



# WORLD CONGRESS ON **JUSTICE FOR CHILDREN**



## **SPECIAL EVENT:**

**FREE KIDS!**

**UNLEASHING THE POTENTIAL OF THE  
'UN GLOBAL STUDY ON CHILDREN DEPRIVED OF LIBERTY'**

**Manfred Nowak**

United Nations Independent Expert leading the  
Global Study on Children Deprived of Liberty

Wednesday, 30. May 2018, 11:00 – 12:00

Room V, UNESCO House, Paris/France

# 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
  - SRSV Violence Against Children (chair)
  - SRSV 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 Sept. 2018
- **General Assembly Resolution 72/245 of 24 December 2017:** extends a 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 everyones 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





# 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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# Data Collection process

- Global Study Questionnaire and Database
- Desk research
- Commissioned studies and papers
- **Thematic and regional consultations**
- Engaging children's voices and experiences



# Methodological Framework – Core research questions

## 1. Understanding:

What is the worldwide scope of deprivation of liberty of children, and what are the conditions of children living in such situations?

What are pathways and root causes for children being deprived of their liberty, and what is the impact on their future development and society at large?

Improved understanding of the phenomenon, both in quantitative (statistical numbers, proportions) and qualitative terms is instrumental for the development of effective policies, greater visibility and mobilisation of relevant actors to take action.

→ ADDRESS INFORMATION GAP

# Methodological Framework – Core research questions (cont.)

## 2. Current response:

Under which conditions is deprivation of liberty of children justified under international law?

To what extent and under which conditions is deprivation of liberty compatible with the best interests of the child and other child rights principles and standards?

The entails critical review of the applicable legal framework of deprivation of liberty, including principles of last resort, deprivation for the shortest period of time as well as procedural safeguards. It will analyse their implementation in practice, addressing existing challenges as well as collecting examples of good practices.

→ ADDRESS JUSTIFICATION IN PRINCIPLE AND PRACTICE



# Methodological Framework – Core research questions (cont.)

## 3. Non-Custodial measures:

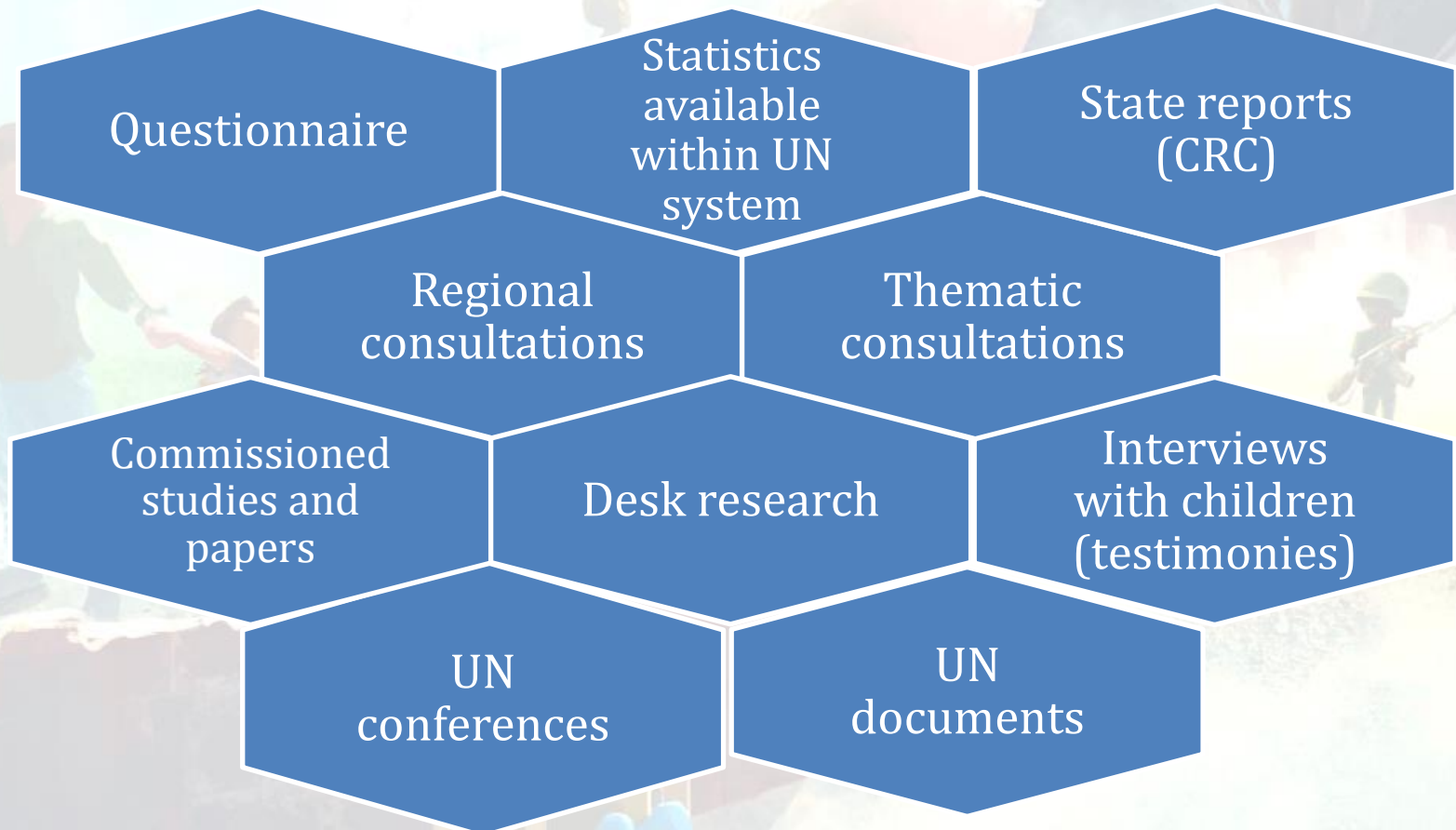
How can deprivation of liberty of children and its negative impact be prevented?

What alternatives to deprivation of liberty are available and have proven to be effective as a child rights-based response?

In many countries, efforts are underway to empower children and families, strengthen child protections systems in order to prevent situations leading to deprivation of liberty. The Study aims to identify such good practices as alternatives to deprivation of liberty.

**→ ADDRESS NON-CUSTODIAL MEASURES TO, AND PREVENTION OF, DEPRIVATION OF LIBERTY**

# Data collection: variety of sources





# Aims of the questionnaire

- The main aim is to collect and provide **quantitative statistical data (2008-2017)** about the number of children deprived of liberty in the six key focus areas.
- In addition, Governments are encouraged to provide **examples of best practices and innovative non-custodial measures** aimed at reducing the number of children deprived of liberty according to the child rights principles. Governments are also requested to provide copies of relevant laws, studies, policies, reports etc.
- The questionnaire aims at **striking a realistic balance** between data that are needed to enable a comprehensive and comparative analysis of children deprived of liberty on the one hand, and data which can realistically be expected from Governments to be collected and made available.



# Timeframe: questionnaire

- February 2018: Sending out the questionnaire to governments
- **26 June 2018:** Snapshot (providing a snapshot of the number of children detained at that specific point in time)
- **1 September 2018:** Responses to the questionnaire should be sent in both hard copy and electronic format in one of the six official United Nations languages
- July/August 2018: Launching database
- September 2018: Analysis of the responses received and integration into the relevant chapters of the UN Global Study



# The importance of snapshot

- Since many relevant data might not be available for the past, the questionnaire requests Governments to take a special effort in collecting such data at a particular date in the near future (**26 June 2018**) to provide a **snapshot of the number of children detained at that specific point in time**.
- Governments and relevant Ministries are requested to **instruct all heads of prisons and other detention facilities** in time to be well prepared to gather these disaggregated data on 26 June.
- Snapshot data will allow to assess the global magnitude (while **eliminating double-counting**).
- If your government collects such “snapshot” data on **another day of the year**, please provide the specific day.

# Data collection as a collective effort

- The role of focal persons in Governments:
  - Liase with relevant Ministries (Justice, Interior, Health, Education, Children, etc.)
  - Cooperate with other stakeholders (see below)
- Assistance the Governments in the data collection efforts by:
  - Field offices of UN agencies
  - NHRIs and NPMs
  - NGOs active in the respective countries
- Support from the UN Global study Team

# Roles and Responsibilities

- **Research Coordination:** Independent Expert and core team hosted at Ludwig Boltzmann Institute of Human Rights (Vienna/Austria)
- **Research Groups for the different key focus areas:**
  - *Research Lead from research institution/academia*
  - *UN focal point*
  - *NGO focal point*
  - *Advisory Board member and/or child consultation expert*
- **Steering Committee:** UN Inter-Agency Task Force
- **Advisory Board:** Group of High Level Experts accompanying the process
- **Consultative Status:** Children's Participation Group, Health Experts Group
- **Liaison with UN agencies and Member States:** OHCHR
- **Supporting structures:** OHCHR (*online database, data collection, communication strategy*)



# Research Institutions

Ludwig Boltzmann Institute of  
Human Rights (BIM)

Centre for Child Law,  
University of Pretoria

Global Campus of Human Rights

Joint Research Centre (JRC)

European Inter-University Center for Human  
Rights and Democratisation (EIUC)

University of Lanús in Buenos Aires

Mahidol University in Bangkok

# UN Inter-Agency Taskforce

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Office of the United Nations High Commissioner for Refugees (UNHCR)

United Nations International Children's Emergency Fund (UNICEF)

United Nations Office on Drugs and Crime (UNODC)

UN Committee on the Rights of the Child

International Organization for Migration (IOM)

Special Representative of the Secretary General on Children in Armed Conflict (SRSG-CAC)

Special Representative of the Secretary General on Violence against Children (SRSG-VAC)



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# NGO Panel

The NGO Panel for the Global Study on Children Deprived of Liberty, consisting of **144 NGOs**, is set up to **coordinate joint advocacy and lobbying efforts** towards the launch, completion and follow-up of the Study.

## Core Group:

- Defence for Children International (DCI)
- Human Rights Watch (HRW)
- Child Rights International Network (CRIN)
- International Catholic Child Bureau (ICCB/BICE)
- International Detention Coalition (IDC)
- International Juvenile Justice Observatory (IJJO)
- Penal Reform International (PRI)
- Terre des Hommes International Federation
- World Organization Against Torture (OMCT)



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# Advisory Board

- **Ann Skelton**, Member of the UN Committee on the Rights of the Child (**CHAIR**)
- **Malcolm Evans**, Chair of the UN Subcommittee on the Prevention of Torture (**VICE-CHAIR**)
- **Andrew Coyle**, Emeritus Professor on Prison Studies, University of London
- **Barry Goldson**, Professor of Criminology and Social Policy, School of Law and Social Justice, University of Liverpool
- **Benoit Van Keirsbilck**, Director of the Belgian section of Defence for Children International (DCI)
- **Ben Lewis**, Office of the United Nations High Commissioner for Human Rights (OHCHR)
- **Benyam Mezmur**, Former Chair of the UN Committee on the Rights of the Child
- **Catalina Devandas Aguilar**, UN Special Rapporteur on the rights of persons with disabilities
- **Dainius Puras**, UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of health
- **Hina Jilani**, Human Rights Lawyer/Activist
- **Jean Zermatten**, former chair of the UN Committee on the Rights of the Child
- **Jo Becker**, Advocacy Director of the Children's Rights Division at Human Rights Watch (HRW)
- **Juan Mendez**, former UN Special Rapporteur on Torture
- **Mary Beloff**, Children's Rights and Criminal Law Expert, Faculty of Law, University of Buenos Aires
- **Maud de Boer-Buquicchio**, UN Special Rapporteur on the sale of children, child prostitution and child pornography
- **Pablo Cariani Cernadas**, Vice Chairperson of the UN Committee on the Rights of Migrants
- **Thomas Hammarberg**, Swedish diplomat and human rights activist
- **Ursula Kilkelly**, Dean, School of Law, University College Cork, Director of the Child Law Clinic
- **Usang Maria Assim**, Senior Researcher Children's Rights Project, Dullah Omar Institute for Constitutional Law, Governance and Human Rights, University of the Western Cape

# Activities of the Independent Expert

- Meetings with **high officials of various UN departments and agencies** in New York, Geneva and Vienna
- Bilateral fundraising meetings with **ambassadors**, representatives of governments, private foundations and the corporate sector in Geneva, New York, Vienna, Berlin, Stockholm, Brussels and Rome
- Various meetings with the **NGO Panel** and consultations with the **UN Task Force** members
- Various side-events during the **Human Right Council** in Geneva
- Participation in conferences and **presentation of the Study** (Lumos Children Count, New York; CoE conference on Detention of Children in Social Welfare Institutions, Prague; etc.)



# Activities of the Independent Expert (cont.)

- High level **Expert Meeting** (development of the questionnaire), Venice (March 2017)
- Organization of first regional consultation in the framework of **OSCE Human Dimension Seminar** on the Rights of the Child, Warsaw (October 2017) and of the **EU Forum on the Rights of the Child** in Brussels (November 2017)
- **Emergency Fundraising Campaign**, coordinated together with BIM and the NGO Panel
- Update on the Global Study to **UN General Assembly** in New York on 10 October 2017
- Distribution of the **questionnaire** to all states and other stakeholders in February 2018
- **Kick-off meeting** of experts, research groups and the Advisory Board, Vienna (April 2018)
- **Regional and thematic Consultations:** Leiden (April 2018), Bangkok, Addis Ababa, Paris, Vienna (all in May 2018).
- **TBC Upcoming Events** (Uruguay, Costa Rica, Tunis,...)





# Financial Situation

- Until September 2017, only two governments (**Switzerland** and **Austria**) made financial contributions amounting to less than 5% of the budget
- Thanks to the **emergency fundraising campaign**, further funds were granted by **Germany, Liechtenstein, Malta, Qatar, the EU and private foundations** which enabled us to continue with the Global Study
- However, there is an urgent need to **continue our joint fundraising efforts**



**Thank you for your  
Participation and dedication!**

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