

WHAT SUPREME COURT SAID ABOUT DETENTION OF CHILDREN

1

Judgment of Supreme Court of the Slovak republic:
10SZa/12/2016 from 14 June 2016:

“Even if the Act on stay of foreigners allows for detention of children together with their parents, **police authority shall act with due diligence taking into account the best interest of the child when it decides about placement of children and their parents to police detention.** The police authority cannot overlook the fact that **the best interest of the child** cannot be effectively achieved without reflecting the **jurisprudence of the European Court of Human Rights**, which has repeatedly declared that **detention of minor children, specifically of those in company of their parents, have breached the article 3 of Convention on the Rights of the Child and also article 3 of European Convention on protection of human rights.**”

2

“In Supreme court’s opinion, when deciding about detention of children together with their parents, police authority should take into account that **unaccompanied children as well as children accompanied on their journey with their parents; should not suffer from lengthy stay in detention.** In addition, situation would be aggravated when parents of children are in position of asylum seekers and declare that they dispose of financial resources which can cover their expenses related to their stay in territory of the Slovak Republic.”

3

“Supreme Court considers important to point out that **children should be sanctioned neither for migratory status of their parents** (eg. for the fact that their parents travel without necessary documents, or with changed or even forged documents), nor for their **previous behavior**, which is evaluated as **risk of absconding**.”