

FUNDING APPEAL FOR THE GLOBAL STUDY ON CHILDREN DEPRIVED OF LIBERTY - GRAND PROJECT TOTAL: US\$ 4 718 518 (Annex 1)



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1. Introduction

This funding appeal for the Global Study on Children Deprived of Liberty is addressed to Member States and key partners, private foundations, corporations and civil society organizations. In line with GA resolution 69/157 paragraph 52 (d), the Global Study is to be conducted through a collaborative effort and funded through voluntary contributions (annex 2).

The Convention on the Rights of the Child (CRC) protects the human rights of children, including the right to liberty, due process and protection from violence. Agenda 2030 reaffirms these values and provides a unique opportunity to accelerate progress in children's well-being, leaving no one behind. To achieve the SDGs as they relate to children, it is critical to address the situation of children deprived of liberty. This is a unique opportunity that the international community should not miss.

The preamble of the CRC recognizes that childhood is entitled to special care and assistance, and that children living in exceptionally difficult conditions need special consideration. Regrettably, far too many children living in such difficult circumstances are locked up and deprived of their liberty, rather than receiving the necessary care, protection and education that will enable them to develop and contribute to their communities and societies.

Children living on the street, victims of trafficking, prostitution, organized crime and conflict situations are at special risk. Others may end up in detention as a result of a disability, mental health or drug abuse, or because of their migration or asylum seeking status. In situations of armed conflict, detention is used by military or national security actors as a tool to hold vast numbers of children for alleged association with parties to conflict and sometimes used to recruit spies or put pressure on communities.

Held in closed institutions, these children often lack genuine opportunities for education and for a long lasting reintegration. Countless children are placed in inhuman conditions and in adult facilities, where they are at high risk of violence, including acts of torture, cruel, inhuman or degrading treatment or punishment.

As a response to these serious concerns, the UN General Assembly has asked the Secretary-General to commission an in-depth Global Study on children deprived of liberty, and to include good practices and recommendations for action to effectively realize all relevant rights of the child.

The Global Study will be led by an Independent Expert who will cooperate closely with a wide range of partners, including the UN Task Force on the Global Study on Children Deprived of Liberty, Member States, academia and civil society, including children.

2. Statement of Need

Despite progress in the realization of the rights set out in the Convention on the Rights of the Child, too many commitments remain unfulfilled. This is particularly true for children deprived of liberty, who often remain invisible and forgotten.

Most countries lack data on the number of children deprived of liberty, on the reasons, length and places of detention. Children's detention may be decided by judicial, administrative or other bodies, including the police, military authorities, immigration officials, child protection or welfare bodies, health professionals, and non-state actors, including in situations of armed conflict.

In the absence of robust child protection systems, countless numbers of children throughout the world are deprived of liberty for their alleged care and protection. Popular perceptions and misconceptions, often fuelled by the media, have led to disproportionate and harsh approaches towards children in contact with the law, leading more children to be deprived of liberty at times at a very young age.

The personal and societal costs of deprivation of liberty are immensurable. Not only does it inhibit the child's development and ability to live a healthy and constructive life, but it also incurs a financial drain on national budgets.

The Global Study will address these various concerns and build upon the experiences from two previous UN Studies on children: *The Impact of Armed Conflict on Children* by Expert of the Secretary-General, Graça Machel (1996)¹ and the *United Nations Study on Violence against Children* by Independent Expert, Paulo Sérgio Pinheiro (2006)². These ground-breaking Studies have shown how impact can be achieved through a global mobilization process. The results include increased visibility and global awareness of critical and pressing concerns compromising children's rights, strengthened legislation, policies and programmatic interventions to prevent and respond to risks to children's well-being, and extensive action by a wide range of actors, including civil society. The

¹ A/51/306.

² A/61/299.

Global Study will also benefit from the recent Study on the Implementation of the Security Council Resolution 1325 on Women, Peace and Security.³

3. Project Description

Overall goal and objectives

The long-term goal of the Global Study on Children Deprived of Liberty is to prevent children's deprivation of liberty by limiting the use of deprivation of liberty to exceptional situations where such a measure is in conformity with the law, as a last resort and for the shortest appropriate period of time, while being guided by the best interest of the child as a primary consideration. It also aims at ensuring that all places where children are deprived of liberty are monitored and that conditions are in compliance with international human rights law standards.

The main objectives are:

1. **To assess the magnitude of this phenomenon**, including the number of children deprived of liberty (disaggregated by age, gender, ethnic, social and national origin, disability and other grounds), as well as the reasons invoked, the root-causes, type and length of deprivation of liberty and places of detention.
2. **To document good practices** and experiences and capture the **views and experiences of children** to inform the Global Study's recommendations.
3. **To promote a change in stigmatizing attitudes and behaviour** towards children at risk or who are deprived of liberty.
4. **To provide recommendations for law, policy and practice** to safeguard the rights of children concerned, and prevent and significantly reduce the number of children deprived of liberty through effective non-custodial alternatives guided by the best interest of the child.

Expected results include:

- ❖ Information on disaggregated numbers of children deprived of liberty, the root-causes and grounds invoked for deprivation of liberty, the form and length of deprivation of liberty, on conditions of detention and the institutions where children are placed; as well as the safeguards to enable deprivation of liberty to be challenged before a court or other competent, independent and impartial authority and to ensure that deprivation of liberty is a measure of a last resort and for the shortest period of time;
- ❖ Information on the impact of deprivation of liberty on children and availability of child- and gender-sensitive complaints mechanisms in detention; inspection and oversight mechanisms and independent monitoring of places of detention to ensure compliance with children's human rights and the enjoyment of effective remedies;

³ Mandated by Security Council resolution 2122.

- ❖ Recommendations for legislation, policy and action, including children's recommendations and good practice examples on how to safeguard the rights of children concerned, and how to prevent and significantly reduce the number of children deprived of liberty through alternative non-custodial measures such as restorative justice processes and community-based programmes that promote education, vocational training, health, physical and psychological recovery, and social reintegration of children concerned;
- ❖ Wide global network established with a strategic plan for dissemination and follow-up of the Global Study's recommendations.

4. Budget⁴

Amongst all the different stakeholders, there is strong commitment to support the Global Study's different activities. Several partners, including UN actors, civil society organizations and research institutions have expressed their commitment to provide **in-kind contributions** for the mapping and analysis of relevant existing reports and research, to assist in the development of new research, in the organization of thematic/regional consultations, consultations with children and development of child-friendly materials.

For the Global Study to commence there is an immediate need to secure the availability of **seed funds**, which will enable the Independent Expert to start his/her work in a sound and effective manner and mobilise support across a wide range of stakeholders and regions.

The Independent Expert will be supported by a small Secretariat, which will assist in the development, promotion and coordination of the Global Study. A web platform and communication strategy is also indispensable to enhance awareness and mobilise wide political and financial support for the Global Study.

5. Information about the entity within the UN system that will receive and manage grants

The Office of the High Commissioner for Human Rights will provide the administrative support for the Global Study on Children Deprived of Liberty and will take the lead in coordinating the Study efforts. The Global Study will be managed within the Thematic Engagement, Special Procedures and Right to Development Division (Peggy Hicks, director, phicks@ohchr.org); until dedicated Secretariat staff are on board, substantive inquiries can be directed to Imma Guerras-Delgado, Child Rights Advisor, (iguerras-delgado@ohchr.org). In addition, inquiries regarding this funding appeal can be directed to the OHCHR Donor and External Relations Section at DexRel.section@ohchr.org.

The Global Study on Children Deprived of Liberty will be considered under OHCHR's thematic area 'Increased compliance of national legislation, policies, programmes and institutions with international human rights norms and standards relating to the deprivation of liberty and the prohibition and prevention of torture and ill-treatment'. The performance monitoring of the Global Study process will be undertaken in the context of OHCHR's monitoring processes at mid-year and end of year.

⁴ The budget estimate is enclosed as annex 2.