

# Detention and the ICRC



# 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

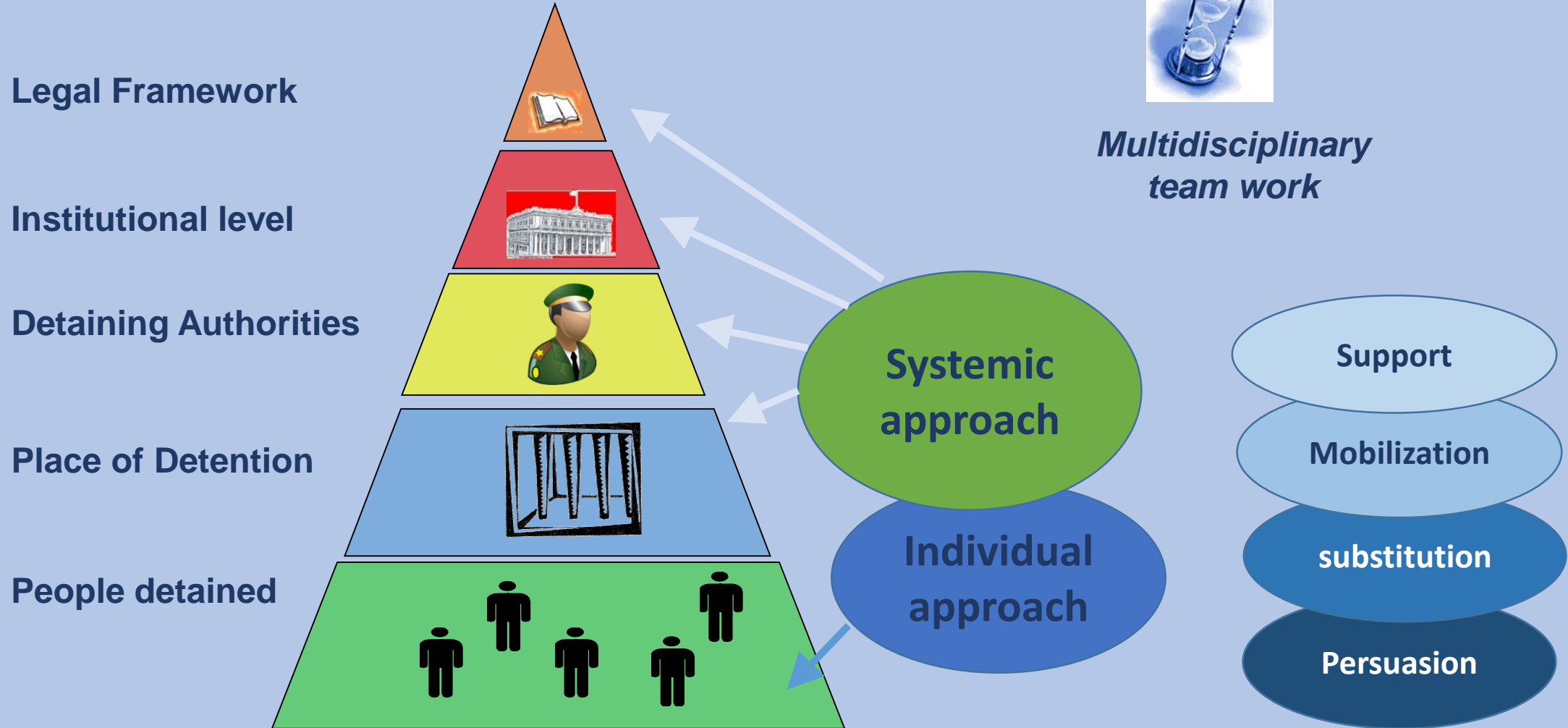
## Legal basis of ICRC mandate

- **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

|   |                |
|---|----------------|
| <b>Places of detention visited</b>      | <b>1'437</b>   |
| <b>Detainees in places of detention</b> | <b>940'326</b> |
| <b>Number of visits'</b>                | <b>4'411</b>   |
| <b>Detainees followed individually</b>  | <b>35'274</b>  |
| <b>    newly registered</b>             | <b>19'941</b>  |
| <b>Number of contexts</b>               | <b>92</b>      |

# Levels of intervention



# 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