



REFERENCE: KS/CRC

19 May 2014

Excellency,

I am writing to inform you of the decision of the Committee on the Rights of the Child to recommend to the General Assembly that a study be undertaken on the issue of children deprived of their liberty. The Committee is making this recommendation pursuant to Article 45(c) of the Convention on the Rights of the Child which states that “[t]he Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child”.

At present, and as highlighted by numerous reports, there is a great lack of quantitative and qualitative data, research and verified information on the global situation of children deprived of their liberty. The aim of the Study is to bring attention to the issue by comprehensively collecting data and statistics from across regions on the number and situation of children deprived of their liberty, mapping how the relevant human rights standards are being concretely implemented on the ground, and consolidating good practices and the formulation of recommendations for all stakeholders in order to improve the situation of children deprived of their liberty.

The Convention on the Rights of the Child, ratified by 194 Member States, obliges States parties to use deprivation of children’s liberty only as a measure of last resort, and only for the shortest appropriate period of time (Article 37(b)). We are concerned, however, that around the globe, children are being detained illegally, arbitrarily, and unnecessarily, often at great cost to member States. Furthermore, they are exposed to increased risks of human rights violations.

Deprivation of liberty encompasses children in conflict with the law, children in need of protection, children with physical or mental disabilities, children exposed to drug abuse, children detained with their parents, children in immigration detention, and those treated as threats to national security. We have observed that widespread deprivation of liberty results in lasting negative consequences for both children and for society, including increased violence, social exclusion and poverty, higher recidivism rates, and diversion of scarce government and societal resources.

His Excellency Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

In this regard, at its 1875th meeting during the sixty-fifth session, held in Geneva on 31 January 2014, the Committee on the Rights of the Child adopted a recommendation, contained in Annex II of its report to the General Assembly (A/69/41), which states:

“In accordance with the provisions of article 45 (c) of the Convention on the Rights of the Child, the Committee recommends that the Secretary-General be requested, through the General Assembly, to conduct an in-depth international study on children deprived of their liberty. The study should be as thorough and influential as the reports of the expert appointed by the Secretary-General on the impact of armed conflict on children, Graça Machel, (see A/51/306) and of the independent expert appointed by the Secretary-General on violence against children, Paulo Sergio Pinheiro (see A/61/299).

Such a study should:

- (a) Collect data to document the scale of the deprivation, in any form, of the liberty of children;
- (b) Assess the situation of children in detention facilities, the implementation of applicable international standards, and the effectiveness of existing approaches;
- (c) Identify good practices and steps to be taken at the international level, as well as good practices and steps to be taken at the national level by Member States to meet their international legal obligations, reduce the number of children deprived of their liberty and put in place effective alternatives.”

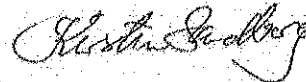
The Committee recommends that the General Assembly request that the Secretary-General appoint an independent expert to carry out the Study on his behalf, through a participatory process in which representatives of States, regional and intergovernmental bodies as well as relevant United Nations agencies, the UN Interagency Panel on Juvenile Justice, civil society, children, and other relevant partners actively take part. In particular, the Committee underlines the need for direct engagement with children and young people and respect for their contributions in the process.

Such an in-depth study could have the significance and impact of the 1996 UN Study on Children and Armed Conflict and the 2006 UN Study on Violence against Children. Both of these studies brought significant international attention to important under-recognized issues, and prompted effective and important new protection efforts on behalf of children.

The Committee would be grateful if you could arrange to have the text of the present letter circulated as a document of the sixty-ninth session of the General Assembly, under item 69(a) of its agenda.

We look forward to action by the General Assembly and thank you for your consideration.

Please accept, Excellency, the assurances of my highest consideration.



Kirsten Sandberg
Chairperson
Committee on the Rights of the Child