

Ref: CommHR/MOF/sf 038-2026

Mr Víðir REYNISSON

Chair of the Judicial Affairs and Education Committee
Parliament of Iceland

Strasbourg, 17 February 2026

Dear Chair,

My mandate is to promote the effective observance and full enjoyment of human rights in Council of Europe member states. This includes engaging in dialogue with national authorities and assisting them in their efforts to remedy shortcomings in the implementation of human rights obligations.

I am writing concerning the bill establishing a “Departure Centre” (Frumvarp til laga um brottfararstöð, Parliamentary Document 293, Item 230) for foreign nationals with pending procedures or facing removal, who may be deprived of liberty for administrative purposes.

The bill contains welcome elements, such as for improved conditions by avoiding using ordinary prisons as holding facilities prior to removal. It also introduces safeguards, including an explicit reference to the best interests of the child and a prohibition of the detention of unaccompanied children.

However, I am concerned that the bill provides for the possibility of detaining accompanied children for up to a maximum of nine days.

The European Court of Human Rights (“the Court”) has repeatedly emphasised the extreme vulnerability of children in migration contexts, which must take precedence over considerations related to migration status. The Court has held that detention should be avoided and may only be used as a measure of last resort, after confirming, on the basis of an individualised assessment, that no less restrictive alternative would be sufficient, and that detention is strictly necessary and proportionate. I note that although the bill caps the detention of children with their families at nine days and describes it as a measure of last resort, it does not require the authorities to demonstrate, in each individual case, that no alternative measure is possible.

Under the UN Convention on the Rights of the Child (CRC), states must treat children first and foremost as children, and must respect, protect, and fulfil their rights without discrimination, including irrespective of their or their families’ migration status. The CRC Committee has stressed that “the detention of any child because of their or their parents’ migration status constitutes a child rights violation and contravenes the principle of the best interests of the child”. The Committee has called on states to “expeditiously and completely cease or eradicate the immigration detention of children.” This position has been reiterated by the Parliamentary Assembly of the Council of Europe and UNHCR.

In light of the above, I encourage members of the Committee to amend the bill to exclude provision for the detention of children on the basis of their or their parents’ migration status, and to require instead that, if certain measures need to be taken in the interest of migration proceedings, these are non-custodial, ensuring that primary consideration is given to the best interests of the child.

I would be grateful if you could ensure that all members of the Committee receive a copy of this letter.

Yours sincerely,



Michael O'Flaherty