

Human Rights Council (27th Session)

Panel on the Protection of the Human Rights of Persons Deprived of their Liberty (10 September 2014)

Delivered by: Defence for Children International (DCI), on behalf of the NGO Panel / Global Study Children Deprived of Liberty

Thank you Mr/Madam Chairperson,

We would like to thank the Human Rights Council for the chance to make this statement, and we welcome the opportunity to call upon the members of the United Nations Human Rights Council to agree and support the recommendation of the Committee on the Rights of the Child, to request that the United Nations Secretary-General undertake a **GLOBAL STUDY ON CHILDREN DEPRIVED OF LIBERTY**.

There is a great lack of quantitative and qualitative data (particularly disaggregated data), research and verified information on the situation of children deprived of their liberty. Deprivation of liberty has very negative consequences for the child's harmonious development. Children deprived of liberty are exposed to increased risks of abuse, violence, acute social discrimination and denial of their civil, political, economic, social and cultural rights; certain disadvantaged groups are more affected than others; and society is affected at large as deprivation of liberty tends to increase social exclusion, recidivism rates and public expenditure.

For all children, deprivation of liberty is only ever supposed to be a “*measure of last resort and for the shortest appropriate period of time*” and children must have access to a competent court with effective power to determine the lawfulness of their detention. In the context of child migrants, the CRC Committee has been clear that it is never in the best interests of a child to be detained based on their or their parents' migration status. Therefore, the immigration detention of children will *always* constitute a child rights violation.

To avoid these further risks of human rights violations in detention, states have an obligation to implement non-custodial, community-based alternatives to detention (ATD) for children at risk of being detained. Independent and child-friendly complaint mechanisms are to be put in place in institutional settings, to be able to make a request or file a complaint regarding the illegal detention or mistreatment of children. Furthermore, independent monitoring mechanisms are to be established, to conduct regular and unannounced visits to places where children may be deprived of liberty.

But whether in the context of juvenile justice or child migration, without collecting and monitoring data about children in detention, states cannot effectively tackle the issue. Therefore, there is a great need for the realization of this Global Study on Children Deprived of Liberty.

Call for a



Global Study on
Children Deprived of Liberty

A Global Study on Children deprived of liberty will aim to:

- Collect quantitative and qualitative **data and statistics** on children deprived of their liberty, addressing gender, age, vulnerable groups, and disparities (e.g., urban/rural, regions, ethnic groups).
- Describe the **situation of children in detention** facilities and the use and abuse of deprivation of liberty, considering international human rights law and standards;
- Explain the **key concepts** which are related to children's rights and deprivation of liberty with an aim to inform, and to promote greater commitment to improving child protection, and the enjoyment of child rights.
- Analyse the effective application of **prevention measures** and **alternative measures** that ensure that detention is never used in violation of child rights.
- Formulate **recommendations and good practices** to implement standards, as well as reduce the number of children deprived of their liberty.

We kindly request members of the United Nations Human Rights Council to support the launch and execution of this Global Study on Children Deprived of Liberty, and support colleagues at the United Nations General Assembly in requesting the United Nations Secretary General to conduct such an in-depth Study, funded through voluntary contributions and supported by relevant United Nations agencies and offices, including but not limited to the United Nations Office on Drugs and Crime, the Office of the High Commissioner on Human Rights, the United Nations Children's Fund, and the Interagency Panel on Juvenile Justice, and in consultation with relevant stakeholders, including civil society, academia, and children.

Thank you Mr/ Madam Chairperson.
