

The Honorable Ban Ki-Moon
Secretary-General
The United Nations

Re. Global Study on Children Deprived of Liberty: the Appointment of an Independent Expert

November, 2014

Dear Secretary-General,

We are writing as non-governmental organizations that work around the globe to advance the human rights of children. Despite the progress over the last 25 years since the Convention on the Rights of the Child was adopted, we are gravely concerned that millions of children around the world are unnecessarily and arbitrarily deprived of their liberty, in violation of states' international obligations. We welcome the decision of the General Assembly inviting you to commission an in-depth global study on children deprived of liberty, and are writing to strongly urge you to appoint an independent expert to conduct this important Study.

Over the past 20 years, your office has commissioned two other global studies on children: the 1996 UN Study on the Impact of Armed Conflict on Children, conducted by Ms. Graca Machel, and the 2006 UN Study on Violence against Children, conducted by Mr. Paulo Sergio Pinheiro. Both studies have proved crucial in mobilizing international attention to previously under-recognized issues, and prompted critical action to enhance the protection of children in vulnerable situations.

We believe that deprivation of liberty requires equally high-level attention. Numerous reports demonstrate that detention of children is costly, ineffective, and harms children's mental and physical development. Although the Convention on the Rights of the Child obliges states to ensure that detention or imprisonment of children should only be used as a measure of last resort and for the shortest possible period of time, in reality, detention is often used as the first response to perceived problems, rather than the last. Children are deprived of their liberty for many different reasons: because of their immigration status, real or perceived criminal offenses, physical or mental health, drug use, national security reasons, etc. Conditions of detention are often horrific, while alternatives are greatly lacking or underutilized.

A Global Study on Children Deprived of Liberty will help document the full extent to which children are deprived of their liberty, identify best practices, and put forward recommendations for how states can better fulfill their international obligations.

The Committee on the Rights of the Child recommended to the General Assembly in May 2014, pursuant to Article 45(c) of the Convention on the Rights of the Child, that a

Study be undertaken on the issue of children deprived of liberty, noting that there is a great lack of quantitative and qualitative data, research and verified information on this subject. (See attached letter.) The Committee further recommended that an independent expert be appointed to carry out the Study on your behalf, to work in a participatory process including a wide range of stakeholders.

Over 60 non-governmental organizations have supported the call for the Global Study on Children Deprived of Liberty (see attached list). We are eager to contribute our expertise to ensure a successful Study that can help reduce the number of children unnecessarily detained around the world and promote the concrete implementation of the human rights of children.

We urge you to appoint an independent expert to conduct the Study for the following important reasons:

- 1) Deprivation of liberty cuts across existing mandates and is of concern to a wide range of UN and other actors, including UNICEF, OHCHR, UNODC, WHO, the SRSG on violence against children, the SRSG on children and armed conflict, etc. An independent expert will be best able to ensure a comprehensive approach and broker cooperation and contributions to the Study by all relevant UN agencies and stakeholders.
- 2) The appointment of an independent expert is consistent with past practice, and will bring a high profile to the issue. The two previous UN studies on children (Graca Machel's 1996 Study on children and armed conflict and Paulo Pinheiro's 2006 Study on violence against children) were both conducted by well-known and internationally-respected independent experts. Their leadership helped ensure serious consideration of their respective studies, and concrete follow-up. The Study on deprivation of liberty deserves the same level of attention.

We understand that some member states may have concerns about duplication of mandates and possible costs to the UN budget. An independent expert would not be an on-going mechanism; his or her mandate would end when the Study is complete. Follow-up could be done by existing mandates. The General Assembly resolution also specified that the Study should be funded through voluntary contributions, so there will be no impact on the regular budget.

The Study should be undertaken as quickly as possible in light of the General Assembly's request that it be presented to its seventy-second session. For this reason, we hope you will move quickly to appoint an independent expert.

Thank you for your consideration. We would be happy to meet with members of your staff to discuss this request in greater detail.

Sincerely yours,
List of signing organizations

❖ Signatories:

- 1) *Defence for Children International (DCI)*
- 2) *Amnesty International*
- 3) *Association Antigone, Italy*
- 4) *Association for Childhood Education International (ACEI), USA*
- 5) *Le Bureau international des droits des enfants (IBCR)*
- 6) *Burundi Child Rights Coalition*
- 7) *Casa Alianza*
- 8) *Child Helpline International (CHI)*
- 9) *Child Rights International Network (CRIN)*
- 10) *Child Rights Network of Southern Africa (CRNSA)*
- 11) *Children's Human Rights Centre of Albania (CRCA), Albania*
- 12) *Colectivo de Derechos de Infancia y Adolescencia de Argentina*
- 13) *Coram Children's Legal Centre, United Kingdom*
- 14) *Dignité en Détention (DiDé), Switzerland*
- 15) *DOGODOGO CENTRE STREET CHILDREN TRUST*
- 16) *East African Centre for Human Rights (EACHRights)*
- 17) *ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)*
- 18) *Eurochild*
- 19) *Franciscans International*
- 20) *Geneva Infant Feeding Association - International Baby Food Action Network (IBFAN-GIFA)*
- 21) *Global Campaign to End Child Detention*
- 22) *Global Initiative to End All Corporal Punishment of Children*
- 23) *Human Rights Watch (HRW)*
- 24) *IDAY-International*
- 25) *INCIDIN Bangladesh*
- 26) *Institut international des Droits de l'Enfant (IDE), Switzerland*
- 27) *International Catholic Child Bureau (ICCB/BICE)*
- 28) *International Commission of Jurists (ICJ)*
- 29) *International Detention Coalition (IDC)*
- 30) *International Federation of University Women (IFUW)*
- 31) *International Juvenile Justice Observatory (IJJO)*
- 32) *ISPCAN (International Society for the Prevention of Child Abuse and Neglect)*
- 33) *Istituto Internazionale Maria Ausiliatrice (IIMA; Human Rights Office)*
- 34) *Minori Stranieri non Accompagnati*
- 35) *NATIONAL CONFEDERATION OF HUMAN RIGHTS PLAT-FORMN in Madagascar*
- 36) *Organisation Mondiale Pour L'Éducation Préscolaire (O.M.E.P.)*
- 37) *Penal Reform International (PRI)*
- 38) *Plan International*
- 39) *Quaker United Nations Office (QUNO)*
- 40) *Rights International, United Kingdom*
- 41) *Right to Education Project (RTE), United Kingdom*

- 42) *Save the Children*
- 43) *Terre des Hommes International Federation*
- 44) *Vides Internazionale, Italy*
- 45) *War Child Holland (WCH)*
- 46) *World Organization Against Torture (OMCT)*