



HANDOUT PRESENTATION

**UN GLOBAL STUDY ON CHILDREN**

**DEPRIVED OF LIBERTY**

18th DECEMBER 2020



Hart voor Kinderrechten



# SUMMARY

Every year, worldwide, 7 million children are deprived of their liberty, according to the UN Global Study on Children Deprived of Liberty (Global Study), the first worldwide study on children deprived of liberty. Also in the Netherlands, every year, thousands of children are placed in closed facilities. In 2019 there were 1,680 placements in closed residential care, 1,321 minors were placed in a youth prison, 30 unaccompanied children were in immigration detention and 170 children with families were in immigration detention. Defence for Children International was closely involved in the development of the Global Study, and urges the state of the Netherlands to prevent and reduce the numbers of children deprived of their liberty in accordance with the Convention on the Rights of the Child. During the presentation of the Global Study, its recommendations and what they mean for children in the Netherlands in police custody, youth prison, closed residential care and immigration detention will be discussed.

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**7M**  
(MILLION) CHILDREN DEPRIVED  
OF THEIR LIBERTY  
WORLDWIDE  
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## INTERNATIONAL FIGURES GLOBAL STUDY

- 7.195.500 children in all situations
- 5.400.000 children deprived of liberty in institutions<sup>1</sup>
- 1.410.000 children deprived of liberty in the administration of justice
- 410.000 children in pre-trial detention and prisons
- 330.000 children in migration related detention
- 35.000 children deprived of liberty in the context of armed conflict
- 19.000 children living in prisons with care givers
- 1.500 children detained on grounds of national security

## OBJECTIVES GLOBAL STUDY

- Comprehend, on the basis of global data, the magnitude of the situation of children deprived of liberty.
- Identify best practices in non-custodial solutions applied by States.
- Hear the perspective of children.
- Propose recommendations to support States in dealing with this phenomenon.

<sup>1</sup> According to the legal standards of the study regarding secured residential care.

## OVERARCHING RECOMMENDATIONS GLOBAL STUDY

- Significantly reduce the number of children held in places of detention and apply non-custodial solutions.
- Rigorously apply the requirement of detention as a measure of last resort.
- Listen to the children, they are experts in their own rights.
- Address root causes and invest resources to reduce inequalities and support families.
- If absolutely unavoidable, detention only for shortest appropriate period of time in child friendly conditions with essential services.

## FIGURES THE NETHERLANDS 2019

### Children in conflict with the law

- 25.714 police interviews with child suspects (<18 yo), 17.322 unique child suspects.
- In 20.016 cases the child had to stay in a police cell, 14.962 unique child suspects.
- 16.088 child suspects were referred to Halt (diversion measure).
- In 5.129 cases police custody was prolonged for 3 more days, 4.221 unique child suspects.
- 1.321 minors were placed in a youth prison, 26 minors were 12 or 13 years old.
- 72% of those 1.321 were placed there during pre-trial detention, on average they had to stay there for 47 days.
- In 810 cases regarding an offence the child offender was sentenced to detention. 64% of those detention orders were less than two months, 9% of the orders were 6 months or more. On average the duration of detention in youth prison was 64 days.
- In the Netherlands we also have a mandatory care measure as a youth sanction, depriving the minor of their liberty. In 50 (new) cases the court applied this measure. Last year 180 of those measures were still in force. The average duration of placement in a youth prison on grounds of this measure is 1200 days (more than 3 years).

(data from Ministry of Justice and from 'Criminaliteit en rechtshandhaving 2019' WODC)

### "JeugdzorgPlus" = secured residential care

- 1.680 placements (1.361 unique minors).
- 66% of those were so called "emergency placements".
- 57% of the 1.680 placements were new/first placements, in age groups:
  - 11 years and younger: 43 placements
  - 12 - 14 yo: 287 placements
  - 15 -16 yo: 462 placements
  - From 17 yo: 171.placements
- 29% of the 1.1680 placements were "renewals", 5% of those had to do with runaways.
- On average the duration of placement in closed residential care is 6 months. In 205 cases (12%) the duration of placement was 12 months or more.

(data from *Jeugdzorg Nederland Factsheet JeugdzorgPlus 2019*).

### Children in immigration detention

- 30 unaccompanied children in immigration detention
- 170 children with families in immigration detention, most of these children are very young:
  - 80 children are between 0 and 5 years old
  - Only 10 of the 170 are above the age of 16

(data from Ministry of Justice)

### Recommendations for the Dutch government

- Make every effort to significantly reduce the number of children deprived of their liberty in all types of secured facilities.
- Make every effort to prevent the use of deprivation of liberty, including by responding to the fundamental causes of the use of such measures.
- Strictly comply with article 37 of the Convention on the Rights of the Child, which means
  - last resort
  - for the shortest possible time
  - applicable only in exceptional cases
  - taking into account the position of the child
- Create an adequate, centralized and permanent data collection system.
- Prohibit the detention of children in migration situations completely, whether they are children travelling alone or children with their families.
- Apply childfriendly conditions if placement in a secured facility is unavoidable.

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**1.680**

PLACEMENTS IN SECURED  
RESIDENTIAL CARE FACILITIES  
IN THE NETHERLANDS  
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