



The Center for the Human Rights of
Children, Loyola University of
Chicago School of Law
25 E. Pearson St. | Chicago, IL 60611
p (773) 508-8051 | f (773) 508-8054

Loyola's Center for the Human Rights of Children Submits Report to UN Condemning Parent-Child Separations under the Trump Administration's Zero Tolerance Policy as Torture

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Chicago – The Center for the Human Rights of Children (CHRC) at Loyola University Chicago School of Law, in collaboration with leading national organizations working to protect migrant children's rights, Kids In Need of Defense (KIND), the Women's Refugee Commission (WRC), and the Young Center for Immigrant Children's Rights (Young Center), submitted a report to the United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report addresses the Trump Administration's systematic execution of forced parent-child border separations under the "Zero Tolerance" policy as a form of torture with long-lasting, and in many cases permanent, impact on separated children's physical, mental, emotional, and developmental well-being.

The Special Rapporteur has stated that "the deprivation of liberty of migrant children based solely on their own or their parents' migration status is never in the best interests of the child" and "may amount to cruel, inhuman or degrading treatment." The report submits that despite the universal prohibition against torture and ill treatment, harm to children via parent-child separation was in fact central to the design of the Trump Zero Tolerance" policy to deter migration to the U.S.-Mexico border. While the Biden has created a Task Force to enable the reunification of children separated from their parents, there is no indication that the U.S. government intends to pursue accountability nor institute an effective prohibition on the use of parent-child separations in the future.

The report calls upon the UN to investigate the systemic human rights violations resulting from the "Zero Tolerance" policy and assess the trauma and harm to children caused by parent-child separation through the framework of long-standing international prohibitions against torture. The report recommends that the UN condemn parent-child separation under the "Zero Tolerance" policy as a form of torture under the Convention Against Torture. The report affirms that "state-sanctioned torture of children should never be deemed incident to a lawful sanction." Finally, the report urges the Special Rapporteur to recommend that restorative services be provided by the U.S. government to all families impacted by the "Zero Tolerance" policy and to call upon the U.S. government to recommit to its international obligations to protect the rights of migrant children.

"The Center for the Human Rights of Children condemns the use of family separation as a tool of torture to punish or coerce migrants from seeking entry at the US border. We call upon the international human rights community to ensure that this crime, perpetrated against children, never takes place again," said Sarah J. Diaz, Associate Director of the Center for the Human Rights of Children at Loyola University Chicago School of Law.

“The Women’s Refugee Commission is proud to join our colleague organizations in offering this contribution on the Torture of Migrant Children in the United States to the Special Rapporteur’s Report on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,” said Leah Chavla, Senior Policy Advisor for the Migrant Rights and Justice program at the Women’s Refugee Commission. “For years, WRC has been raising the alarm about the severe harms of family separation since before its widespread implementation through the Trump administration’s ‘Zero Tolerance’ and related policies. We urge the Special Rapporteur to undertake a thorough investigation of the systematic human rights violations of the ‘Zero Tolerance’ policy and make a formal declaration that such deliberate family separation constitutes torture. Families have been ripped apart and many are still separated, dealing with the lifelong, irreparable consequences that forcible separation has wrought on their lives. We encourage the Special Rapporteur to take up this important matter in his forthcoming report and to issue recommendations to the United States on restorative measures it can and should take.”

"Young Center Child Advocates were appointed to hundreds of children taken from their parents during ‘Zero Tolerance’ and saw firsthand the devastating impact of family separation,” said Jennifer Nagda, Policy Director at the Young Center for Immigrant Children's Rights. “International accountability through the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is a critical tool for ensuring that the U.S. government is never again able to engage in an intentional violation of children’s and parents’ rights—the right to family integrity—by separating them to advance a political agenda.”

“The forced separation of children and families under the last administration’s ‘Zero Tolerance’ policy has had devastating and enduring consequences for the well-being and safety of thousands of children and their families,” said Wendy Young, President of KIND. “These cruel practices not only violated the most basic principles of morality but represent a profound violation of human rights and the United States’ commitments under international law. We urge the Special Rapporteur to make clear what thousands of children and families who have experienced it already know: the forced separation of families for purposes of cruelty and deterrence constitutes torture. These practices should be thoroughly investigated, and policies should be implemented to make sure that families are never again torn apart in the name of deterrence. It is critical that the US government act quickly to extend permanent legal protection to these families and to make sure that all can access the critical support services they need today and going forward to begin healing and to safely live, work, and achieve the stability they need and deserve.”

The CHRC report will be used to inform the Special Rapporteur’s forthcoming report to the 49th session of the Human Rights Council regarding torture and other cruel, inhuman or degrading treatment or punishment with a special focus on migration-related torture. To read the CHRC input to the Special Rapporteur, click [here](#).

For media inquiries contact Katherine Kaufka Walts, CHRC Director, kkaufkawalts@luc.edu or Sarah J. Diaz, Associate Director, sdiaz10@luc.edu.