



Round up



Global Forum on Justice
for Children and
Deprivation of Liberty
Nouakchott, Mauritania
8-9 November 2022

Opening

→ [Watch here](#)

Alex Kamarotos – Executive Director, Defence for Children International

The Global Study came from the need to have concrete data on the situation on children deprived of liberty with practical recommendations on how we can move forward on the issue. Three years after the presentation of the Global Study at the UN General Assembly, this Global Forum is focussing on how we can increase collaborations and create synergies between different stakeholders to accelerate action for the implementation of the study's recommendations along the different contexts of children deprived of liberty.

Najat Maalla M'jid – UN Special Representative of the Secretary General on Violence against children & Head of the UN Inter-agency Task Force on Children Deprived of Liberty (video message)

Many children are still deprived of liberty and detained for minor offences that can be resolved without the need for punitive intervention. Many child victims of abduction, armed groups, or trafficked are detained, further victimised. Children are still deprived of liberty due to the migratory status of themselves or their parents. The human and economic costs of deprivation of liberty are high – children deprived of their liberty face severe and long-lasting mental health issues, it can cause high rates of recidivism, family breakdown, unemployment; these all result in higher long-term cost for societies.

Preventing and ending deprivation of liberty is possible – there is a wealth of experience on child rights-based non-custodial measures. Some of the good practice: raising the minimum age of criminal responsibility, prohibition of status offences, establishing child disability and gender sensitive justice systems that prioritise diversion and non-custodial measures including for children on the move. Children diverted from criminal justice systems demonstrate engage less in anti-social behaviours and recidivism. Now is the time to scale up and sustain these practices. Furthermore, at all stages of the criminal justice processes, there is a failure to consistently hear children's views.

Prof. Manfred Nowak – Secretary General of the Global Campus of Human Rights & Independent Expert of the UN Global Study on Children Deprived of Liberty

The two previous global studies on children's rights had a major impact of the lives of millions of children around the world because they changed the awareness on the issues. We want for this study to have a strong impact on raising awareness that putting children behind bars is wrong. The criminalisation of particular behaviours (status offences; truancy, etc), so called 'tough on crime' policies, discrimination – we need effective child justice systems that apply diversion. We need to raise the minimum age of criminal responsibility to at least 14 years old. Migration-related detention is always a violation of the UN Convention on the Rights of the Child – States must not criminalise irregular migration of children and must not detain children whether they are accompanied or not.

Deprivation of liberty is one of the most overlooked violations of children's rights – it is a form of structural violence but there is a lack of awareness, not realising what kind of physical and mental harm it causes to children. We owe more to these children than just liberating them, they need access to remedies and reparation.

It is now time to implement the recommendations which can only be done with States working together with UN agencies, NGOs, academia, and children – we *can* achieve the goal of eliminating deprivation of liberty of children.

Benoit Van Keirsbilck – member of the UN Committee on the Rights of the Child (UN CRC)

The UN CRC has the mandate to monitor the implementation of the Convention through the reporting process by States – the Committee highlights the issues of deprivation of liberty, the condition of detention, diversion measures in place, how many children are concerned. This information allows the Committee to provide the best possible recommendations. Deprivation of liberty continues to be overused – the Committee asks States to make sure that fewer children are behind bars year on year. Many General comments have something to say on deprivation of liberty especially General Comment 24 on children's rights in the child justice system – we recall the principle that it should be the measure of last resort and what is meant by this as it is often not well applied by member states.

The 3rd Optional Protocol to the Convention on a communications procedure (OPIC) has only been ratified by 50 States – the ratification gives avenues to children to access redress for the violations of their rights. Practitioners can identify cases that can be brought before the UN CRC (for example in cases when children are being held with adults, or in solitary confinement).

Diversion measures need to be mandatory – decision makers need to prove why diversion not possible in a particular case.

Abdul Manaff Kemokai – President, Defence for Children International

Children often bear the heaviest brunt of any crisis – including that of COVID-19. This crisis also led to the disruption of the follow up of the GSCDL – the idea for the study initiated by DCI in 2013 owing to the fact we had little visibility on how many children were truly deprived of their liberty – the call for which was echoed by many other CSO actors and UN agencies. COVID-19 compounded the risk faced by children in places of deprivation of liberty who were at high risk of contracting the virus which could have been avoided if non-custodial measures and alternatives to detention were systemised.

This Global Forum is an opportunity to take stock on the progress achieved and look ahead given the unprecedented challenges whilst also keeping in mind the principle that no child is left behind. This is the right time to merge ideas and invest in strong collective approaches, multiplying our efforts.

Marc Lucet – Representative, Unicef Mauritania

Decriminalisation and non-custodial measures such as community service can be solutions for children which also represent a lesser financial cost. Mediation can also be another measure to avoid criminalising children. Many children who were released from places of detention due to the COVID-19 pandemic were able to reintegrate into society successful without higher rates of recidivism. Too many children still reside in institutions when community-based solutions exist – however, on a positive note, we are observing more States trying to avoid family separation.

Session 2. Deprivation of liberty of children in the administration of justice and children living in prison with their primary caregivers

→ [Watch here](#) and [here](#)

Moderator: **Margaret Tuite**

What developments have there been since publication of the GSCDL at national, regional or international level on the implementation of the recommendations?

Global Forum on Justice for Children and Deprivation of Liberty 2022

Aicha Salma – Lawyer, DCI-Mauritania/AMSME

At the grass roots level, children face many challenges. There are serious problems with the levels of sexual violence and the criminalisation of child victims of sexual violence. There is no child justice system in Mauritania and there are no specialist police to work with children outside of Nouakchott. On the prevention side, much remains to be done to tackle obstacles, including poverty and the issue of undocumented/sans papier children.

Shahid M Korjie – Coordinator, Officer of the Attorney General and Ministry of Justice, Sierra Leone

Noting that Sierra Leone was still dealing with the aftermath of a brutal civil war 11 years ago, where two-thirds of the population was displaced and 75000 people were killed, there is a long process of institutional reform underway. A Child Rights Act is being developed at the national level – national development plan which has a cluster dedicated to children's rights. Specialised institutions on children's issues: national commission for children, a child justice working group which includes government agencies, ministries, development partners as well as civil society organisations. A diversion framework is in place so that each child in contact with the criminal justice system will benefit from it at some stage of the process. Sierra Leone has developed a national strategy for street children, looking at what are the fundamental issues to be addressed, including gathering data to better understand the needs. All this ties in with working with the Pathfinders (Sierra Leone is a pathfinder country) for the SDGs and in particular on SDG 16 on Justice.

Hannah Tiefengraber – Global Programme to End Violence Against Children UNODC

The implementation of the GSCDL is not just the responsibility of States but of the international community. The UN Interagency Task Force brings together the different UN mandates chaired by the UN SRSG VAC to coordinate the work of UN entities and optimise synergies and provide a discussion forum. Looking forward – developing a toolkit on children with incarcerated parents.

Meskerem Geset Techane – Member of the UN Working Group on Discrimination against Women and Girls

While some positive developments can be noted, for example in the context of NHRIs, it is important also to take stock of negative developments. There are scenarios/trends that have increased detention of children in relation to states of emergency protests, crackdowns against human rights defenders (where children face ill treatment and even torture) and the criminalisation of poverty and situations of vulnerability (eg the practice of "street cleaning"). We see a worrying trend of incarcerating children with adults as well as an increase in pretrial detention. Girls who protested the repressions they face were detained in several facilities (pretrial or unknown detention facilities), girls on the frontline for defending girls' rights are increasingly targeted, and there is a particular dimension for girls who refuse to comply with social norms. Some wars against drugs have been proven to target children and/or children with their parents.

Nancy Loucks – Chief Executive, Families Outside

The global study has increased the visibility of children with parents in prison and more tools and training are starting to emerge around the world (examples given include: from Australia (an [inquiry in Victoria](#)), Kenya, the [Council of Europe Recommendation concerning children with imprisoned parents](#), the [COPE Sentencing Toolkit](#), the [Prison Reform Trust child impact assessment](#), training initiatives by Latin American and Caribbean network [Plataforma NNAPES](#) and the [Canadian Coalition for Children with Imprisoned Parents](#)).

What can be prioritised going forward?

Nancy Loucks – Chief Executive, Families Outside

The GSCDL has been important to provide information and recommendations for children in prison with their parents, but we need more detailed assistance for governments, including on rule 7(f) (gathering data on the person's children) in the [UN Minimum Rules for the Treatment of prisoners \(Nelson Mandela\)](#) – hence the planned project for a UNODC handbook on children with incarcerated parents which has not advanced due to a lack of funding. When parents are in prison, parents need supports in order to fulfil their parental responsibilities.

Meskerem Geset Techane – Member of the UN Working Group on Discrimination against Women and Girls

One of the recommendations of the GSCDL was for States to develop effective system-independent analyses on children in the justice system – we can leverage the mandate of NHRIs to have a monitoring role of places of detention.

Hannah Tiefengraber – Global Programme to End Violence Against Children UNODC

A holistic approach is needed in the context of a reform of *the whole justice system* to apply child sensitive approaches with practical non-custodial measures, diversion, specialised justice professionals, restorative justice, etc. National priorities will vary but child justice system reform as a whole is important.

Shahid M Korjie – Coordinator, Officer of the Attorney General and Ministry of Justice, Sierra Leone

1. Noting that in all our work we must retain a human face and that states are responsible for the protection of children's rights, diversion and non-custodial measures when a child is in conflict with the law, to avoid the criminalisation of children
2. Robust and constructive collaboration with partners, States, CSOs, different ministries, development partners
3. Where children are currently in prison with their primary caregivers, there needs to be some standards set.

Session 3. Deprivation of liberty of children in institutions

→ [Watch here](#) (from 40 minutes)

Moderator: **Manu Krishan**, Global Study Programme Lead, Global Campus of Human Rights

The effects of child separation and institutionalisation are grave and last a lifetime. Being largely invisible these children are vulnerable to violence, neglect, and abuse. The family is the fundamental group of society and should receive assistance for the care and education of children. These children can be reunited with their parents, primary caregivers or living in a family-based setting given the right support.

Elizabeth Espana Gonzales – International Bureau for Children's Rights

An important development was the establishment of a set of core competencies for personnel working with children deprived of liberty. The competency-based approach helps to put a child's experience at the centre when developing new methods and systems. See [Core Competencies for Personnel Working with Children Deprived of Liberty](#).

Prof. Foteini Apergi – clinical psychologist, Justice Initiative

- Although institutionalisation may not aim to abuse children it is *de facto* emotional and psychological abuse and neglect.
- Data collection is important but often overlooked – if we know what is happening, we can actually advocate for these children.
- Alternative care models need to be prioritised.
- Capacity building for professionals and volunteers in the child protection system, increased burnout for these professionals (lack of updated education on how to care for children in institutions)

Benoit Van Keirsbilck – member of the UN Committee on the Rights of the Child

Important focus on prevention – identifying the causes for institutionalisation and the need to develop strong and effective child protection systems.

- Support to families is crucial; the first cause of institutionalisation is poverty which will only be exacerbated in these times of crisis – the CRC reminds states of the need to invest in child protection systems.
- The Committee reminds states on the need to deinstitutionalise and ensure children live in family-based settings – institutions dehumanise children. States should develop national action plans.
- The best interests of the child must guide all our actions when evaluating whether it is needed to separate a child from their family.
- Mandatory robust monitoring of institutions is necessary.

Prof. Manfred Nowak – Secretary General of the Global Campus of Human Rights & Independent Expert of the UN Global Study on Children Deprived of Liberty

Children deprived of liberty in institutions are the largest group and it is the biggest problem in terms of numbers – the increase in awareness that institutions are as such inherently dangerous is probably higher than in relation to the administration of justice. The UNGA already clearly advocated for deinstitutionalisation. We do not want better institutions – we want no institutions. The money invested in institutions is much better used to assist families.

There is a welcome focus now on remedies and recognition for the abuse in institutions – talking about justice for children who have been deprived of liberty, neglect, serious abuse means reparation for the harms suffered.

Session 4. Deprivation of Liberty and children on the move

→ [Watch here](#)

Moderator: **Silvia Gomez**, Global Advocacy Coordinator, International Detention Coalition (IDC)

Why can it be claimed so clearly that deprivation of liberty for migration-related purposes needs to be ended?

There is a clear international framework that prohibits child immigration detention. Depriving migrant children of their liberty is never in their best interests, it is always a violation of their rights. There is also a growing international consensus in terms of the political will of the global community to work to end

the practice of child immigration detention, including in processes such as the global compact of migration and refugees. There are a lot of promising practices all over the world:

- Countries that are not detaining children for migration-related purposes – 20+ countries, we can learn lessons from those contexts.
- A lot of work is being done with civil society organisations, government and UN agencies, and stakeholder work to be able to implement alternatives to detention.

Nantina Tsekeri – Director DCI-Greece (video message)

There are many countries including Greece, that have - on paper at least - abolished the migration detention of children on the move. But we have to look into the alternatives provided to children on the move: states have become very creative in finding other ways to deprive children on the move of their liberty, in their efforts to exercise their right to control their borders.

- Children are kept in big camps (known as hotspots) in very uncertain and undignified conditions for their well-being.
- During the COVID-19 pandemic, the states imposed strict measures in the name of public health.
- Detention does not only translate into deprivation of rights, but it also translates into deprivation of visibility and love, it has an immense impact on the trust these children have in the justice system. There is a repair and restoration that must take place so that when children are in need, they have the trust to resort to the justice system.
- Detention is a cross-cutting issue, it should be seen in the category of institutions, security, administrative justice, children on the move.

Cecilia Anicama Campos – Office of the Special Representative of the Secretary General on Violence against children

- To advance, the UN task force decided to prioritise advocacy and mobilisation of multi-stakeholders to end the detention of children on the move.
- Created a core group that is dedicated to coordinating the way in which the task force will operate, and the outcomes in terms of advocacy and mobilisation of stakeholders.
- Engaging at different levels, with member states; different representatives; policy dialogues; UPR processes; engaged at a country-level, through country visits; UN regional teams.
- We have to engage children as agents of change and include them as part of the solution.

Laura Sisniega Crespo – Protection Officer at the International Organisation for Migration-Mauritania

There are some promising practices:

- Operational actors have created Standard Operating Procedures (SOPs) that guide us with the assistance we provide to refugees and migrants. These SOPs have special pathways for children; children with families, or unaccompanied children. The aim of these special pathways is to avoid children from being administratively detained.
- The presence of humanitarian actors when migrants disembark in a country helps assist these children and avoid, when possible, detention.
- The reinforcement of the “Centre pour la protection et la réintégration sociale pour l'enfant”. These centres have a limited capacity to host children in emergency cases for a few days. This is a good alternative to administrative detention, as it is supervised by the state, and somehow it gives the opportunity to avoid children being held in police stations.
- With UNICEF, a foster family system is in operation. There are nine families who want to host here in Mauritania, and these families are a good alternative to administrative detention of migrant children.

- The reform of the migrant smuggling law (2020/18 law) has implemented a set of measures to protect child migrants that are subject to smuggling. These children should be hosted by social services rather than in police custody.
- Child protection code approved in 2018, and a national strategy for child protection in 2020. Both are very inclusive of migrant children (all the measures foreseen for unaccompanied children are also applied to migrant children in general).

However, there are some challenges:

- Lack of identification of children (between 14 to 17 years old). They are taken to the police station without being identified beforehand.
- When families are detained for migration-related issues, there is no alternative for children in these situations.
- The deportation of unaccompanied children is still an issue of concern, without family tracing or any method of finding their families.

Akihito Okuda – United Nations High Commissioner for Refugees-Mauritania

- Collaborating with the Mauritanian government – pursues a policy of inclusion, allowing refugees to receive government official documents and access to their rights (education, health, employment...).
- The implementation of the existing policy and legal frameworks, remains to be seen and we need more coordinated and strengthened efforts such as the SOPs.
- Globally, certain governments have used the argument of the COVID-19 pandemic to justify the detention of asylum seekers.
- Creating a concrete action plan is necessary for immigration-related procedures.

Session 5. Deprivation of liberty of children in armed conflicts or national security contexts

→ [Watch here](#)

Moderator: **Leo Ratledge**, co-director Child Rights International Network (CRIN)

Prof. Virginia Gamba – UN Special Representative of the Secretary-General on Children and Armed Conflict (video message)

Aside from the six grave violations against children identified by the UN Security Council, the detention of children for their actual or alleged association with parties to the conflict, including those groups designated as terrorists by the UN is another concerning trend, affecting children in armed conflict. The deprivation of liberty of children is even used as a weapon of war, and to exert pressure on children, their families, and communities. In 2021, at least 200,864 children were deprived of liberty for their actual or alleged association with parties to the conflict (Iraq, Israel, oPt, Somalia and Afghanistan highest numbers). Children in these contexts are also vulnerable to sexual violence and torture. Deprivation of liberty of children for their actual or alleged association with armed conflict should be used as a measure of last resort, and for the shortest period of time, with respect to the international juvenile justice standards, age-appropriate alternatives to detention should be actively sought. The reintegration of children should be prioritised.

Hannah Tiefengraber – Global Programme to End Violence Against Children UNODC

Investment in a strong child protection system is needed, rather than detention. More states are accepting to repatriate children who have been detained in different contexts (such as in camps in Syria), UNODC works with these states to help them in the process of reintegrating and rehabilitating these children. The interlinkage and overlap between national juvenile justice law and counter-terrorism legislation (especially those children who are involved with groups who are designated as terrorists) remains a challenge. It has an implication on what is the applicable framework at a national level to children, it affects delays in detention and types of detention.

Shimelis Tsegaye Tesemma – PhD, Director of Programmes, African Child Policy Forum (ACPF)

Challenges

- Lack of enforcement and preventative measures.
- Limited regulations – we do not have concrete procedures on how to regulate the behaviour of non-state actors and armed groups.
- Internally Displaced Persons (IDPs) and refugees – there is a high militarisation of refugee camps, and often these sites serve as hotspots for recruitment. Young people are being indoctrinated and recruited.

Opportunities

- Child protection is at the centre of the international agenda.
- Policies have been put in place for children in armed conflict by international actors.

Khaled Quzmar – Director General DCI-Palestine

Working in a context where national security and children in armed conflict are very present and interlinked. Challenges in terms of dealing with deprivation of liberty in these settings where it is so difficult to even have access or accurate data, and this issue can be complicated further when we talk about conflicts that last decades.

What are the priorities that we should be looking at when implementing the study in the immediate future? And what topics should we be focusing on?

Shimelis Tsegaye Tesemma – PhD, Director of Programmes, African Child Policy Forum (ACPF)

The role of enforcement at a national, regional and international level must become a priority. Building the capacity of stakeholders at a national and regional level. Also, emphasise research – it is very important. A more functional modality of engagement with non-state armed groups has to be implemented. States are already accountable in a variety of ways, however, non-state actors are not held accountable to anyone. Greater coordination is required and must be a priority – within and across countries, between regional bodies and in the international sphere.

Hannah Tiefengraber – Global Programme to End Violence Against Children UNODC

Children detained on national security grounds may face further stigmatisation and exclusion. It is important to think about how states can approach child rights and national security in a more practical way, ensuring the best interests of the child, how to convey the message that detaining children is not perceived as being in the interest of national security. In this regard, this comes together with ensuring all children are exclusively dealt within child friendly justice systems. An individual assessment for each and every child is required; this would help move away from a risk-based approach where a child is perceived as a national security threat.

Francesca Albanese – Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 (video message)

- Arrest and detention are the most brutal forms of violations, as they take place in the name of the law, but they stand against what international law stands for.
- In 2022, 50 Palestinian children have been killed under the unlawful context of the Israeli occupation. Nearly 200 children are held in Israeli prisons, including seven without trial or charges.
- The widespread and systemic deprivation of liberty is inherent to a settler-colonial project, implemented through policies of control and confinement in oPt.
- The imprisonment of children is used to deter any act of opposition and resistance.

Breakout discussions

Deprivation of liberty of children in the administration of justice and children living in prison with their primary caregivers

Opportunities for action and recommendations:

- For children in prison with their primary caregivers, need to **make visible** the situation of these children, find ways and tools to understand that children that are in prison with their incarcerated parents.
- The proposed collaboration to develop a toolkit on children with parents in prison (broad scope) by UNODC and others is promising.
- Roll out **sentencing guidelines**.
- **In the context of the administration of justice, create synergies with existing initiatives or planned conferences**, for example the 2025 World Congress on Justice with Children. There was a point concerning having more actors coming in and bringing more people into this work (eg on SDGs or on the [2023 World Justice Appeal](#)).
- Need to **document good practices** when we have these situations where we have non-custodial sentences – need to have other practices to refer to and to be able to scale up innovation.
- Need for **data collection**; for us to appreciate what States and governments are doing, we need data to appreciate the efforts that are being done or not, this will allow us to recommend the most needed action.
- The aim of the study was to ensure insofar as possible a **reduction** in the number of children deprived of their liberty. If deprivation of liberty is to be avoided, an area of focus must be with prosecutors and judges so that they better understand how to implement the child's best interests.
- More needs to be done to ensure that the recommendations of the Global Study are known by the relevant state and other actors.
- Efforts on improving **access to complaints mechanisms** are important.

Deprivation of Liberty and children on the move

Identified **priority actions** for ending deprivation of liberty for children in migration:

- Improve the **identification of children 0-18** including teenagers and raise awareness at the authority level specifically on children with no IDs or documentation.
- **Bridge the gap between the child protection system and the migration system** and ensure that the developed tools, available SOPs are recognised by the system.
- Exploring and utilising the developed **capacity building tools** related to local authorities that are governing the borders, particularly rapid needs assessment and training modules.
- Prioritise the collection of **disaggregated data**.

- Follow up with the UN Committee on the Rights of the Child recommendations in relation to ending child migration detention;
- **Documentation of cases of violations and reporting to the Committee.** Capitalise on civil society organisations modules and best practices in dealing with children in migration.
- **Coordinate with existing networks and mechanisms** – UN task force and UN migration network, African Committee under the African Charter that has a similar mechanism as CRC also the EU.
- **Legal policy practice:** Map the existing legal framework in relation to immigration of children and look for joint advocacy opportunities and financing sources. As well as good practices in implementation ex: community-based care, foster homes, in response to the incoherence between the legal framework and the implementation. Reinforcement of existing structures and sharing of best practices.

Deprivation of liberty of children in institutions

Opportunities for action and recommendations:

- Move from solely reactionary measures to **preventive measures** so that the two are in parallel; preventing children from entering institutions in the first place whilst finding family-based alternatives for children who are already institutionalised.
- **Work at community level**, staff which work with children, and with families, working in parallel at different levels – international standards and good practices need to be **contextualised nationally**. We always need to look at each country's strengths and weaknesses
- Prevention: underline the need for data, the need for mapping, the definition of institutions, the types, **need mapping of the scale and to raise awareness** at the same time.
- **Monitoring and reporting** on institutions to see what does and does not work – use this to create a roadmap on how to **transition to community-based care**, under 2030 agenda there is a commitment to eradicate violence against children which happens within institutions – work with governments on no longer opening institutions as a first step!
- In the interim, **minimum standards and best practices** for institutions that already exist.
- In terms of prevention, always looking at working with vulnerable families to **prevent separation, redirect funding allocated** for institutions for families that are at high risk of being subject to removal of children from parental care and possibly institutionalisation.

Deprivation of liberty of children in armed conflicts or national security contexts

Opportunities for action and recommendations:

- **Need for prevention**; especially poverty, community awareness, need to advocate for regional level to live up to their commitments even at the nation level when they ratify treaties.
- **Community as a protective factor**: advocacy and capacity-building in communities is crucial.
- The **CRC [Optional Protocol on the involvement of children in armed conflict](#)** is a very important tool.
- Build the capacity of the **Early Warning System at the [African Union](#) level**.
- The issue of coordination of sectors to work together in this regard – **consistency in application of international law** (especially in Palestine)
- **Community based rehabilitation systems**, capitalising on them – holistic system wide approach
- Support for post conflict reconstruction
- Ensuring that **peace and reconciliation** is built into school curricula is very important.
- Better consistency in **data collection** – regional and national policy can then be possible.
- Conflict is not a developing countries issue – change the narrative.
- Liaise with 2023 new members of the **UN Security Council** (eg Malta, Japan)