



**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandate of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment**

21 November 2014

**Call for a global study on children deprived of their liberty**

The Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Juan E. Méndez, supports the recommendation made by the Committee on the Rights of the Child, for a global study to be undertaken on the issue of children deprived of their liberty, including in criminal and administrative detention or held in private institutions.

The Special Rapporteur recently held expert consultations in Washington, DC on torture and cruel, inhuman or degrading treatment or punishment (CIDT) of children deprived of their liberty, which will be the focus of his upcoming thematic report to the 28<sup>th</sup> session of the Human Rights Council in March 2015. The Special Rapporteur finds that there is a lack of quantitative and qualitative data, research and verified information on the situation of children deprived of liberty worldwide.

Detention is fundamentally harmful for children. It jeopardizes their development and consequently that of society. Many detention facilities accustomed to holding children – both in criminal justice and administrative settings – fall woefully below international standards on conditions of confinement.

Detention often occurs in squalid conditions, without adequate oversight and regulation, negatively impacting children's mental and physical development. Children deprived of liberty are particularly vulnerable and exposed to increased risks of abuse, torture and ill-treatment, acute social discrimination, and denial of the right to education. Children in confinement often do not develop social skills, such as self-control and conflict resolution. They suffer from higher rates of mental illness and are at higher risk of suicide.

Therefore, the Special Rapporteur supports the call to appoint an "Independent Expert" to conduct an in-depth global study on children deprived of liberty and this specific language should be reflected in the draft Resolution (A/C.3/69/L.24/rev1) that is before the Third Committee of the 69<sup>th</sup> session of the UN General Assembly. An Independent Expert is crucial to ensure an objective and authoritative study is undertaken based on extensive consultations with all relevant stakeholders. The study is to be conducted in close cooperation with relevant United Nations agencies and offices, including but not limited to the United Nations Office on Drugs and Crimes, the Office of the High Commissioner for Human Rights, the United Nations Children's Fund, the Office of the SRSG for Children and Armed Conflict, the Office of the SRSG for Violence Against Children, as well as the Interagency Panel on Juvenile Justice, and in consultation with relevant stakeholders, including Member States, civil society, academia, and children, and to include for consideration by Member States best practices and recommendations for action to effectively realize all relevant rights of the child.

A handwritten signature in black ink, appearing to read 'J. Méndez', with a horizontal line underneath.

Juan E. Méndez

Special Rapporteur on the question of torture and other cruel,  
inhuman or degrading treatment or punishment