

WHY CHILDREN SHOULD NOT BE PUT IN CAGES

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In December 2018, U.S. immigration authorities faced major scrutiny for the deaths of Jakelin Caal Maquín and Felipe Alonzo Gómez, two Guatemalan children who died in the custody of Customs and Border Protection, according to CNN reports on the two children. Questions emerged over government procedure in handling children at the border, particularly those claiming credible fear of returning to their country of origin. Broadly speaking, the stories of Jakelin and Felipe reignited the public conversation about why the government was detaining children at all, because Jakelin and Felipe were not the only ones. Reporting by *The New York Times* on December 18, 2018, estimated that roughly 15,000 migrant children are currently in U.S. government custody, many of them without their parents. In this essay, I argue that the ongoing detention and separation of children from their parents at the U.S.-Mexico border violates some of the most basic foundations of human rights. Protecting human rights in any government action is a standard mechanism of any moral government *a priori*. When analyzing policy from a deontological framework, the deduction is that if a policy violates human rights, it outweighs the supposed benefits of that policy. Thus, by understanding the harm to the child, family, and rule of law, the detention and separation of children along the southern border proves to be ethically problematic.

The policy of child detention and separation did not just set off alarm bells in activist and legal circles, but also in the medical community. As Amy Cohen, a trauma expert and child psychiatrist, told *The New York Times*, “Studies have shown that the institutionalization of children in general, and away from their families, has serious deleterious affects [sic] on their psychological and physical health, as well as their growth and development.” As a result, the U.S.’s policy of child detention and separation deprives those children of their ability to be healthy. The narratives

surrounding child detention and separation vary in their graphic and cruel nature, but follow a pattern of pain. In my research the only positive coverage of the policy came from government sources. An in-depth 2018 analysis by Amnesty International concluded that the government's policy directly violated children's rights to family unity under international law, as well as the government's responsibility to properly care for children in their custody. Simply put: newly-arrived migrant children are used as political ploys, and in the process, are subjected to intentional cruelty by the government- or as Amnesty International calls it, "torture."

Years ago, leadership under President Obama struggled to adequately process the number of unaccompanied minors at the border. In that process, the administration received backlash from conservatives who argued that the government incentivized border crossings via lax immigration rhetoric. To counter this, President Trump explicitly argued for the use of child detention and separation as a deterrent. The aforementioned Amnesty International report furthers, "As President Donald Trump and his cabinet have repeatedly complained, the illegality of detaining young children had prevented the indefinite detention of asylum-seeking families, so the administration used family separations to detain the parents individually." However, the use of such a devastating policy as deterrence rhetoric has dramatic implications on families. A July 10, 2018, article from *The New York Times* highlights the story of Milka Pablo and her three-year-old daughter Darly, who were both separated upon U.S. entry. When Health and Human Services tried to reunite the two, Darly did not recognize her mother. Instead, Darly cried for "Miss," referring to the caretaking social worker. Their story is unique, but separating thousands of children from their parents is bound to endanger family structures. Families at the border seek to argue legitimate asylum claims, but are subjected to trauma when they approach immigration officials in the U.S. In that sense, the

government will not even allow families to suffer together. The disturbing reality is a double-harm to powerless individuals.

Beyond echoing a message of contempt against immigrants, U.S. policy also communicates the structural problems of the administration. The deterioration of migrants' human rights is indicative of institutionalized abuse. Jacqueline Bhabha, Professor of the Practice of Health and Human Rights at Harvard University explains it frankly in a July 6, 2018, interview with Katie Gibson, "Usually you see countries resort to these sorts of things in wartime, but in peacetime, it's unprecedented... That's a violation of human rights, and that's something that none of our peer countries do." Public accountability and political efficacy both call for ethical governments to safeguard their constituents' human rights, especially its most vulnerable, youngest population. The problem arises when governments do not view certain demographics as constituents, but instead as political tools for demagoguery. Consequently, the effects of the child detention and separation policy has caught the attention of the international community and watchdogs like the Human Rights Watch. On December 24, 2018, the United Nations Office of the High Commissioner for Human Rights called for a full investigation into Jakelin's death, and even went as far as arguing for the end of child detention at the border. In a world where the U.S. consistently hails itself as an arbiter of human rights, it is shameful that it sponsors a mass detention of children who suffered both abroad and in government custody, but need their parents to speak for them.

Investigations of Jakelin and Felipe's deaths are still ongoing, primarily from third-party agencies. Homeland Security, Health and Human Services, and Customs and Border Protection stand firm in their denial of any liability. To prevent deaths, government bodies seem to focus more on blaming the families for undertaking the dangerous journey. Yet it is in the most powerful nation

in the world that migrant children are denied human rights via detention and family separation.

This degradation of human rights is evident in the effects on children, families, and political institutions that carry out the policies. Watchdog organizations have made their recommendations for ethical change. Ultimately, it will be up to the current administration to make such changes. I fear that the administration will likely refuse, and that high possibility calls for us to be the agents for change.

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