deprived of their liberty in NIAC

Access: There should be no assistance without visits or attempts that could undermine access by others

Use of immigration detention: detention should be a measure of last resort

Over-securisation: detaining authorities should avoid additional restrictions above and beyond those that are strictly necessary and proportionate