

UN Global Study on Children Deprived of Liberty

NGO ACTION PLAN AT NATIONAL LEVEL

The aim of this document is, **now that the Global Study on Children Deprived of Liberty (GSCDL) has concretely started**, to inform the NGO community about the GSCDL, its origin, its implementation, the methodology of work and the role of the NGOs, and more broadly civil society and the academic world, about the role they can play in the Study, including the ways they can support and contribute to it.

I. OVERVIEW OF STUDY AND OVERALL IMPLEMENTATION OF THE STUDY

1. Introduction

Gaps in data collection and dissemination and uneven implementation of international standards on the detention of children hinder the full realization of the human rights of children who are deprived of their liberty. To address these gaps and generate momentum for a renewed commitment to uphold the human rights of all children, including those in detention, a group of nongovernmental organizations launched a campaign in March 2014 to call for a Global Study on Children Deprived of Liberty. The group hopes that the study will contribute to positive change in the way that two previous global studies—on the Impact of Armed Conflict on Children (1996) and Violence Against Children (2006)—did.

The groups formed an NGO Panel, co-convened by Defence for Children International and Human Rights Watch, to call on governments and United Nations agencies to back the study. The NGO Panel's advocacy convinced the UN Committee on the Rights of the Child to ask the UN General Assembly to request the Secretary-General to undertake the study on their behalf. The General Assembly invited the Secretary-General to the study in 2014, and in 2016 the Secretary-General appointed Professor Manfred Nowak as the independent expert to lead the study.

The study will cover all forms of deprivation of liberty of children—for criminal or juvenile offences, in the course of migration enforcement, with parents who are detained, as a misguided response to disability, for involvement in armed conflict, or for reasons of national security.

The engagement of nongovernmental organizations, academics, other experts, and children's rights advocates will continue to be crucial in the preparation and follow-up of the study, which is expected to be finalized in 2019.

Information on the NGO Panel and how you can get involved can be found [here](#).

Please see the annex to this document for information about the background to the Study, the definition of deprivation of liberty, and the main actors.

2. Research process

Research based on existing data

- Review of existing international/regional framework.
- Mapping of key actors - international/regional institutional framework.
- Literature review, based on academic literature, reports from civil society, including material identified by Child Expert Group (focus on direct feedback from children).
- Identify issues for commissioned papers.

Collection of new data

- **Questionnaire** sent out to governments and to civil society organizations – at international, regional and national level.
- **Thematic consultation** along the six Study areas: data collection, best interests determination in Deprivation of Liberty decision-making processes, alternatives to Deprivation of Liberty.
- **Regional consultations**, including on cross-border challenges to Deprivation of Liberty of children (e.g. migration and cross-border child protection, family tracing and reunification as alternatives to migration-related detention); focus: promising/good practices for all three research questions – data collection, best interests determination in Deprivation of Liberty decision-making processes, alternatives to Deprivation of Liberty + Mapping/identify relevant events which could be linked to Global Study consultations
- Set up a **centralized interactive web-based global information-sharing platform** for uploading of existing research findings/documents/reports, references to academic literature, with special section on direct feedback reports from children + NGO Panel website/database.
 - ⇒ GFP, European Union Child Rights Forum NGO Panel meeting: develop tool to collect existing information – web-based - see [existing website](#).
- **Commissioned papers for targeted research**, e.g. on inter-agency cooperation and child protection systems approach or other topics identified above – depending on availability of funding
- Child Expert Group data/information/**children's views and perspectives**: Several scenarios are possible: establishment children's advisory committees to provide input to tools and approaches; consultations with children, testimonies of individuals who experiences DOL as children

3. Process and timeline

- **Dec 2017/Jan 2018** Establish Child Expert Group
- **Jan-August 2018** Desk-based research and regional consultations; advocacy on questionnaires
- **June 26** Census “snapshot” – data collection on children deprived of liberty
- **August** Internal baseline report
- **September 1** Deadline for return of questionnaires to Office of the High Commissioner for Human Rights (OHCHR)
- **July-December 2018** Ongoing expert consultations, analysis of Questionnaire data
- **October 2018** Interim report to UN General Assembly
- **Jan 2019** Advisory Group meeting
- **March** Initial Draft to Advisory Group for comments
- **July** Report for translation
- **October 2019** Report presented to UN General Assembly

Contacts for the Global Study team: globalstudy@humanrights.at

Contact for the NGO Panel: globalstudy@defenceforchildren.org

II. ROLE AND ACTION OF NGO FOR THE FOLLOW UP OF THE GLOBAL STUDY

This part explains what NGOs can do to assist the implementation of the Study at national level.

1. NGO focal point

It is recommended that one NGO takes the lead for the involvement of NGOs in the Global Study at national level to make sure to identify all NGOs, academies, research centers, and UN Offices that could contribute to the Study and coordinate their contribution.

2. Gathering material¹ and raising awareness among main stakeholders

The most important documents of the Global Study are the Questionnaire (that was sent to all Government, through the diplomatic mission of the State in Geneva, Switzerland in February 2018) and the Methodology.

NGOs will have a key role in pushing/helping their governments to provide timely and adequate responses to the questionnaire.

Besides this, there are some documents that can be used for awareness-raising, lobbying and advocacy on the Global Study. If you wish to discuss this, please contact:
globalstudy@defenceforchildren.org

It is recommended that the lead NGOs gather all NGO, academic institutions, research centers, lawyers, and other stakeholders to inform them about the Global Study and involve as many of them in the implementation and follow-up of the Study.

The national representation of the main UN Agencies (such as UNICEF, UNODC, OHCHR, UNHCR, WHO, among others) should also involve themselves in the Study at national level. NGOs could ensure that they are all aware of it and are taking up their role seriously, providing information when they have it and supporting the Government in its tasks around the Study.

3. Identifying the Government Focal Point (GFP) and collaborate with it

The Governments received the Questionnaire and information about the Global Study in February 2018. They were asked to identify a focal point inside the Government that would be in charge of coordinating the Study at national level, to identifying all Ministries and departments that should provide information and data. All governments received a reminder in June 2018.

¹ The co-convenors to propose a kit of most useful background information.



There is a need for NGOs to identify this focal point, make sure that one has been appointed (otherwise, advocate for its appointment) and that it has taken its role seriously and is effectively acting as focal point.

Ideally, the NGOs should work together with the focal point of the Government. The independent expert has asked that where possible NGOs work with the Government focal point to provide a single response to the questionnaire, though there will be situations where this is not possible and NGOs can submit individual responses or joint responses alongside other NGOs.

It is very important to keep in mind the date of **26th of June 2018**, which was chosen for the snapshot to capture how many children are deprived of liberty on that particular day.

4. Check the data collected by the GFP and fill in the gaps

National civil society will often be in the best position to verify the accuracy of statistics that States provide as part of the Study and can verify the data provided by the Government across the six themes of the Study.

NGOs could contribute to this effort by mapping places where children may be deprived of liberty to ensure facilities are not ignored. Please refer to the definition of deprivation of liberty taking into account that the name of the place or the official definition may not be definitive. .

NGOs are also invited to fill in the same questionnaire as the States (or ensure that their input is included in the State's questionnaire) and gather information available, centralize relevant material; verify the contributions received etc.

NGOs should keep in mind that one of the main aims of the Study is to collect **qualitative and quantitative** data (disaggregated by age, gender, ethnic, social and national origin, disability and other relevant dimensions) on the number of children deprived of liberty and the grounds, type, place and length of deprivation of liberty. The Study includes:

- Information on the root causes and grounds invoked for children's deprivation of liberty;
- Information on the form and length of deprivation of liberty, the institutions where children are placed; as well as the safeguards to enable to challenge deprivation of liberty before a court or other competent, independent and impartial authority, and to ensure that it is measure of a last resort and for the shortest period of time;
- Information on conditions of detention, and on the existence of inspection and oversight mechanisms and of independent monitoring of places of detention to ensure compliance with children's human rights and the enjoyment of effective remedies;
- Information on the impact of deprivation of liberty on children.

5. Identify research, studies, interesting practices

NGOs, civil society, academies, and research centers are invited to identify data, research, studies and reports etc. that have been published and list them. Ideally, they should provide summaries to make these more accessible.

If possible, they can conduct new research to fill in the gaps of the existing knowledge (taking into account that there is no financial support provided by the Study).

One of the aims of the Study is also to identify interesting practices and document them. This can include the promotion of non-custodial measures, early release, the improvement of the conditions of detention, the monitoring of places where children are deprived liberty, and child participation initiatives etc.

Note that the NGO Panel has developed two different useful tools that can be used by national NGOs:

- has put together a **matrix** which maps out where member organizations operate (geographically) and how they could each in their respective capacities contribute to the Study. The members of the NGO Panel are all ready to either assist in research or host consultations, as well as support advocacy efforts.
- The NGO Panel has collated relevant material for the Study from its members in a [database](#), which can inform the research. Law firms and universities can further assist in research.

6. Get involved with consultations

National NGOs can take part in the regional consultations and other activities organized by the research team of the Global Study. This can involve helping identify possibilities for consultations, such as if there are already meetings or conferences within the region that could serve as an opportunity for consultations, or helping organize consultations. If you would like to discuss consultations with the NGO Panel, you can contact us via: globalstudy@defenceforchildren.org

7. Support the fundraising of the Study

The funds are in place for the Study to get underway, but contributions to date fall far short of the full budget. If NGOs are able to lobby their governments or other potential donors to contribute, further funding would ensure that the Study is able to meet its potential. If you would like to discuss this kind of fundraising with the NGO Panel, you can contact us via: globalstudy@defenceforchildren.org

8. Organize a seminar to present the results



NGOs could also organize a public event aiming at presenting the results of the research and data collection in order to raise awareness of the situation of children deprived of liberty at national level and on the need to give the priority to non-custodial measures.

They could also organize a public event to present the Study itself once it is published.

9. Follow-up

Once the Study has been published, NGOs should consider ensuring its follow-up, identifying the main recommendations that should be applied as a priority in their respective country/-ies. We will share further details of advocacy opportunities and activities in the future.

The Study will provide recommendations for action on how to safeguard the rights of children concerned, how to prevent and significantly reduce the number of children deprived of liberty, and how to promote non-custodial measures (such as restorative justice) that promote the recovery, rehabilitation and social reintegration of children concerned.

The Study will ensure that children's views and experiences related to deprivation of liberty are taken into account in the formulation of the Study's recommendations.

Civil society will have a key role in monitoring compliance of the recommendations put forward in the Study and integrating Study-related activities into their organizational work plans for the next three years and beyond.

ANNEX - GLOBAL PRESENTATION OF THE STUDY, ITS ORIGINS AND IMPLEMENTATION

Background Information

The UN General Assembly, through Resolution 69/157 of 18 December 2014, requested the Secretary-General to commission an in-depth global study on children deprived of liberty. In October 2016, *Professor Manfred Nowak* (Austria) was appointed by the Task Force as Independent Expert leading the Global Study on Children Deprived of Liberty.

The Global Study will build upon the experiences of two previous UN Studies on children: The report of *Graça Machel* (Mozambique) on the Impact of Armed Conflict on Children as well as the UN Study on Violence against Children, led by *Paulo Sérgio Pinheiro* (Brazil), which provide us with a good blueprint for undertaking and implementing the current Global Study.

The Global Study will be carried out in close cooperation with Governments, civil society organisations and various UN agencies, including *OHCHR, UNICEF, UNODC, UNHCR, the Special Representative of the Secretary-General on violence against children, the Special Representative of the Secretary-General on children in armed conflict, and the UN Committee on the Rights of the Child (CRC)*. As leading research institutes, the *Ludwig Boltzmann Institute of Human Rights (BIM)* and the *European Inter-University Centre for Human Rights and Democratization (EIUC)*, will coordinate the research efforts. The views of all stakeholders are essential if the Global Study is to be a success and shall lead to meaningful recommendations.

Besides engaging in desk research and collecting data on the magnitude of the phenomenon, the UN Global Study will take into account views from around the world through national and regional consultations in order to realize the endeavor of drastically changing the lives of all children deprived of liberty.

What are the core objectives of the UN Global Study?

1. To bridge the data gap on the unknown number of children deprived of liberty worldwide.
2. To raise awareness about the risks of deprivation of liberty for children and society as a whole and promote a change in stigmatizing attitudes and behavior towards children concerned.
3. To collect best practices and develop recommendations for law, policy, and practice to safeguard the rights of children concerned, and prevent as well as significantly reduce the number of children deprived of liberty through effective non-custodial alternatives

What are the key focus areas?

- I. Children deprived of liberty within the administration of justice
- II. Children deprived of liberty for migration-related reasons
- III. Children living in places of detention with their parents

IV. Children deprived of liberty in institutions

V. Children deprived of liberty in the context of armed conflict

VI. Children deprived of liberty on national security grounds

What is deprivation of liberty and what does it mean for children?

Every person, including every child, has the human right to personal liberty. Deprivation of liberty is defined as any form of detention or imprisonment from which that person is not permitted to leave at will. Nearly every country in the world is party to the 1989 United Nations Convention on the Rights of the Child, which states that a child may be detained for a criminal or juvenile offence, only as a measure of last resort and for the shortest period of time. The Committee on the Rights of the Child and other international authorities have concluded that deprivation of a child solely for reasons of migration control is never in the child's best interest and should not be employed. Childhood is a formative time in everyone's life. Freedom and liberty are essential elements of a happy childhood. Depriving children of their liberty will leave a mark – in their lives and on society as a whole.

Main Actors

- UN General Assembly
- UN Task Force
- Advisory Board
- Independent Expert
- OHCHR (Focal point)
- UN Agencies and Missions (UNODC, UNICEF, UNHCR, SRSG VAC & SRSG CAC)
- Academic Institutions/Academics from these institutions
 - Ludwig Boltzmann Institute of Human Rights, Vienna
 - European Inter-University Centre for Human Rights and Democratization (EIUC), Venice
 - University of York
 - University of Leiden
 - University of Exeter
 - University of Tilburg
 - UN University
 - University of Cork
 - University of Liverpool



Global Study on Children Deprived of Liberty

- Global Campus of Human Rights (network of over 100 universities worldwide)
- Etc.
- NGO Panel (145+ members)
 - Defence for Children International (DCI) - co-convener
 - Human Rights Watch (HRW) - co-convener
 - Child Rights International Network (CRIN)
 - International Catholic Child Bureau (BICE)
 - International Detention Coalition (IDC)
 - International Juvenile Justice Observatory (IJJO)
 - Penal Reform International (PRI)
 - Terre des Hommes International Federation
 - World Organization against Torture (OMCT)
 - The full list of more than 145 nongovernmental organizations is available [here](#).
- Groups of individuals who have experienced deprivation of liberty as children (former children and children currently deprived of liberty)