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**STEERING COMMITTEE FOR HUMAN RIGHTS
(CDDH)**

**DRAFTING GROUP ON MIGRATION AND HUMAN RIGHTS
(CDDH-MIG)**

Draft Bibliography on Alternatives to Immigration Detention¹

¹ This is a non-exhaustive bibliography on alternatives to immigration detention. The sources listed include most of the references used in the CDDH *Analysis of the legal and practical aspects of alternatives to detention in the context of migration* (CDDH-Analysis) as well as new documents that are relevant for the on-going work of CDDH-MIG.

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I. COUNCIL OF EUROPE

1. Legal Instruments

[Convention for the Protection of Human Rights and Fundamental Freedoms, 04 November 1950, as amended by Protocol No. 11 and No. 14](#)

[Council of Europe Convention on preventing and combating violence against women and domestic violence, 11 May 2011](#)

[Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 25 October 2007](#)

[Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005](#)

[European Social Charter \(Revised\), 3 May 1996](#)

[European Convention on the Legal Status of Migrant Workers, 24 November 1977](#)

2. European Court of Human Rights

2.1. Deprivation of liberty / Restriction on the freedom of movement

[*Z.A. and others v. Russia*, Nos. 61411/15 and 3 others, 28 March 2017](#) (Referral to the Grand Chamber)

[*Ilias and Ahmed v. Hungary*, No. 47287/15, 14 March 2017](#) (Referral to the Grand Chamber)

[*De Tommaso v. Italy*, No. 43395/09, 23 February 2017 \[GC\]](#)

[*S.K. v. Russia*, No. 52722/15, 14 February 2017](#)

[*Riad and Idiab v. Belgium*, Nos. 29787/03 and 29810/03, 24 January 2008](#)

[*H.L. v. the United Kingdom*, No. 45508/99, 5 October 2004](#)

[*Shamsa v. Poland*, Nos. 45355/99 and 45357/99, 27 November 2003](#) (only in French)

[*Amuur v. France*, No. 19776/92, 25 June 1996](#)

[*Guzzardi v. Italy*, No. 7367/76, 6 November 1980](#)

2.2. Lawfulness / non-arbitrariness

[J.R. and Others v. Greece, No. 22696/16, 25 January 2018 \(only in French\)](#)

[Khlaifia and Others v. Italy, No. 16483/12, 15 December 2016 \[GC\]](#)

[Nabil and Others v. Hungary, No. 62116/12, 22 September 2015](#)

[Kim v. Russia, No. 44260/13, 17 July 2014](#)

[Mohammadi v. Austria, No. 71932/12, 3 July 2014](#)

[Ermakov v. Russia, No. 43165/10, 7 November 2013](#)

[Suso Musa v. Malta, No. 42337/12, 23 July 2013](#)

[Azimov v. Russia, No. 67474/11, 18 April 2013](#)

[Nada v. Switzerland, No. 10593/08, 12 September 2012 \[GC\]](#)

[Creanga v. Romania, No. 29226/03, 23 February 2012 \[GC\]](#)

[Keshmiri v. Turkey \(No 2\), No. 22426/10, 17 January 2012](#)

[Stanev v. Bulgaria, No. 36760/06, 17 January 2012 \[GC\]](#)

[Longa Yonkeu v. Latvia, No. 57229/09, 15 November 2011](#)

[Auad v. Bulgaria, No. 46390/10, 11 October 2011](#)

[M. and Others v. Bulgaria, No. 41416/08, 26 July 2011](#)

[R.U. v. Greece, No. 2237/08, 7 June 2011 \(only in French\)](#)

[Kiyutin v. Russia, No. 2700/10, 10 March 2011](#)

[M.S.S. v. Belgium and Greece, No. 30696/06, 21 January 2011 \[GC\]](#)

[Iskandarov v. Russia, No. 17185/05, 23 September 2010](#)

[Louled Massoud v. Malta, No. 24340/08, 27 July 2010](#)

[Medvedyev and Others v. France, No. 3394/03, 29 March 2010 \[GC\]](#)

[Raza v. Bulgaria, No. 31465/08, 11 February 2010](#)

[*Mikayil Mammadov v. Azerbaijan*, No. 4762/05, 17 December 2009](#)

[*Mikolenko v. Estonia*, No. 10664/05, 8 October 2009](#)

[*Abdolkhani and Karimnia v. Turkey*, No. 30471/08, 22 September 2009](#)

[*S.D. v. Greece*, No. 53541/07, 11 June 2009](#)

[*A. and Others v. the United Kingdom*, No. 3455/05, 19 February 2009 \[CG\]](#)

[*Rashed v. the Czech Republic*, No. 298/07, 27 November 2008 \(only in French\)](#)

[*Rusu v. Austria*, No. 34082/02, 2 October 2008](#)

[*Sadaykov v. Bulgaria*, No. 75157/01, 22 May 2008](#)

[*Ladent v. Poland*, No. 11036/03, 18 March 2008](#)

[*Saadi v. United Kingdom*, No. 13229/03, 29 January 2008 \[GC\]](#)

[*Singh v. the Czech Republic*, No. 60538/00, 25 January 2005 \(only in French\)](#)

[*Vasileva v. Denmark*, No. 52792/99, 25 December 2003](#)

[*H.M. v. Switzerland*, No. 39187/98, 26 February 2002](#)

[*Čonka v. Belgium*, No. 51564/99, 5 February 2002](#)

[*Witold Litwa v. Poland*, No.26629/95, 4 April 2000](#)

[*Baranowski v. Poland*, No. 28358/95, 28 March 2000](#)

[*Chahal v. the United Kingdom*, No. 22414/93, 15 November 1996 \[GC\]](#)

[*Dudgeon v. the United Kingdom*, No. 7525/76, 22 October 1981](#)

2.3. Procedural safeguards for person deprived of liberty

[*Lokpo and Touré v. Hungary*, No. 10816/10, 20 September 2011](#)

[*Kaboulov v. Ukraine*, No. 41015/04, 19 November 2009](#)

[*Shamayev and Others v. Georgia and Russia*, No. 36378/02, 12 April 2005](#)

[*Kerr v. the United Kingdom*, No. 40451/98, Partial Decision, 7 December 1999](#)

[*Murray v. the United Kingdom*, No. 14310/88, 28 October 1994 \[GC\]](#)

[Fox, Campbell and Hartley v. the United Kingdom, Nos. 12446/86, 12245/86 and 12383/86, 30 August 1990](#)

[Airey v. Ireland, No. 6289/73, 9 October 1979](#)

2.4. Vulnerability

[Thimothawes v. Belgium, No. 39061/11, 4 April 2017](#) (only in French)

[O.M. v. Hungary, No. 9912/15, 5 July 2016](#)

[Abdi Mahamud v. Malta, No. 56796/13, 3 May 2016](#)

[Mahamed Jama v. Malta, No. 10290/13, 26 November 2015](#)

[Asalya v. Turkey, No. 43875/09, 15 April 2014](#)

[Yoh-Ekale Mwanje v. Belgium, No. 10486/10, 20 December 2011](#)

[M.S.S. v. Belgium and Greece, No. 30696/06, 21 January 2011 \[GC\]](#)

[Rantsev v. Cyprus and Russia, No. 25965/04, 7 January 2010](#)

2.4.1. Children

[H.A. and Others v. Greece, No. 19951/16, 28 February 2019](#) (available in French only)

[S.F. and Others v. Bulgaria, No. 8138/16, 7 December 2017](#)

[Abdullahi Elmi and Aweys Abubakar v. Malta, Nos. 25794/13 and 28151/13, 22 November 2016](#)

[A.B. and Others v. France, No. 11593/12, 12 July 2016](#)

[A.M. and Others v. France, No. 24587/12, 12 July 2016](#)

[R.M. and M.M. v. France, No. 33201/11, 12 July 2016](#)

[R.K. and Others v. France, No. 68264/14, 12 July 2016](#)

[R.C. and V.C v. France, No. 76491/14, 12 July 2016](#)

[Tarakhel v. Switzerland, No. 29217/12, 4 November 2014 \[GC\]](#)

[Mahmundi and Others v. Greece, No. 14902/10, 31 July 2012](#) (only in French)

[Popov v. France, Nos. 39472/07 and 39474/07, 19 January 2012](#)

[*Kanagaratnam v. Belgium*, No. 15297/09, 13 December 2011 \(only in French\)](#)

[*Rahimi v. Greece*, No. 8687/08, 5 April 2011 \(only in French\)](#)

[*Muskhadzhiyeva and Others v. Belgium*, No. 41442/07, 19 January 2010 \(only in French only\)](#)

[*Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, No. 13178/03, 12 October 2006](#)

3. European Committee of Social Rights

[*European Committee for Home-Based Priority Action for the Child and the Family \(EUROCEF\) v. France*, Complaint No. 114/2015, 24 January 2018](#)

[*European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands*, Complaint No. 86/2012, 2 July 2014](#)

[*Federation of Catholic Family Associations in Europe \(FAFCE\) v. Ireland*, Complaint No. 89/2013, 12 September 2014](#)

[*Conference of European Churches \(CEC\) v. the Netherlands*, Complaint No. 90/2013, 1 July 2014](#)

[*Defence for Children International \(DCI\) v. Belgium*, Complaint No. 69/2011, 23 October 2012](#)

[*Defence for Children International v. the Netherlands*, Complaint No. 47/2008, 20 October 2009](#)

[*International Federation of Human Rights Leagues \(FIDH\) v. France*, Complaint No. 14/2003, 8 September 2004](#)

* * *

[Statement of interpretation on the rights of refugees under the European Social Charter, \(elaborated during the 280th session of the European Committee of Social Rights in Strasbourg, 7-11 September 2015\)](#)

4. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

[Factsheet on immigration detention, March 2017](#)

[Safeguards for irregular migrants deprived of their liberty, Extract from the 19th General Report of the CPT, published in 2009](#)

5. Group of Experts on Action against Trafficking in Human Beings

[Trafficking in Children, Thematic Chapter of the 6th General Report on GRETA's Activities, May 2018](#)

[5th General Report on GRETA's activities, covering the period from 1 October 2014 to 31 December 2015, February 2016](#)

6. Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

[Special report, Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse, adopted by the Lanzarote Committee on 3 March 2017](#)

7. Committee of Ministers

[Reply to Parliamentary Assembly Recommendation 2056 \(2014\) on the alternatives to immigration detention of children, 29 May 2015](#)

[Reply to Recommendation 1900 \(2010\) - The detention of asylum seekers and irregular migrants in Europe, 15 October 2010](#)

[Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010 and explanatory memorandum, October 2011](#)

[Guidelines on human rights protection in the context of accelerated asylum procedures, adopted by the Committee of Ministers on 1 July 2009 at the 1062nd meeting of the Ministers' Deputies](#)

[Twenty Guidelines on Forced Return, 925th Meeting of the Ministers' Deputies, 4 May 2005](#)

[Recommendation Rec\(2003\)5 of the Committee of Ministers to member states on measures of detention of asylum seekers, Adopted by the Committee of Ministers on 16 April 2003 at the 837th meeting of the Ministers' Deputies](#)

8. Parliamentary Assembly

[Resolution 2020 \(2014\) and Recommendation 2056 \(2016\) The alternatives to immigration detention of children, 3 October 2014](#)

[Recommendation 1985 \(2011\) Undocumented migrant children in an irregular situation: a real cause for concern, 7 October 2011](#)

[Resolution 1810 \(2011\) Unaccompanied children in Europe: issues of arrival, stay and return, 15 April 2011](#)

[Report, Resolution 1707 \(2010\) and Recommendation 1900\(2010\) Detention of asylum seekers and irregular migrants in Europe, 28 January 2010](#)

[Resolution 1637 \(2008\) on Europe's boat people: mixed migration flows by sea into southern Europe, 28 November 2008](#)

[Parliamentary Assembly Resolution 1509 \(2006\) Human rights of irregular migrants, 27 June 2006](#)

[Recommendation 1703 \(2005\) Protection and assistance for separated children seeking asylum, 28 April 2005](#)

[Recommendation 1547 \(2002\) Expulsion procedures in conformity with human rights and enforced with respect for safety and dignity, 22 January 2002](#)

* * *

[Parliamentary Campaign to End Immigration Detention of Children, *Study of immigration detention practices and the use of alternatives to immigration detention of children*, 2017](#)

9. Special Representative of the Secretary General on migration and refugees

[Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, to Bulgaria, 13-17 November 2017, 19 April 2018](#)

[Report of the fact-finding mission by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees to Serbia and two transit zones in Hungary, 12-16 June 2017, 13 October 2017](#)

[Report of the fact-finding mission to Italy by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 16-21 October 2016, 2 March 2017](#)

[Thematic Report on migrant and refugee children prepared by the Special Representative of the Secretary General on migration and refugees, 10 March 2017.](#)

[Report of the fact-finding mission to Turkey by Ambassador Tomáš Boček, Special Representative of the Secretary General on migration and refugees, 30 May – 4 June 2016, 10 August 2016](#)

[Report of the fact-finding mission by Ambassador Tomáš Boček Special Representative of the Secretary General on migration and refugees to Greece and “the former Yugoslav Republic of Macedonia” 7-11 March 2016, 26 April 2016.](#)

10. Commissioner for Human Rights

[Report of the Commissioner for Human Rights of the Council of Europe, Dunja MIJATOVIĆ, Following her Visit to Greece from 25 to 29 June 2018, CommDH\(2018\)24, 6 November 2018](#)

[Rapport par Nils MUIŽNIEKS, Commissaire aux Droits de l'Homme du Conseil de l'Europe, suite à sa visite en Suisse du 22 au 24 Mai 2017, CommDH\(2017\)26, 17 octobre 2017 \(in French only\)](#)

[Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe, following his visit to Slovenia from 20 to 23 March 2017, CommDH\(2017\)21, 11 July 2017](#)

[Report by Nils Muižnieks Commissioner For Human Rights of the Council of Europe Following his Visit to Cyprus From 7 to 11 December 2015, CommDH\(2016\)16, 31 March 2016](#)

[Memorandum on the human rights of asylum seekers and immigrants in the United Kingdom, CommDH\(2016\)17, 22 March 2016.](#)

[Report By Nils Muižnieks Commissioner for Human Rights of the Council Of Europe Following his Visit to Belgium from 14 to 18 September 2015, CommDH\(2016\) 1, 28 January 2016](#)

[Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe following his visit to Bulgaria from 9 to 11 February 2015, CommDH\(2015\)12, 22 June 2015](#)

[Report by Nils Muižnieks Commissioner For Human Rights of the Council of Europe Following his Visit to Hungary from 1 To 4 July 2014, CommDH\(2014\)21, 16 December 2014](#)

[Human Rights Comment, Protecting Children's Rights: Europe should do more, 18/11/2014](#)

[Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe, following his visit to the Netherlands from 20 to 23 May 2014, CommDH\(2014\)18, 14 October 2014](#)

[Report by Nils MUIŽNIEKS, Commissioner for Human Rights of the Council of Europe, following his visit to Denmark from 19 to 21 November 2013, CommDH\(2014\)4, 24 March 2014](#)

[Positions on the Rights of Minor Migrants in an Irregular Situation, CommDH/PositionPaper\(2010\)6, 25 June 2010](#)

[Positions on the Rights of Migrants in an Irregular Situation, CommDH/PositionPaper\(2010\)5, 24 June 2010](#)

[Report by the Commissioner for Human Rights, Thomas Hammarberg, on his visit to the Netherlands 21-25 September 2008, CommDH\(2009\)2, 11 March 2009](#)

11. European Programme for Human Rights Education for Legal Professionals (HELP)

[Online Courses](#)

- Refugee and migrant children
- Asylum and the European Convention on Human Rights
- Right to liberty and security

12. Other Publications

[*"Immigration Detention of Children: Coming to a Close?"*, Conference Report, Prague, 25-26 September 2017](#)

II. EUROPEAN UNION

1. Legal Instruments

[Charter of Fundamental Rights of the European Union, OJ. 2000 C364, 18 December 2000](#)

Secondary law

[Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast\), L 180/96](#)

[Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection \(recast\), 29 June 2013, L 180/60](#)

[Regulation \(EU\) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person \(recast\), L 180/31](#)

[Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted \(recast\), 29 December 2011, L337/9](#)

[Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, L 101/1](#)

[Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, L 348/98](#)

[Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, 6 August 2004, L 261/19](#)

2. Court of Justice of the European Union

[Judgment of 15 March 2017, Case C-528/15, *Salah Al Chodor and Others*, EU:C:2017:213](#)

[Judgment of 5 June 2014, Case C-146/14 PPU, *Mahdi*, EU:C:2014:1320](#)

[Judgment of 27 February 2014, Case C-79/13, *Federaal agentschap voor de opvang van asielzoekers v Saciri and Others*, ECLI:EU:C:2014:103](#)

[Judgment of 27 September 2012, Case C-179/11, *Cimade and GISTI v Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration*, ECLI:EU:C:2012:594](#)

[Judgment of 28 April 2011, Case C-61/11 PPU, *Hassen El Dridi, alias Karim Soufi*, EU:C:2011:268](#)

[Judgment of 30 November 2009, Grand Chamber, Case C-357/09 PPU, *Said Shamilovich Kadzoev \(Huchbarov\)*, EU:C:2009:741](#)

[Judgment of 15 February 2016, Case C-601/15 PPU, *J. N. v Staatssecretaris voor Veiligheid en Justitie*, EU:C:2016:84](#)

3. European Commission

[*Annex to the Commission Recommendation establishing a common "Return Handbook" to be used by Member States' competent authorities when carrying out return related tasks*, C\(2017\) 6505, Brussels, 27 September 2017](#)

[Communication from the Commission to the European Parliament and the Council, *The protection of children in migration* \(COM\(2017\) 211 final\), 12 April 2017](#)

[Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *A European Agenda on Migration* \(COM\(2015\) 240 final\), 13 May 2015](#)

[Communication from the Commission to the Council and the European Parliament on EU Return Policy, COM\(2014\) 199 final, Brussels, 28.3.2014](#)

[Communication from the Commission to the European Parliament and the Council, *Action Plan on Unaccompanied Minors \(2010 - 2014\)* \(COM\(2010\)213 final\), 6 May 2010](#)

4. European Parliament

[European Parliament resolution of 12 September 2013 on the situation of unaccompanied minors in the EU \(2012/2263\(INI\)\)](#)

[European Parliament resolution of 4 February 2014 on undocumented women migrants in the European Union \(2013/2115\(INI\)\), 4 February 2014](#)

5. European Union Agency for Fundamental Rights

[FRA, *European legal and policy framework on immigration detention of children*, 2017](#)

[FRA, “*Alternatives to detention for asylum seekers and people in return procedures*”, October 2015](#)

[FRA, *Detention of third country nationals in return procedures*, 30 November 2010](#)

6. European Migration Network

[EMN, *Synthesis Report – The Use of Detention and Alternatives to Detention in the Context of Immigration Policies*, November 2014](#)

III. UNITED NATIONS

1. Legal Instruments

[Convention on the Rights of Persons with Disabilities, 13 December 2006](#)

[Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 18 December 2002](#)

[Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000](#)

[Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000](#)

[International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 18 December 1990](#)

[Convention on the Rights of the Child, 20 November 1989](#)

[Convention on the Elimination of All Forms of Discrimination against Women, 18 December 1979](#)

[International Covenant on Civil and Political Rights, 16 December 1966](#)

[International Covenant on Economic, Social and Cultural Rights, 16 December 1966](#)

[International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965](#)

[Convention relating to the Status of Stateless Persons, 28 September 1954](#)

[Convention relating to the Status of Refugees, 28 July 1951](#)

2. Normative

[Global Compact for Safe Orderly and Regular Migration, 13 July 2018](#)

[UN General Assembly, New York Declaration for Refugees and Migrants: resolution/adopted by the General Assembly, 3 October 2016, A/RES/71/1](#)

[UN General Assembly, Protection of migrants: resolution/adopted by the General Assembly, 25 February 2016, A/RES/70/147](#)

[UN General Assembly, Migrant children and adolescents: resolution/adopted by the General Assembly, 11 February 2015, A/RES/69/187](#)

[UN General Assembly, Protection of migrants: resolution/adopted by the General Assembly, 3 April 2013, A/RES/67/172](#)

[UN General Assembly, Guidelines for the Alternative Care of Children: resolution/adopted by the General Assembly, 24 February 2010, A/RES/64/142](#)

[UN General Assembly, Protection of migrants: resolution/adopted by the General Assembly, 17 March 2009, A/RES/63/184](#)

[UN General Assembly, United Nations Standard Minimum Rules for Non-Custodial Measures \(The Tokyo Rules\): resolution / adopted by the General Assembly, 2 April 1991, A/RES/45/110](#)

[UN General Assembly, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: resolution/adopted by the General Assembly, 9 December 1988, A/RES/43/173](#)

3. Treaty-based bodies

3.1. Human Rights Committee

3.1.1. Opinions

[Zeyad Khalaf Hamadie Al-Gertani v. Bosnia and Herzegovina, Communication No. 1955/2010, CCPR/C/109/D/1955/2010, Views adopted on 1 November 2013](#)

[F.K.A.G. et al. v. Australia, Communication No. 2094/2011, CCPR/C/108/D/2094/2011, Views adopted on 26 July 2013](#)

[Saed Shams and Others v. Australia, Communications Nos. 1255,1256,1259,1260,1266,1268,1270,1288/2004, CCPR/C/90/D/1255,1256,1259,1260,1266,1268,1270&1288/2004, Views adopted on 20 July 2007](#)

[Danyal Shafiq v. Australia, Communication No. 1324/2004, CCPR/C/88/D/1324/2004, Views adopted on 31 October 2006](#)

[Ali Aqsar Bakhtiyari and Roqaiha Bakhtiyari v. Australia, CCPR/C/79/D/1069/2002, Date of adoption of Views:29 October 2003](#)

[Omar Sharif Baban v. Australia, Communication No. 1014/2001, CCPR/C/78/D/1014/2001, Views adopted on 6 August 2003](#)

[C. v. Australia, Communication No. 900/1999, CCPR/C/76/D/900/1999, Views adopted on 28 October 2002](#)

[A v. Australia, Communication No. 560/1993, CCPR/C/59/D/560/1993, 30 April 1997](#)

[Celepli v. Sweden, Communication No. 456/1991, CCPR/C/51/D/456/1991, Views adopted on 18 July 1994](#)

[Van Alphen v. the Netherlands, Communication No. 305/1988, CCPR/C/39/D/305/1988, Views adopted on 23 July 1990](#)

3.1.2. General Comments

[CCPR, General comment No. 35 on Article 9 \(Liberty and security of person\), CCPR/C/GC/35, 16 December 2014](#)

[CCPR, General comment No. 31 \[80\], The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add. 13, 26 May 2004](#)

[CCPR, General Comment No. 27, Freedom of Movement \(Art. 12\), 1 November 1999](#)

[CCPR, General Comment No. 20: Article 7 \(Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment\), 10 March 1992](#)

3.2. Committee on Economic, Social and Cultural Rights

[Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights, E/C.12/2017/1, 13 March 2017](#)

3.3. Committee on the Rights of the Child

Joint general comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, 16 November 2017

Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017.

CRC, General comment No. 20 (2016) on the implementation of the rights of the child during adolescence, 6 December 2016

General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), 29 May 2013

General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005

CRC, General comment No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6), CRC/GC/2003/5, 27 November 2003

* * *

Committee on the Rights of the Child, Report of the 2012 Day of General Discussion on the Rights of All Children in the Context of International Migration, 28 September 2012

3.4. Committee on the Protection of the Rights of All Migrant Workers and Members of their Families

CMW, General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, CMW/C/GC/2, 28 August 2013,

3.5. Committee Against Torture

CAT, General Comment No. 3 (2012): Implementation of article 14 by States parties, CAT/C/GC/3, 13 December 2012

3.6. Committee on the Elimination of Discrimination against Women

[CEDAW, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, CEDAW/C/GC/32, 5 November 2014](#)

3.7. Committee on the Rights of Persons with Disabilities

[CRPD, Concluding observations European Union, CRPD/C/EU/CO/1, 2 October 2015](#)

4. High Commissioner for Refugees

4.1. Policy document, Guidelines, Reports, etc.

[UNHCR's position regarding the detention of refugee and migrant children in the migration context, January 2017](#)

[UNHCR, Baseline Report - Detention situation as of end 2013. Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019, August 2016](#)

[UNHCR, Progress Report mid-2016. Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees, 2014-2019, August 2016](#)

[UNHCR, Options Paper 1: Options for governments on care arrangements and alternatives to detention for children and families, 2015](#)

[UNHCR, Options Paper 2: Options for governments on open reception and alternatives to detention, 2015](#)

[UNHCR, 2014 -2019 Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seekers and refugees, 2014](#)

[UNHCR, Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012](#)

[UNHCR, Second Global Roundtable on Reception and Alternatives to Detention, Toronto, Canada, 20-22 April 2015, Summary of deliberations, August 2015](#)

[UNHCR / OHCHR, Global Roundtable on Alternatives to Detention of Asylum-Seekers, Refugees, Migrants and Stateless Persons, Geneva, Switzerland, 11-12 May 2011, Summary Conclusions, July 2011](#)

[UNHCR, *Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum*, February 1997](#)

4.2. ExCom and Standing Committee

[UNHCR, *Alternatives to detention*, 3 June 2015](#)

[Executive Committee of the High Commissioner's Programme \(ExCom\), *Conclusion on International Protection*, 9 October 1998, No. 85 \(XLIX\) – 9 October 1998](#)

[UNHCR, *Detention of Refugees and Asylum-Seekers No. 44 \(XXXVII\) - 1986*, 13 October 1986](#)

4.3. Handbooks, Training tools, etc.

UNHCR, Alternatives to Detention Self-study Modules, November 2018

[Module 0](#)

[Module 1](#)

[Module 2](#)

[Module 3](#)

[Module 4](#)

[Module 4/1](#)

[Module 4/2](#)

[Module 5](#)

[Module 5/1](#)

[Module 6](#)

[Module 7/1](#)

[Module 7/2](#)

[UNHCR *Beyond Detention Toolkit: Guiding Questions for the assessment of Alternatives to Detention*, May 2018](#)

[UNHCR, *Compilation of International Human Rights Law and Standards on Immigration Detention*, February 2018](#)

[UNHCR *Detention Checklist*, July 2017](#)

[UNHCR, *Stateless Persons in Detention: A tool for their identification and enhanced protection*, June 2017](#)

[UNHCR, *UNHCR and IDC \(2016\), Vulnerability Screening Tool - Identifying and addressing vulnerability: a tool for asylum and migration systems*, 2016](#)

5. International Organization for Migration

[Immigration Detention and Alternatives to Detention, 2017](#)

[International Migration Law Information Note on International Standards on Immigration Detention and Non-Custodial Measures, IOM Submission to the Working Group on Arbitrary Detention, November 2016](#)

6. Office of the United Nations High Commissioner for Human Rights

[OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders, 2014](#)

[OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, E/2002/68/Add.1, 20 May 2002](#)

[Situation of migrants in transit - Report of the Office of the United Nations High Commissioner for Human, A/HRC/31/35, 27 January 2016](#)

7. Special Procedures of the Human Rights Council

7.1. Working Group on Arbitrary Detention

[WGAD, Revised Deliberation No. 5 on deprivation of liberty of migrants, 7 February 2018](#)

[Report of the Working Group on Arbitrary Detention: United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court, A/HRC/30/37, 6 July 2015](#)

[Report of the Working Group on Arbitrary Detention, A/HRC/13/30, 18 January 2010](#)

[Report of the Working Group on Arbitrary Detention, A/HRC/10/21, 16 February 2009](#)

[Report of the Working Group on Arbitrary Detention, A/HRC/7/4, 10 January 2008](#)

7.2. Special Rapporteur on the human rights of migrants

[Special Rapporteur on the human rights of migrants, François Crépeau, Human rights of migrants, A/71/285, 4 August 2016](#)

[Special Rapporteur on the human rights of migrants, François Crépeau, Regional study: management of the external borders of the European Union and its impact on the human rights of migrants, A/HRC/23/46, 24 April 2013](#)

[Report of the Special Rapporteur on the human rights of migrants, François Crépeau, A/HRC/20/24, 2 April 2012](#)

[Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, A/65/222, 4 August 2010](#)

[Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, A/HRC/11/7, 14 May 2009](#)

[Report of the Special Rapporteur on the human rights of migrants, Gabriela Rodríguez Pizarro, E/CN.4/2003/85, 30 December 2002](#)

7.3. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

[Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/28/68, 5 March 2015](#)

7.4. Report of the Special Rapporteur on trafficking in persons

[Report of the Special Rapporteur on trafficking in persons, especially women and children, A/HRC/38/45, 14 May 2018](#)

[Report of the UN Special Rapporteur on trafficking in persons, especially women and children, A/HRC/32/41, 3 May 2016](#)

8. United Nations International Children's Emergency Fund

[UNICEF, A child is a child - Protecting children on the move from violence, abuse and exploitation, UNICEF, May 2017](#)

IV. BACKGROUND DOCUMENTS

1. Studies, Reports, Articles, etc.

[Eiri Ohtani, Alternatives to detention: from theory to practice, Evaluation of three engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland, July 2018](#)

[Dr Graham Durcan, Jessica Stubbs and Dr Jed Boardman, Report, Immigration Removal Centres in England: A mental health needs analysis, Centre for mental health, January 2017](#)

[Detention Action, Without Detention: Opportunities for alternatives, September 2016](#)

[Inter-Agency Working Group \(IAWG\) to End Child Immigration Detention, Summary of normative standards and recommendations on ending child immigration detention, August 2016](#)

[Laetitia Van der Vennet, Détention des enfants en famille en Belgique : analyse de la théorie et de la pratique, Plate-forme Mineurs en Exil, Plate-forme Mineurs en exil, Décembre 2015 \(in French only\)](#)

[IDC, There are Alternatives: A handbook for preventing unnecessary immigration detention \(revised edition\), 2015](#)

[Bloomfield, E. Tsourdi and J. Pétin, Alternatives to Immigration and Asylum Detention in the EU, Odysseus Network, January 2015](#)

[Inter-American Court of Human Rights, Advisory Opinion OC-21/14, 19 August 2014](#)

[Refugee Studies Centre, Forced Migration Review No. 44 - Detention, alternatives to detention, and deportation, September 2013](#)

[J. Phelps, "Alternatives to detention in the UK: from enforcement to engagement," Forced Migration Review, 44, September 2013](#)

[C. Costello and E. Kaytaz, Building Empirical Research into Alternatives to Detention: Perceptions of Asylum-Seekers and Refugees in Toronto and Geneva, UNHCR Legal and Protection Policy Research Series, PPLA/2013/02.REV.1, June 2013](#)

[Better Care Network et al, Discussion Paper: Identifying Basic Characteristics of Formal Alternative Care Settings for Children, March 2013](#)

[Kevin Marsh, Meena Venkatachalam, Kunal Samanta, An economic analysis of alternatives to long-term detention, Matrix Evidence, 2012](#)

[Edwards, *Back to Basics: The Right to Liberty and Security of Person and 'Alternatives to Detention of Refugees,' Asylum-Seekers, Stateless Persons and Other Migrants*, UNHCR Legal and Protection Policy Research Series, PPLA/2011/01.Rev.1, April 2011](#)

[Jesuit Refugee Service \(JRS\), *From Deprivation to Liberty: Alternatives to detention in Belgium, Germany and the United Kingdom*, December 2011](#)

[Heaven Crawley, *Ending the detention of children: developing an alternative approach to family returns*, Centre for Migration Policy Research \(CMPR\), June 2010](#)

[JRS–Europe, *Becoming Vulnerable in Detention: Civil Society Report on the Detention of Vulnerable Asylum Seekers and Irregular Migrants in the European Union* \(The DEVAS Project\), June 2010](#)

[Amnesty International, *Irregular migrants and asylum-seekers: Alternatives to immigration detention*, 2009](#)

[International Detention Coalition \(IDC\), “*Case management as an alternative to immigration detention: the Australian Experience*,” June 2009](#)

[Jesuit Refugee Service \(JRS\), *Alternatives to Detention of Asylum Seekers*, Working paper, October 2008](#)

[O. Field and A. Edwards, *Alternatives to Detention of Asylum-Seekers and Refugees*, UNHCR Legal and Protection Policy Research Series, POLAS/2006/03, April 2006](#)

[Physicians for Human Rights and The Bellevue/NYU program for survivors of torture, “*From persecution to prison: the health consequences of detention for asylum seekers*,” June 2003](#)

[European Council on Refugees and Exiles \(ECRE\), *Research Paper on Alternatives to Detention; Practical Alternatives to the Administrative Detention of Asylum Seekers and Rejected Asylum Seekers*, September 1997](#)

2. Online tools

International Detention Coalition (IDC), [Interactive Map – Alternatives to Detention](#)
[Global NextGen Index](#)

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