



WORLD CONGRESS ON  
**JUSTICE FOR CHILDREN**



# Prevention of Radicalization in Detention

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## **MANFRED NOWAK**

Independent Expert leading the UN Global Study on Children Deprived of Liberty  
Professor of International Human Rights, University of Vienna  
Director of the Ludwig Boltzmann Institute of Human Rights  
Secretary General of the European Inter-University Centre  
for Human Rights and Democratisation, Venice



# Background



- **1996:** *UN Report on the Impact of Armed Conflict on Children* by **Graça Machel** leading to the appointment of a **Special Representative of the Secretary-General on Children in Armed Conflict**, Leila Zerrougui (2012-2017), Virginia Gamba (since 2017);
- **2006:** *United Nations Study on Violence against Children* by **Paulo Sérgio Pinheiro** leading to the appointment of a **Special Representative of the Secretary-General on Violence Against Children**, Marta Santos Pais
- **General Assembly Resolution 69/157 of 18 December 2014:** invited the UN Secretary General to commission an in-depth Global Study on Children Deprived of Liberty

# Background

- **28 August 2015:** UNSG establishes **High Level Inter-Agency Task Force** consisting of
  - SRSG Violence Against Children (chair)
  - SRSG Children in Armed Conflict
  - OHCHR
  - UNHCR
  - UNODC
  - UNICEF
  - UN Committee on the Rights of the Child
- **23 September 2016: Fundraising Appeal** by DSG Jan Eliasson, based on the **estimated budget of 4,7 million USD**
- **25 October 2016:** Manfred Nowak was appointed as **Independent Expert** leading the Global Study
- **General Assembly Resolution 71/177 of 19 December 2016:** invites the designated Independent Expert to update Member States on the progress made and to submit a final report to the UNGA at its 73<sup>rd</sup> session in September 2018
- **General Assembly Resolution 72/245 of 24 December 2017:** extends the deadline for the submission of the final report to the GA until 2019 (74<sup>th</sup> session)





# Why a UN Global Study on Children Deprived of Liberty?

- **UN Convention on the Rights of the Child:** Deprivation of Liberty of Children only as a measure of last resort, and in exceptional circumstances if absolutely necessary, only for the shortest period of time.
- In **reality**, far too many children are detained in prisons, pre-trial detention centres, police lock-ups, children's homes, orphanages or other closed institutions for refugee and migrant children, child soldiers or children accused of terrorism.
- Still, there is **no reliable statistical data** on the number of children deprived of liberty and we lack information on the reasons for their detention as well as on alternative measures for the purpose of de-institutionalization and reducing the number of children deprived of liberty.
- **Childhood is a formative time in everyone's life.** Putting children behind bars and depriving them of their right to personal liberty leaves a deep mark – in their lives and in society.



# Drawing on Experiences as UN Special Rapporteur on Torture



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# Main Objectives of the Global Study

- To assess the **magnitude** of this phenomenon, including the number of children deprived of liberty (disaggregated by age and gender), as well as the reasons invoked, the root-causes, type and length of deprivation of liberty and places of detention
- To document **good practices** and experiences and to capture the views and **experiences of children** to inform the Global Study's recommendations
- To raise **awareness** and promote a change in stigmatizing attitudes and behaviour towards children at risk of arrest or detention as well as children who are deprived of liberty
- To provide **recommendations** for law, policy and practice to safeguard the rights of children concerned, prevent the detention of children and significantly reduce the number of children deprived of liberty through effective non-custodial alternatives guided by the best interests of the child

# Key Focus Areas

Children deprived of liberty in **institutions**



Children deprived of liberty for **migration-related reasons**



Children deprived of liberty on **national security grounds**



Children living in places of detention with their parents



Children deprived of liberty in the context of **armed conflict**



Children deprived of liberty within the **administration of justice**



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# How to Prevent Radicalization in Detention?

1. Prevention of Detention
2. Treating Children as Victims, not as Perpetrators
3. Using Human Rights to Counter Terrorism
4. Principle of Normalization
5. Treatment of Children in Detention
6. Minimum Standards of Detention



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# Prevention of Detention

- Article 37 Convention of the Rights of the Child (CRC): deprivation of liberty only as a **measure of last resort and for the shortest appropriate period of time**;
- Non-custodial measures should always be considered first (even in cases of alleged acts of terrorism)
- Prison environments are always a breeding ground for negative influences on children, such as drugs, violence, radicalization and recidivism



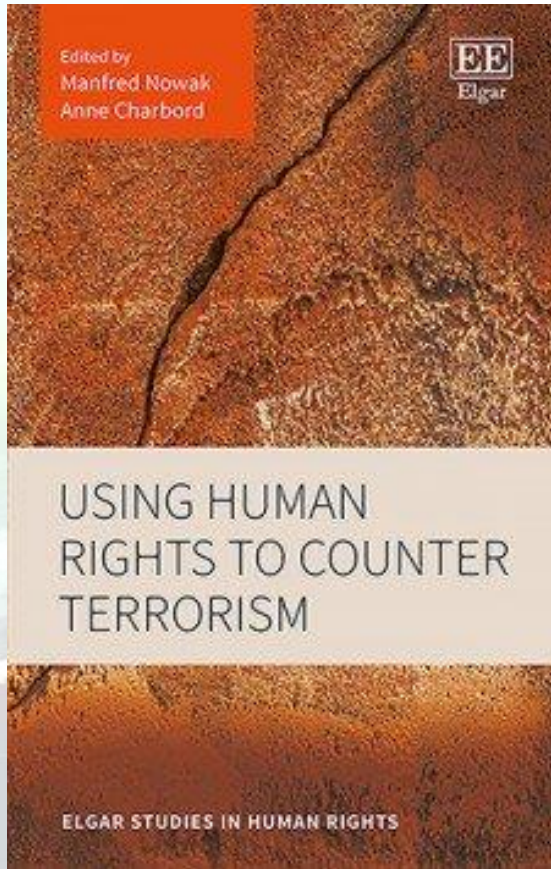
# Treating Children as Victims

- Lessons learned from similar experiences:
  - Child soldiers
  - Violent youth gangs
- Rather than treating them as perpetrators, we should **treat children as victims** and afford them with the necessary **social and psychological assistance** instead of punishing them with imprisonment





# Using Human Rights to Counter Terrorism



- States' lack of respect for human rights is counterproductive and hinders their fight against terrorism.
- The US-led «War on Terror» with its practices of human rights violations (Guantanamo Bay, extraordinary rendition, CIA black sites, torture, drone attacks etc.) contributed to further hatred, radicalization and increased, rather than decreased, the threat of terrorism.

# Principle of Normalization

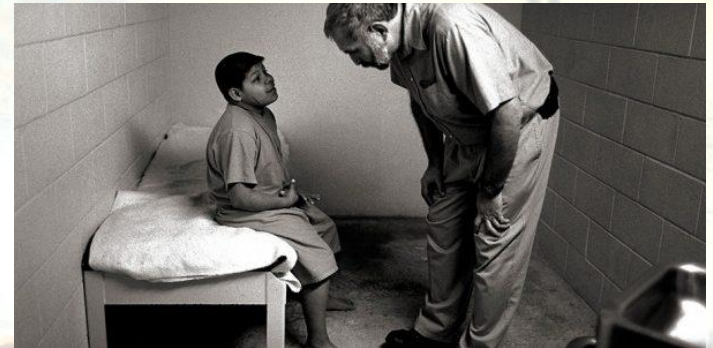
- If children accused of terrorism or any other crime need to be – as a measure of last resort – subjected to detention, the **highest standards of detention and a child friendly environment** shall be applied.
- This includes:
  - Open prisons
  - Access to education
  - Access to health and psychological care
  - Access to sports and recreation
  - Individual counselling
  - Rehabilitation
  - Communication with families and outside world





# Treatment of Children in Detention


- Prison staff (directors, guards, social workers, health professionals, psychologists and prison chapelins) need to **treat child detainees as their clients** and not as «bad sheep» or criminals.
- Children are still in a formative stage of their lives and therefore are easily influenced, both in positive and negative ways
- **Staff in juvenile detention centers needs special training** including child friendly social skills and languages, taking into account the variety of nationalities, backgrounds and cultures in today's detention system
- Inclusion of diasporas as relateable peer-to-peer persons who are accepted as authorities by children in detention (e.g. religious leaders)



# Conclusions

1. The Global Study on Children Deprived of Liberty deals also with children detained on suspicion or conviction of terrorism or similar national security grounds
2. The Global Study aims at reducing the number of children deprived of liberty on the basis of scientific evidence and of improving their situation in detention
3. As higher the standards of detention, as lower is the wish of violence, radicalization, extremism and terrorism
4. Radicalization in detention can best be prevented by:
  - The principle of normalization
  - Child-friendly prisons
  - Strict separation of children from adults and pre-trial detainees from convicted prisoners
  - Individual treatment with the inclusion of diasporas aimed at rehabilitation and re-socialization





**Thank you for your attention!**

**Together, we will make the Global Study a success, reduce the number of children deprived of liberty and impact their lives for the better!**