



DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL DNI  
DEFENSE DES ENFANTS INTERNATIONAL DEI  
DEFENCE FOR CHILDREN INTERNATIONAL DCI

# “Education in Chains: Gaps in Education Provision to Children in Detention”



AN OVERVIEW OF THE RIGHT  
TO EDUCATION OF CHILDREN IN  
DETENTION





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# FOREWORD

## Foreword by Mr. Verner Muñoz, Special Rapporteur on the right to education

The right to education for all children is enshrined in the Convention on the Rights of the Child. In reality however, too many children, such as children deprived of their liberty, still face enormous barriers in accessing this right.

The report that I presented to the Human Right Council during its eleventh session in June 2009 (UN reference A/HRC/11/8) on “the right to education of persons in detention” showed that, even though a few improvements have been observed in some countries, juvenile justice systems have been in general unable to provide sufficient quantity and quality of training and education to children deprived of their liberty. Most detained children today still receive inadequate, poor quality education, ill-suited to their needs, and in some countries, children fail to receive any form of State-provided education at all.

Children deprived of their liberty have a right to be extended the same opportunities for education as their peers in the rest of society. However, the most important recommendation to repeat is that children do not belong behind bars in the first place and should thus only be deprived of their liberty as a very last resort and for the shortest possible period of time.

Defence for Children International (DCI) has been a significant provider of quality information, data and case examples on the specific situation of children in detention, for the preparation of my report. I would like to take the opportunity to extend my warm thanks for their support to my initiative and to the national sections that responded to my call for information.

While my report to the Human Rights Council was devoted more generally to the question of the right to education of persons in detention, this DCI report focuses on the specific situation of children in detention and therefore provides important complementary information, analysis and recommendations from the field.

It is my hope that this publication will contribute to enriching the debate around the access to free and quality education for all children, including those deprived of their liberty. But let us not forget that the time spent behind bars is a huge gap in their normal life cycle development for children. Proper education during detention, important though it is, unfortunately cannot make up for this.



Verner Muñoz  
Special Rapporteur on the right to education

# DEFENCE FOR CHILDREN INTERNATIONAL



Defence for Children International (DCI) is an independent non-governmental organisation that promotes and protects children's rights on a global, regional, national and local level.

DCI is represented in over 40 countries worldwide through its national sections and associated members across Africa, the Middle East, Asia, the Pacific, Latin America and Europe, which focus on issues relevant to their national contexts. These issues range from ending child labour to child trafficking and violence against children. Since 1996, DCI has operated in the field of juvenile justice at both global and national levels, using research, advocacy and lobbying tools, as well as direct interventions to assist children in conflict with the law. DCI has accumulated wide-ranging experience and solid expertise around issues of juvenile justice at national, regional and international levels. At present, juvenile justice is the over-arching issue of the DCI movement, with over 75% of DCI's national sections conducting activities in this area.

Located in Geneva, DCI's International Secretariat is the focal point of the movement at the international level, implementing programmes that promote child rights globally and support the activities and growth of its members. In 2009, the DCI movement celebrates the 30th anniversary of its establishment.

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# EXECUTIVE SUMMARY

## Introduction

This report examines the right to education of children in detention in thirteen countries where Defence for Children International (DCI) has a presence<sup>1</sup> and represents an ongoing collaboration between DCI's national sections and its International Secretariat.

The report stems from DCI's participation in a special paper produced by the UN Special Rapporteur on the Right to Education on the theme of education for persons in detention. In preparation for his report, the Special Rapporteur consulted with governments, prisoners and non-governmental organisations (including DCI). The Special Rapporteur presented his findings to the Human Rights Council in June 2009, alongside a set of recommendations stressing the need to guarantee the right to education in detention, in legislation and in practice.

## The right to education of children deprived of their liberty

Against a backdrop of poverty, social exclusion and exploitation, children in conflict with the law represent a particularly vulnerable group. However, instead of receiving care and protection, these children often face discrimination and denial of their social, cultural, economic and political rights. The evidence presented in this report highlights that many governments are failing to guarantee the right to education of children held in detention around the world. Key findings are as follows:

- There were a number of examples where national legislation fails to establish provisions for the education of children in detention and where education is treated as an opportunity rather than a right;
- In a number of countries, the State fails to provide any education whatsoever to children in detention;
- Non-governmental organisations (NGOs) are the sole providers of education to children in detention in many situations, or play a key role in enhancing existing provision;
- The situation of children is often worse when they are held in pre-trial detention, where limited, lower quality or indeed no education is often provided;
- It was evident that few efforts are being made to monitor and evaluate the quality and frequency of education in detention, and in particular participation rates among detained children.

To help address these problems and protect the rights of vulnerable children, DCI endorses the recommendations of the Special Rapporteur on the Right to Education (2009) and recommends a focus on the following goals:

- States should use deprivation of liberty as a measure of last resort and for the shortest possible period of time.
- Ensure education is framed as an inalienable right integrated in the national legislation, policies and strategies.
- Systematically collect and publish data about the provision of education in detention.
- Monitor and review the quality and quantity of education in detention and initiate plans to transfer responsibilities from non-governmental organisations to the state.
- Avoid the use of pre-trial detention, regularly review its use and ensure conditions meet the same standards as other forms of detention.
- Facilitate the participation of children in the development of educational programmes in detention.

<sup>1</sup> The DCI national sections that took part in the consultation are: Albania, Belgium, Colombia, Ecuador, Italy, Lebanon, Netherlands, Niger, Nigeria, Pakistan, Palestine, Sierra Leone and Uganda.

# INTRODUCTION

The origins of this report lie in a paper produced by the UN Special Rapporteur on the right to education of persons in detention, which was presented to the 11th session of the UN Human Rights Council in June 2009 <sup>2</sup>. To inform his investigation, the Special Rapporteur had devised and disseminated a questionnaire <sup>3</sup> setting out key issues to be addressed, and engaged with governments, non-governmental organisations, international agencies and prisoners. In response to this call for information, DCI sections provided data describing the situation in their national context regarding educational provision for children in detention.

The UN Rules for the Protection of Juveniles Deprived of their Liberty (known also as the Havana Rules) define the deprivation of liberty as follows <sup>4</sup>:

**Any form of detention or imprisonment or the placement of a person in a public or private custodial setting, from which this person is not permitted to leave at will, by order of any judicial, administrative or other public authority.** <sup>5</sup>

The term ‘children in detention’ mainly refers to children deprived of their liberty as a result of being in conflict with the law <sup>6</sup>. However, the conditions of children in detention for other reasons - for example, due to having a parent in prison or awaiting deportation - are also examined here, due to the significant amount of evidence gathered regarding their situation. Mirroring the approach taken by the Special Rapporteur, this report draws upon the four components identified as integral to the right to education, namely: availability, accessibility, acceptability and adaptability <sup>7</sup>.

## Methodology

This report uses qualitative data collected by DCI sections from the following countries to support the Special Rapporteur’s call for information: Albania, Belgium, Colombia, Ecuador, Italy, Lebanon, Netherlands, Niger, Nigeria, Palestine, Pakistan, Sierra Leone and Uganda. The DCI national sections gathered their data using a variety of methods, which included conducting reviews of national policy and legislation, collecting evidence from their direct work with children in detention and undertaking interviews with civil servants, policy makers and staff in detention centres.

While the original questionnaire developed by the Special Rapporteur examined the rights of prisoners in general, with dedicated sections on vulnerable groups, the information provided by the DCI national sections focused almost exclusively on the situation of children in conflict with

<sup>2</sup> For more information, see the website of the Special Rapporteur on the Right to Education: <http://www2.ohchr.org/english/issues/education/rapporteur/index.htm>

<sup>3</sup> See Appendix A: Questionnaire on the Right to Education of Persons in Detention

<sup>4</sup> UN Rules for the Protection of Juveniles Deprived of their Liberty (II, 11 b) <http://www.un.org/documents/ga/res/45/a45r113.htm>

<sup>5</sup> For more information, see Defence for Children International Fact Sheet #7: General Comment No10 Children’s Rights in Juvenile Justice: Deprivation of Liberty as a Last Resort.

<sup>6</sup> In the introduction to his questionnaire, the Special Rapporteur defines persons in detention as including ‘without being limited to, persons serving a sentence and/or on pre-trial, in prisons and other forms of correctional facilities, and closed facilities for asylum-seekers’ (p4).

<sup>7</sup> See preliminary report of the former UN Special Rapporteur on the right to education (Katarina Tomasevski) UN Doc. E/CN.4/1999/49, chapter II. Also UNCESCR, General Comment no. 13.

# INTRODUCTION

the law <sup>8</sup>. Following the original consultation, the DCI International Secretariat investigated a number of significant issues further with the national sections involved, including the situation of children in pre-trial detention, examples of DCI work in improving conditions and recommendations with regard to their national context. Case studies were also provided to illustrate the reality of life for children in detention.

## Aims of this report

The DCI International Secretariat received a significant amount of quality information from DCI national sections following the Special Rapporteur's consultation. As a result, it was felt that this material should be used to compile a report describing the rights and conditions for children in detention with regard to access to education and to disseminate its findings. The main aims of this report are therefore as follows:

- To portray the reality of life in detention for children, described in the Special Rapporteur's report as a particularly vulnerable group;
- To contribute to the evidence base on the situation regarding the provision of education for children in detention, providing valuable information in an area where up-to-date and reliable data is scarce and informing DCI's future advocacy initiatives; and
- To raise awareness of DCI's advocacy work and its role in providing services to vulnerable children, including those in detention.

## Report structure

This report deals with the right to education of children in detention, with special reference to the situation in thirteen countries.

Chapter I contains an overview of international standards concerning the right to education and the rights of children in conflict with the law. Chapter II uses evidence provided by DCI national country sections, and with respect to each country, presents information on relevant national legislation and the situation of children in detention. This Chapter uses the provisions set out in Article 38 of the Havana Rules to highlight situations where children continue to face challenges to their right to education, with regard to the following:

1. Right to access a quality education, suited to a child's needs and abilities;
2. Right to education that is integrated with the educational system of the country;
3. Right to education in a suitable setting provided by appropriate and qualified staff;
4. Right to education of vulnerable children and those with special needs.

Chapter III of this report describes examples of good practice in the area of education provision for children in detention, with reference to the work of DCI national sections. Finally, Chapter IV sets out conclusions and recommendations, both general and specific to the countries involved in the consultation.

<sup>8</sup> Article 1 of the UN Convention on the Rights of the Child (1989) provides the following definition of a child: A child means every human being under the age of eighteen years.

# CHAPTER I: OVERVIEW OF LEGAL AND OTHER STANDARDS

## 1. Children deprived of their liberty

It is estimated that more than one million children are deprived of their liberty in the world today<sup>9</sup>. This is despite an increasing international movement against the placement of children in detention, a position strongly supported by Defence for Children International. Article 37(b) of the United Nations Convention on the Rights of the Child<sup>10</sup> stipulates that detention should be avoided wherever possible:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.<sup>11</sup>

### Children Deprived of their Liberty: Key Facts

- Although exact numbers are not available, it is estimated that the majority of children in detention worldwide are aged between 14 - 18 years, most of whom are boys<sup>12</sup>.
- The majority of children in conflict with the law (over 90 per cent) are charged with petty crime, mainly involving threats to the property of others (e.g. theft)<sup>13</sup>.
- Children deprived of their liberty can be held in a number of settings, including police lock-ups, remand homes, training schools and juvenile or adult correctional facilities<sup>14</sup>.
- In many countries, the majority of children in detention have not been convicted of a crime, but are simply awaiting trial. Pre-trial detention may last for months or even years. Many of these children ultimately are not convicted of any offence<sup>15</sup>.

In reality, however, children around the world are deprived of their liberty for many reasons: as the result of committing an offence, because they are felt to be at risk due to the environment in which they live or indeed as a result of improper actions by law enforcement agencies<sup>16</sup>.

9 Unicef /United Nations Office on Drugs and Crime (2006) Manual for the Measurement of Juvenile Justice Indicators (p1) <http://www.juvenilejusticepanel.org/resource/items/J/J/JIIndicatorsManual.pdf>

10 Convention on the Rights of the Child, Article 37 <http://www2.ohchr.org/english/law/crc.htm#art37>

11 193 countries have ratified the UN CRC. This includes every member of the United Nations except the United States and Somalia.

12 The right to education of persons in detention (2009): Report of the Special Rapporteur on the right to education, Verner Muñoz (p13).

13 Save the Children International (2005) The Right Not To Lose Hope: Children in Conflict with the Law – A Policy Analysis and Examples of Good Practice (p3).

14 Defence for Children International (2003) Kids Behind Bars – A Study of Children in Conflict with the Law: Towards Investing in Prevention, Stopping Incarceration and Meeting International Standards (p24).

15 United Nations World Report on Violence against Children (2006) (pp. 191-192).

16 Defence for Children International (2003) (p11).

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Not all children in detention have committed an offence: minors can also be detained as a result of immigration laws or in order to remain with their parents in prison <sup>17</sup>. Previous DCI research on children in conflict with the law has highlighted a number of concerns regarding the detention of children, including unacceptable living conditions, denial of access to education and contact with their families and risk of physical and sexual abuse.

Children in conflict with the law are often among the most vulnerable and needy in society due to underlying causes such as poverty, social exclusion, exploitation and lack of opportunities <sup>18</sup>. However, instead of receiving care and protection, these boys and girls are frequently marginalised and face discrimination and denial of their social, cultural, economic and political rights <sup>19</sup>. Attempts to monitor detention rates and examine conditions for detained children are hampered by a scarcity of accurate and consistent data. Although international standards <sup>20</sup> have been developed to help improve the situation for those in detention, the rights of children deprived of their liberty, including their right to education, continue to be violated.

## 2. Education as a human right

The right to education is regarded as universal and inviolable. The International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR) states that education is essential for the growth, protection and enhancement of the human personality, and in a broader sense, in the fight against poverty and other social injustices <sup>21</sup>. According to international standards, all children are entitled to free compulsory primary education, while States have an obligation to develop secondary education and responsibility for developing measures to make it accessible for all children <sup>22</sup>. General Comment No 13 of the United Nations Committee on Economic, Social and Cultural Rights <sup>23</sup> defines the right to education thus:

**Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States**

17 See Prison International Fellowship – Children in Prison: <http://www.pfi.org/cjr/human-rights/vulnerable-populations/children-in-prison>

18 Commission for Human Rights (2009) Children and Juvenile Justice: Proposals for Improvements (p6).

19 For more information see [www.juvenilejusticepanel.org/en/needforprotection.html](http://www.juvenilejusticepanel.org/en/needforprotection.html)

20 These standards include: Convention on the Rights of the Child (CRC) 1989 Article 37; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985; United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) 1990; United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) 1990.

21 International Covenant on Economic, Social and Cultural Rights (Articles 13 and 14) : <http://www2.ohchr.org/english/law/cescr.htm>

22 ICESCR (1966) Article 13.2. For more information see Unicef/United Nations Educational, Scientific and Cultural Organization (2007) A Human Rights Based Approach to Education <http://www.right-to-education.org/sites/r2e.gn.apc.org/files/A%20Human%20Rights-based%20Approach%20to%20Education%20for%20All.pdf>

23 The UN Committee on Economic, Social and Cultural Rights is responsible for monitoring the implementation of the International Covenant on Economic, Social and Cultural Rights.

# CHAPTER I: OVERVIEW OF LEGAL AND OTHER STANDARDS

can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence <sup>24</sup>.

The Committee also states that: “education in all its forms and at all levels shall exhibit the following interrelated and essential features:

- a) availability;
- b) accessibility;
- c) acceptability;
- d) adaptability” <sup>25</sup>.

While the right to education in detention has been recognised internationally, great variations still exist regarding its interpretation and implementation. Coming from backgrounds marked by deprivation, educational failure and exclusion, children in conflict with the law often have particular educational needs. Despite this, these children are not guaranteed access to education in detention and limited information is available with respect to participation rates, and the quality and quantity of education provided to children in detention <sup>26</sup>.

## 3. Children’s rights in juvenile justice and the right to education

A number of significant child specific and non-child specific international documents establish provisions and recommendations regarding the right to education and the rights of children in detention.

The United Nations Convention on the Rights of the Child (UN CRC) was adopted by the General Assembly in 1989 and entered into force in 1990. It includes provisions regarding guaranteeing the right to education (Articles 28 and 29) and the rights of children deprived of their liberty (Article 37). With regard to juvenile justice, the implementation of the CRC is overseen by the Committee on the Rights of the Child, which in 2007 issued General Comment No.10 to expand on the articles of the CRC dealing with children’s rights in juvenile justice and encourage the development of comprehensive national policies to deal with children in conflict with the law <sup>27</sup>.

<sup>24</sup> See General Comment No.13 of the United Nations Committee on Economic, Social and Cultural Rights (1) [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/ae1a0b126d068e868025683c003c8b3b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/ae1a0b126d068e868025683c003c8b3b?Opendocument)

<sup>25</sup> Coomans, F. (2007) Identifying the Key Elements of the Right to Education: A Focus on Its Core Content (p3) <http://www.crin.org/docs/Coomans-CoreContent-Right%20to%20EducationCRC.pdf>

<sup>26</sup> The right to education of persons in detention (2009): Report of the Special Rapporteur on the right to education, Verner Muñoz (p15).

<sup>27</sup> ‘General Comments’ are used by the Committee to support states in their implementation of the provisions of the CRC. For more information see Defence for Children International Fact Sheet #1: General Comment No.10: Children’s Rights in Juvenile Justice, or see

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## Summary of key legally binding international standards

Instrument	Article	Summary
Universal Declaration of Human Rights 1948 <sup>28</sup>	Articles 11, 26	<p>Article 11 states that those charged with an offence have a right to be presumed innocent until proven guilty in a public trial.</p> <p>Article 26 stipulates the right to education, which should be free in the elementary and fundamental stages. Elementary education should be compulsory.</p>
4th Geneva Convention 1949 <sup>29</sup>	Article 94	Article 94 of the 4th Geneva Convention guarantees the right to education of children and that they should be allowed to attend schools either within the place of internment or outside.
Convention on the Rights of the Child (CRC) 1989 <sup>30</sup>	Articles 28 & 29, 37	<p>Article 28 of the UN CRC stipulates the child's right to education and places an obligation on States to provide free compulsory primary education and encourage the development of different forms of secondary education <sup>32</sup>. The provision of an education that is empowering, child-friendly and child-centred is emphasised in Article 29 <sup>33</sup>.</p> <p>Article 37 states that children deprived of their liberty should be treated in a manner that takes into account the needs of persons of their age and that detained children should be held separately to adult detainees.</p>
The International Covenant on Economic, Social and Cultural Rights 1966 <sup>31</sup>	Articles 13 & 14	Articles 13 and 14 of the Covenant recognise the right to education, (including free universal primary education, generally available secondary education and equally accessible higher education).

28 <http://www.un.org/en/documents/udhr/>

29 <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

30 See <http://www.ohchr.org/english/law/crc.htm>.

31 [http://www.unhchr.ch/html/menu3/b/a\\_cescr.htm](http://www.unhchr.ch/html/menu3/b/a_cescr.htm)

32 <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

33 General Comment No. 1: The aims of education, article 29 (1) (2001)', CRC/GC/2001/1, 2001; Committee on the Rights of the Child, 'General Comment No. 7: Implementing child rights in early childhood', CRC/C/GC7, 2005.

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UNESCO Convention against Discrimination in Education 1960 <sup>34</sup>	Articles 1 & 2	The Convention guarantees the right of all people to enjoy education free from discrimination or segregation.
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## UN Rules for the Protection of Juveniles

The provisions set out in the UNCRC are elaborated in more detail through a set of three rules concerning juvenile justice (below), which take the form of recommendations rather than being legally binding.

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985 <sup>35</sup>	Among other provisions, the Beijing Rules state that children should only be detained in an institution as a measure of last resort, and for the minimum necessary period.
United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) 1990 <sup>36</sup>	The Riyadh Guidelines set out positive approaches to preventing crime among children and young people.
United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) 1990 <sup>37</sup>	The Havana Rules set standards with regard to the protection of children in the juvenile justice system.

34 [http://www.unesco.org/education/pdf/DISCR1\\_E.PDF](http://www.unesco.org/education/pdf/DISCR1_E.PDF)

35 [http://www.unhchr.ch/html/menu3/b/h\\_comp48.htm](http://www.unhchr.ch/html/menu3/b/h_comp48.htm)

36 <http://www2.ohchr.org/english/law/juvenile.htm>

37 [http://www2.ohchr.org/english/law/res45\\_113.htm](http://www2.ohchr.org/english/law/res45_113.htm)

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## 4. The Special Rapporteur on the Right to Education: Report on the Rights of Persons in Detention

The decision of the Special Rapporteur on the Right to Education to focus on the educational rights and needs of persons in detention represented an opportunity to examine the extent to which States are complying with these international standards. His report, which was presented to the 11th session of the Human Rights Council in June 2009, focussed on a number of key issues including policy and legislative frameworks, curriculum of education programmes and children in detention.

In his report, the Special Rapporteur describes an 'urgent need' to address widespread violations of the right to education of persons in detention. He notes the particular vulnerability of juveniles in detention, the lack of information regarding participation rates and comments that the juvenile justice system has failed to provide 'sufficient quantity and quality of training and education to the children detained' (p14). Finally, the Special Rapporteur addresses a series of recommendations (including a number aimed at children in detention and other vulnerable groups) to States and public education authorities, stressing the need to guarantee the right to education of persons in detention in legislation and in practice.

A number of draft resolutions were adopted following the 11th session of the Human Rights Council <sup>38</sup>. Following up on the recommendations of the Special Rapporteur with regard to the right to education of persons in detention, the Human Rights Council resolution 8/4 (p28) urges States to ensure the right to education of persons in detention, by guaranteeing the following:

- (a) To ensure equal access to education for all female and male detainees;
- (b) To develop a coherent policy for education in detention;
- (c) To remove barriers to education in detention, including its possible negative impact on opportunities for remuneration in prison;
- (d) To make available to all detainees comprehensive education programmes aimed at the development of the full potential of each detainee;
- (e) To incorporate human rights education in the programmes;
- (f) To develop individual education plans with the full participation of the detainee, taking into account the diverse backgrounds and needs of persons in detention, including women, persons belonging to minority and indigenous groups, persons of foreign origin and persons with physical, learning and psychosocial disabilities, while recalling that a detainee may belong to more than one of these groups;
- (g) To integrate education programmes into the public school system, in order to allow for the continuation of education upon release;
- (h) To ensure appropriate professional training and working conditions and a safe working environment for teachers in places of detention;
- (i) To evaluate and monitor all education programmes in places of, and to undertake multidisciplinary and detailed research in this regard;
- (j) To share best practices concerning education programmes in detention;

<sup>38</sup> For more information see <http://www2.ohchr.org/english/bodies/hrcouncil/11session/resolutions.htm>

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- (k) To produce and deliver adequate pedagogical materials for persons in detention, including appropriate opportunities to receive education and training in the use of new information technologies;
- (l) To ensure that primary education is compulsory, accessible and available free to all, including to all children in detention or living in prisons;
- (m) To ensure curricula and educational practices that are gender-sensitive but not gender stereotypical in places of detention, in order to fulfil the right to education of women and girls <sup>39</sup>.

In discussing the right to education in detention, the Special Rapporteur emphasises that an individual's right to education is not surrendered when he or she is deprived of liberty (2009, p5). However, as we shall see in the next Chapter, evidence submitted by DCI national sections highlights that many governments are failing to guarantee the right to education of children held in prisons, remand homes and detention centres around the world.

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<sup>39</sup> Draft report of the Human Rights Council on its eleventh session (2009 11,6) Vice-President and Rapporteur: Mr. Elchin Amirbayov (Azerbaijan).

# CHAPTER II: THE RIGHT TO EDUCATION OF CHILDREN IN DETENTION

## MATERIAL FROM DCI NATIONAL SECTIONS

### Introduction

The material used in this chapter is derived from submissions provided by DCI national sections to the Special Rapporteur on the Right to Education, to support his report on the education of persons in detention. As previously mentioned, a total of thirteen DCI sections returned questionnaires<sup>40</sup>: four each from Africa and Europe, two each from the Middle East and South America and one from Asia.

Albania	Italy	Nigeria
Belgium	Lebanon	Pakistan
Colombia	Netherlands	Palestine <sup>41</sup>
Ecuador	Niger	Sierra Leone

Information was gathered, where available, on national legislation, statistics and the general situation of children in detention with regard to their right to education. Clearly, the countries involved differ greatly in terms of their socio-economic and political situation, and this, alongside the fact that the amount of information returned from each DCI section varied significantly in detail, makes it difficult to draw comparisons or similarities between them in this report. Instead, a thematic overview of the main findings will be provided.

Drawing on the provisions set out in Article 38 of the Havana Rules, subsequent paragraphs will describe the situation facing children with regard to the following:

1. Right to access a quality education, suited to a child's needs and abilities;
2. Right to education that is integrated with the educational system of that country;
3. Right to education in a suitable setting provided by appropriate and qualified staff; and
4. Right to education of vulnerable children and those with special needs.

First, a synopsis of statistics and other key data is presented, to provide a picture of the situation of children deprived of their liberty. This is followed by a summary of national legislation in the countries involved. Case studies, contributed by the DCI national sections, are used in this chapter to illustrate children's actual perspectives and experiences.

### 1. Overview of situation of children in detention

DCI national sections provided information on the situation in various, mainly closed correctional facilities where children in conflict with the law are detained. While the names used to describe these settings vary from country to country, all share the same purpose - that is to say, to

<sup>40</sup> See Appendix A for full list of questions.

<sup>41</sup> Information received from DCI Palestine addressed the situation of Palestinian children detained by Israel and Palestinian children detained by the Palestinian National Authority.

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deprive children of their liberty. These settings included:

- Remand homes (Nigeria, Sierra Leone, Uganda);
- Detention centres (Colombia, Palestinian children held by Israeli authorities, Lebanon);
- Interrogation centres (Palestinian children held by Israeli authorities);
- Approved school (Sierra Leone);
- National Rehabilitation Centre (Uganda);
- Prisons (Palestinian children held by Israeli authorities, Albania - section for minors provided);
- Semi-closed detention (Colombia);
- Juvenile reform centres (Palestinian children held by PNA);
- Youth Custodial Institutions (Netherlands);
- Juvenile Penal Institutions (Italy);
- Borstal institutions and juvenile jails (Pakistan);
- Welfare Homes (Nigeria);
- Public Institutions for the protection of the youth (Belgium);
- Centre for children who commit serious crimes (Belgium);
- Police stations (Colombia);
- Adult prisons (Palestinian children held by PNA).

The DCI submissions described a range of reasons why children were deprived of their liberty, some for reasons other than being in conflict with the law. These included being abandoned by or separated from their families, children being born to mothers in prison, girls detained for their own protection and street children placed in detention in order to provide them with access to basic services.

## a) Numbers of children in detention

The amount of information returned by the respective DCI sections on the number of detained children varied greatly: detailed monitoring data was received for some countries, while for others it was not possible to collect any relevant figures at all with regard to numbers of children held in detention or to report the nature and quality of education provision. For example, in Lebanon, statistics were not available regarding educational programmes or the numbers of children in detention. In contrast, some of the most detailed data was received from DCI-Palestine, which described how every year around 700 Palestinian children from the West Bank, aged under 18 years, are prosecuted through Israeli military courts following arrest, interrogation and detention by Israeli forces.

An index with all the statistical data returned by DCI national sections with regard to numbers of children in detention is provided in Appendix B.

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Country <sup>42</sup>	Number of Children in detention	Timescale
Albania	13	Figure as of June 2009
Belgium <sup>43</sup>	1867	Total figure for 2007
Italy	468	Figure as of October 2008
Netherlands	3491	Total figure for 2007
Palestine	327 (children held by Israeli authorities)	Figure as at 30th November 2008
Pakistan	1892	Figure as of October 2008

## b) The Role of Non-Governmental Organisations (NGOs) in the provision of education to children in detention

As Table 2 demonstrates, responsibility for organising and financing the provision of education for children in detention is often taken by NGOs, usually because of a failure by the State to do so. This was particularly the case in Lebanon, Niger and Sierra Leone, where there are currently no government programmes in children's detention centres. In Sierra Leone, where DCI is currently the only NGO providing education, the failure of the state to meet its obligations is attributed to 'lack of political will' and resources. DCI-Lebanon commented that provision of education is initiated by NGOs, by the detained persons themselves or by their families, but never the State.

In other countries, NGOs play a vital role in improving existing provision. For example, in Uganda, NGOs provide formal education to children in remand homes, where they are also active in providing vocational programmes.

<sup>42</sup> No/insufficient information was provided for Colombia, Ecuador, Lebanon, Niger, Nigeria, Sierra Leone and Uganda.

<sup>43</sup> Figures refer to children from the Francophone community.

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However, despite the importance and value of NGO initiatives, the obligation to guarantee education for children in detention should rest with governments. NGO activity tends to be short-term and unsustainable and therefore does not offer a lasting solution regarding educational provision.

## c) National policy and legislation frameworks

Mirroring the findings of previous DCI research on juvenile justice <sup>44</sup>, those of this study demonstrate that many States face difficulties in meeting their obligations in accordance with the Convention on the Rights of the Child, in this instance with respect to education of children in detention.

“In applying sanctions the competent authority must ensure that the adolescent is linked to the education system” Colombia Code of Childhood and Adolescence (2006) article 177

Each of the thirteen DCI sections that participated in the consultation returned information describing relevant national legislation regarding the right to education in detention. Table 2 (on the following page) shows significant variations in policy and practice among the countries examined. Education is considered an inalienable right in international law, but is rarely referred to specifically as a right in national legislation for children in detention.

There were a number of examples of progressive examples of progressive national policies. In Colombia, the Code of Childhood and Adolescence (2006) provides a legal framework which guarantees the right to education of children in detention. This code stipulates that detained children have the right to an integrated education adapted to their needs and abilities, which takes place outside the establishment where possible with competent teachers, much in keeping with the provisions of the Havana Rules.

However, several instances were reported where national legislation is failing to provide for education in detention. For example in Niger, a national education strategy exists, but makes no special provisions for children deprived of their liberty.

DCI-Italy highlighted that education for children is treated as a privilege rather than a right. While the Constitution refers to the Right to Study for all, the national penitentiary code never refers to education as a right, rather citing its value in offering opportunities within prison and as part of the process of rehabilitation.

DCI-Palestine highlighted concerns that the Palestinian legal framework does not adequately address the right to education of children in juvenile reform centres. However, the juvenile justice system in the PNA is currently under review, with the participation of a number of actors including DCI-Palestine and the Ministry of Justice.

“While recognising the importance of education within the reinsertion programme, the prison system continues to regard it as an opportunity, rather than a mandatory practice” DCI-Italy

<sup>44</sup> Kids Behind Bars: A study on children in conflict with the law: towards investing in prevention, stopping incarceration and meeting international standards (2003) (p11).

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## National legislation and access to education for children in detention

Country	Ratified UN CRC <sup>45</sup>	Key national legislation regarding access to education of children in detention	Access to education available for children in detention	Main Provider of Education to Children in Detention
Albania	1992	Ministry of Justice/Ministry of Education Agreement (awaiting implementation)	Yes - elementary and high school education provided for children in detention.	State
Belgium	1992	Plan of the Government of the French Community (1983)	Yes - however, some organisational and financial problems reported.	State, with some NGO involvement, which is still financed by the State
Colombia	1991	Code of Childhood and Adolescence (2006)	Limited data available regarding provision in detention following the implementation of the current Code (2006)  Pre 2006 data suggests that provision was inadequate and inappropriate.	State
Ecuador	1990	Ecuador Constitution article 26, 35 and 51; Childhood and Adolescent Code articles 37 and 377; Ministerial Agreement 314 of the Ministry of Education.	Yes - although there are questions regarding the quantity and quality of education currently available <sup>46</sup> .	State
Italy	1991	Constitution of Italy article 34. (1947) National Penitentiary n.354 1975 (plus implementing regulations 1976/2000).  However, education never referred to as a 'right'	Yes - although nature and quality of courses vary considerably	State

<sup>45</sup> See <http://www.unhchr.ch/pdf/report.pdf>

<sup>46</sup> DCI Ecuador interviewed a civil servant from the Ministry of Justice, to inform their contribution to the Special Rapporteur's report. The civil servant commented that access to education is not currently integrated into the management strategy of children in detention, although from next year a programme of education will be obligatory for every adolescent in detention.

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Lebanon	1991	Article 67 of Decree No.14310 (1949)	Limited - education only with a 'special permit'.	NGOs
Netherlands	1995	Dutch Constitution (1983) Youth Custodial Institutions Act/Regulation Youth Custodial Institutions Act	Yes - education is available to all children in youth custodial institutions.	State
Niger	1990	The law establishes the right to education for all, including detainees.	Limited - courses are in theory available in detention centres but this is not always so or they don't have enough capacity to accommodate all detainees.	NGOs
Nigeria	1991	Borstal Institutions and Remand Centre Act No 32 (1960) Child Rights Act (2003) <sup>47</sup>	Limited - formal education not available, as emphasis is placed on providing vocational training.	State, with some input from NGOs
Palestine	Israel 1991	(Israel) 1997 Tel Aviv District Court Judgement <sup>48</sup> .	(Israel) Limited - restricted education permitted in two out of five prisons and in no interrogation or detention centres where Palestinian children are held. No education provided to Palestinian female prisoners.	Israeli prison authorities
	Endorsed by PNA 1995	(PNA) Juvenile Justice legislation currently under review	(PNA) Limited and varied provision, depending on settings.	PNA - Ministry of Social Affairs
Pakistan	1990	Pakistan Prison Rules (1978-) Reformatory Schools Act (1897) Sindh and Punjab Borstal Schools Act (1926/1955)	Limited - only one setting in Pakistan (Youthful Offenders Industrial School, Karachi) has an established education/training dept. Generally, education provision is poorly resourced and inadequate.	NGOs

47 See also The Right of the Child in Nigeria: Report on the Implementation of the Convention on the Rights of the Child in Nigeria (January 2005) [http://www.cleen.org/nigeria\\_ngo\\_report\\_OMCT.pdf](http://www.cleen.org/nigeria_ngo_report_OMCT.pdf)

48 This is not a piece of legislation, but a court decision: Mohammad Frehat and others v Israeli Prison Service (1997) 400/97.

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Sierra Leone	1990	Education Act (2004)	Very limited - there is no current government strategy to ensure education is provided to children in detention. No government educational programmes in children's detention centres.	NGOs (Defence for Children International; Justice Sector Development Project; Youth for Christ)
Uganda	1990	Constitution of Uganda (1995)	Limited - no clear system for children in prison. One institution (National Rehabilitation Centre) provides formal education. Remand homes have no programme on formal education.	NGOs - vocational training in remand homes  State - formal education programmes

## d) Barriers to education in detention

In his report on the right to education of persons in detention, the Special Rapporteur describes several 'barriers' to education in detention, which included institutional and situational barriers (external to the learner); dispositional barriers (internal to the learner) and public opinion (p11). DCI national sections provided many examples of such barriers to education, which frequently had a detrimental impact on children's ability to enjoy their right to education in detention.

"The law allows the right to education to everyone in general, including persons in detention; nevertheless, economic difficulties mean that education is not available for all." DCI-Niger

**Institutional and situational barriers:** DCI national sections reported several examples of barriers of this nature, which ranged from lack of co-operation at ministerial level, to basic administrative and financial constraints.

Several examples were provided where lack of financial resources caused the failure to provide an appropriate level of education to children in detention (e.g. Albania, Belgium, Colombia, Niger, Nigeria, Uganda, Palestine - PNA, Pakistan). DCI-Colombia commented that in the past, poor services were provided due to lack of finance and ineffective functioning of education and training programmes for children in prison. DCI-Belgium remarked that while the state provides a comprehensive education programme for children in detention, it does not always seem to take its obligations seriously and organisational and financial problems persist.

Lack of communication and co-operation between state departments also contributed to failures to implement systematic educational programmes (Palestine - PNA; Sierra Leone). In Sierra Leone, it was noted that misunderstanding between two key departments has led to confusion as to who owns responsibility for the provision of education, but also for the resources necessary to provide it (teachers, learning materials etc.).

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Other institutional barriers included failure to make timely arrangements that resulted in children missing examinations (Uganda); placement of children in adult prisons in the PNA, where they are almost systematically denied their right to education and training (Palestine); denial of written material such as newspapers and political works (Lebanon); limited access to libraries (Ecuador) and staff shortages (Nigeria).



Girls listening to a teacher in Sierra Leone.

“No, they [educational activities] are not offered without charge. Usually, it’s the family of the detained person who pays, or the NGOs” DCI-Lebanon

**Cost of Education:** There was little evidence to suggest that children in detention suffer financially as a consequence of participating in education, the exception being Nigeria, where persons in detention were reported as experiencing ‘financial disadvantage’ as a result of partaking in programmes. However, DCI-Lebanon reported detained children or their families having to bear the cost of education. Even where free education is supplied (e.g. Uganda’s National Rehabilitation

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Centre), parents or guardians can be expected to provide school materials for the children. The fact that the majority of children deprived of their liberty come from poor and disadvantaged backgrounds means that many are denied their right to education simply because they cannot afford to pay for it.

**Dispositional barriers:** There were a number of examples provided where children's attitudes and experiences acted as barriers to education.

DCI sections including Lebanon, Niger, Nigeria, Sierra Leone and Uganda highlighted that many children in detention have never been to school, and therefore have special educational needs compared to those who have attended school.

DCI-Sierra Leone commented that children in pre-trial detention are often more difficult to engage in education: they regard it as pointless and are often too pre-occupied with concerns regarding their upcoming trials in any case. However, the interaction and stimulation they receive from the DCI social workers appears more important to them than the education itself as it is a rare form of recreation, human interaction and distraction from their monotonous daily life in detention.

**Public perceptions of children in conflict with the law:** In his report, the Special Rapporteur drew particular attention to the influence of public opinion on policies and practice regarding the place of education in detention.

Despite this, information returned by DCI national sections provides hardly any evidence of government activity to raise awareness about the rights and needs of juveniles in detention, in particular with regard to their right to education. A positive example was provided by DCI-Nigeria, which noted that the state is making an effort to promote public understanding of the place of education, specifically with regard to vocational training.

**Situations where children are denied their right to education:** Although international law clearly establishes the right of all children to education, ongoing and systemic violations of this right were reported by a number of DCI national sections.

In Italy, it was reported that detained children can be denied the right to education as a punishment where it was felt that they have engaged in 'behaviour which constitutes a substantial breach of their duties' (according to the Penitentiary Ordinance of 2000).

Some of the most serious examples were provided by DCI-Palestine, which described how the right to education of Palestinian children in Israeli detention is 'subject to the security situation'. This statement has been interpreted by Israeli authorities to allow for education to be provided in two of the five prisons and none of the seven interrogation and detention centres where Palestinian children are held. DCI-Niger also reported that access to education can be refused for 'security reasons'.

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## Abed's story (16 years, Palestine)

On 23 April 2008, around 2am, dozens of soldiers surrounded the four-story building where Abed and his family live. Abed was arrested along with another child living in the same apartment building and transferred to Huwwara Interrogation and Detention Centre. During his transfer and interrogation, Abed was subject to abuse and coerced into signing a confession stating he belonged to a military group and shot at military jeeps. Two months later, in exchange for telephoning his family, Abed wrote a statement detailing the shooting incident he confessed to prior.

Three months after his arrest and during his first meeting with a lawyer, Abed complained of poor prison conditions and a lack of education at Telmond Prison. There are six other child detainees in one small room with him, and no child is provided with any education.

### e) Children in pre-trial detention

DCI-International Secretariat has frequently voiced concerns regarding the situation of children in pre-trial detention. The use of pre-trial detention is troubling for many reasons, not least because it has serious implications for children's education, reintegration and life chances but also because it violates the presumption of innocence<sup>49</sup>. Children in pre-trial detention can face immense barriers to accessing their right to education, because States fail to provide education in these settings due to the supposedly short-term nature of children's stay. In reality, this is not always the case - in Sierra Leone, for example, a child has been awaiting trial for over a year without access to State-supported education.

DCI-Sierra Leone commented that the provision of education when children are in pre-trial detention is normally far more difficult than in post trial detention, because of uncertainty regarding the length of time children will spend in detention (which makes it difficult to prepare teaching plans) and because children can be worried about their upcoming trial, or may feel de-motivated. In Nigeria, the lack of 'thorough' education provided in remand homes gave cause for concern, as these homes are used as 'transit centres' for children awaiting trial. In a positive example, the education of children in pre-trial detention in Italy, who normally stay for a short period of time only, is planned in modules so that the child accumulates credits that can be transferred to public education upon their release (although again, there were questions raised regarding how well this is applied in practice).

DCI-Albania reported that the provision of education to children in pre-trial detention is offered on the same basis as post-trial. However, it was also stated that children can remain in pre-trial detention for a long time, in poor conditions where children and adults are not separated.

49 See DCI General Comment No 10 Children's Rights in Juvenile Justice, Fact Sheet #7: Deprivation of Liberty as a Last Resort.

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## 2. Education as a right: implementing the provisions of the Havana Rules

Drawing on the provisions set out in the Havana Rules, the following sections examine the extent to which states are fulfilling their obligation to guarantee the right to a quality education for

### a) Right to access a quality education, suited to a child's needs and abilities

**“Every juvenile of compulsory school age has the right to education suited to his or her needs and abilities and designed to prepare him or her for return to society.”**

Article 38, Havana Rules

In his report, the Special Rapporteur emphasises the importance of educational strategies that recognise the diverse needs and backgrounds of people in detention, taking into account different abilities, motivation levels, prior learning experiences and attainments. However, it was clear from the DCI country submissions that consistent and comprehensive strategies of this kind do not exist in many countries. Instead, education in detention is often provided in an arbitrary and makeshift fashion. DCI national sections in Lebanon, Niger and Sierra Leone highlighted that no education is provided by the State for children in detention. Palestinian girl prisoners held by Israeli prison authorities receive no education whatsoever in detention. Concerns regarding quality of education were recorded in several countries (including Colombia, Nigeria, Pakistan, Uganda). Provision could also vary greatly according to the nature of the facility where the child is being held, and in many countries, the quality and frequency of education provision differed considerably from one detention centre to another (e.g. Italy, Pakistan, Uganda).

There were clear differences regarding what is thought to constitute ‘education’ for children in detention: rather than a formal education in line with children’s rights, this sometimes involved greater emphasis on vocational training, aimed at giving children skills to help them reintegrate rather than an acknowledgment of children’s inherent right to education for their human development (e.g. Nigeria, Uganda).

“For the vulnerable children such as children in detention centres and those born in prisons their right to education is unheard of”

DCI-Uganda

“Record has it that the educational programmes, though available, do not fare well. The workshops in most of the reform centres are devoid of the essential tools and equipment, except for the sewing workshop at Oregun, Lagos.” DCI-Nigeria

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## Sam's story (15 years, Sierra Leone)

At junior secondary school level 3, 2 weeks to the exam for promotion to senior secondary school that I had studied hard for and optimistic to pass, I was arrested by the police and charged with murder. I was detained in a police cell for 10 days without any access to other things. When I was finally taken to the court, I pleaded not guilty and asked for bail so that I could take my exams. The magistrate refused my bail on the grounds that murder is not a bail-able offence in Sierra Leone.

I was then taken to the Remand Home after my first court appearance for pre-trial detention. At the Remand Home, we (17 of us) were all packed in one room with no provision for studies. I had no access to books or any other educational material. I spent 1 year and 3 months at the Remand Home without continuing my education. At the Remand Home, the only education I received was on general issues that were not directly related to my schoolwork, thanks to DCI teachers for providing some form of basic education for me in Remand Home. I have missed school for nearly one and half years and I am not still sure about my educational future for as long as I remain to be in detention under uncertain conditions.



Many children miss school while staying in detention.

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In a number of countries (Colombia, Lebanon, Nigeria, Palestine, Pakistan, Uganda), it is evident that the diverse needs of children in detention are not being met. All too often DCI national sections reported situations of overcrowding, where children of different ages and abilities are taught together with few facilities. In Niger for example, DCI reported that while basic literacy and vocational training courses are available for children in detention, these are not always functional or capable of catering for all children detained in the centres.

DCI-Palestine commented on the situation in the two Israeli prisons where children can receive education, which it described as falling far short of what is required by international laws designed to help children re-engage in education upon their release. The situation for children held in detention by the Palestinian National Authority (PNA) appears better to some extent.

According to evidence received from children and directors of centres in the Palestine, some education, training and psychosocial rehabilitation is provided to children in detention. However, it was reported that there is only one teacher at one of these juvenile reform centres, who gives three hours of lessons daily regardless of the educational level of the children.

Instances where education in detention recognised children's diverse needs and abilities were relatively rare. However, DCI-Netherlands described a systematic programme of education for children in detention: each child is obliged to attend classes until the age of 18 and receives an education which is part of their pedagogical programme. DCI-Italy also stated that a custom tailor made programme is developed for each individual child with the expressed aim of helping the child re-integrate into society.

## b) Right to education that is integrated with the educational system of that country

**“Education should be provided [...] through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty.” Article 38, Havana Rules**

The Havana Rules stress the importance of offering juveniles in detention access to education that is integrated with the national system, to help ensure that they can continue their learning following their release. The provision of education in detention, therefore, needs to be seen in the context of State education and vocational education programmes generally.

“In the two prisons where limited education is provided, a single Arab-Israeli teacher enters the prison to teach. The children are not separated based on age or ability and are only given exercise books and pencils for the duration of the class and then made to return this equipment at the end of the lesson. The education provided in prison is not compulsory” DCI-Palestine

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“All provinces have Primary Compulsory Education laws but provincial and district governments always miss children in detention”  
DCI-Pakistan (SPARC)

Given the ad hoc nature of educational provision described earlier (e.g. in Lebanon, Niger, Uganda), where learning is not linked into mainstream education, it is clear that children are being denied their right to an education that is integrated into the public system. In some countries, there were concerns that the quality of education provided in detention is of a lower standard than what is provided outside, with implications for children’s educational re-integration following their release (Colombia, Uganda). In Pakistan, where children as young as seven can be detained, the DCI national section reported that primary compulsory facilities are not extended to children in detention centres.

DCI-Belgium and DCI-Colombia stated that many children in detention have experienced difficulties at school and have serious problems in reading and writing: therefore, when adequately administered, detention can offer an opportunity for targeted learning that they may not receive outside of prison, on the margins of the mainstream educational system.

They were happy to have the opportunity to participate in the education cycles because starting first grade in primary or secondary schools would have caused them great embarrassment and would have led them to drop out of school” Internal Working Document from Family Ombudsman Office, quoted in DCI-Colombia submission.

There were some examples of good practice. In the Netherlands and Italy, education of children in detention is linked to local schools in the region of the institution and upon release, children can continue with their education at regular schools. Qualifications obtained in both systems have a value equivalent to those obtained outside the penal system. In Ecuador, access to education of adolescents in detention isn’t currently integrated into mainstream education, but the ministry responsible is currently developing plans and programmes to address this. Some efforts are being made to help children re-integrate following their release from detention. In Uganda, children are followed up and supported by District Probation Officers. DCI Netherlands reported that detained children can be offered ‘social internships’ in order to help them re-integrate into society.

## c) Right to education in a suitable setting provided by appropriate and qualified staff

“Education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country.” Article 38, Havana Rules.

Detention settings generally do not provide the best environment for children to enjoy learning and achieve their educational potential. The Havana Rules stress that education for juveniles in detention should take place outside the educational facility and in community schools where possible, so that they can continue their education upon their release. In many countries, the environment where children are detained manifestly does not promote or encourage educational activities (e.g. Lebanon, Niger, Nigeria, Palestine, Uganda). Evidence suggests

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that many educational programmes provided in the countries involved in this consultation continue to take place in detention settings that are frequently devoid of basic facilities and resources.

“The remand homes environment is so poor that there are no adequate reading facilities like text books, rooms and other equipment. This has affected the life of so many children and 90 per cent of these do not rejoin formal education even when they are released”. DCI-Uganda

There were a few examples where children in detention could sometimes continue their education in external schools (e.g. Netherlands, Nigeria, Uganda), although this was usually not part of a consistent policy. For example, education is normally provided to children in their detention setting in the Netherlands, but when a child needs to practice their education outside the facility (e.g. to attend an internship or more specific courses), measures can be taken by the facility’s director to allow for this.

Palestinian children held in juvenile reform centres in the PNA have varied experiences: children from the girls-only Dar al-Fatiyat facility are regularly allowed to leave the centre to attend school, while boys in another facility (Dar al-Amal) are not allowed to attend school outside.



Many boys detained in the PNA are not allowed to attend school outside their juvenile justice reform centre.

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With regard to teachers, the Havana Rules stipulate that juveniles in detention should have access to qualified teachers, who are linked into mainstream education. Again, the situations in the countries examined differ greatly in this respect. In countries where education in detention is provided on an ad hoc basis, by NGOs, prison staff or other prisoners, there is little likelihood that the teachers involved are linked to the public education system. DCI-Lebanon responded that while it is possible that teachers working in detention centres are qualified, this depends on the NGO involved or indeed if prison staff are providing education. However, in the Netherlands, only teachers, in the national legislation, are allowed to teach children in detention. In Nigeria, only qualified teachers deliver education in detention, although DCI is concerned that they will struggle to cater for the growing numbers of persons in detention.

## Suhaib's story (16 years, Palestine)

On 17 July 2007 around 1:30am, Suhaib was woken by the sounds of Israeli military jeeps gathering outside his house. As he attempted to wake his brother, a soldier threw a smoke bomb through Suhaib's bedroom window. Suhaib was then arrested and taken to Ofer Detention and Interrogation Centre. Eight days after his arrest, he was given an administrative detention order written in Hebrew, and spent the next six months in administrative detention. Suhaib was never interrogated, nor given the reason for his arrest and detention.

During his imprisonment, Suhaib received no formal education. Instead, another prisoner volunteered to teach Suhaib on a daily basis.

The status of teachers in detention centres was also commented upon. DCI-Nigeria mentioned that recognition for teachers working in prison is lower than that as of those providing education in standard education programmes. According to DCI-Belgium, teachers allocated to teach children in detention are often young and newly qualified, and therefore lack the necessary experience to deal with children in a situation.

DCI sections also described conditions where education is provided to children by other detainees, who may or may not be qualified to teach or train (Niger, Pakistan, Palestinian children held by Israeli authorities).

“The professional status recognition for teachers in prison is not the same as those for teachers in schools...They, that is, teachers in care of those in detention, are regarded as prison personnel.”

DCI-Nigeria

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## d) Right to education of vulnerable children and those with special needs

**“Special attention should be given by the administration of the detention facilities to the education of juveniles of foreign origin or with particular cultural or ethnic needs.” Article 38, Havana Rules**

The Havana Rules state that special attention should be given to education of foreign children or those with particular cultural or ethnic needs, as well as children with literacy or learning difficulties. The Special Rapporteur on the Right to Education also draws attention to the special needs of females and children born in detention. While all children in detention may be considered vulnerable, groups at particular risk of violations of their right to education are discussed in this section.

**Girls in detention:** Globally, girls constitute a small proportion of the population of children in detention, as evidenced by data returned by a number of national sections. There was relatively little information provided that referred to the situation of girls in prison, highlighting a wider issue regarding the lack of attention given to their specific needs.

However, the gender specific data provided offers an interesting insight into the situation of girls in detention. Some data demonstrates discrimination against girls on account of their gender (e.g. Palestinian girls in Israeli custody), while on a positive note, DCI-Albania commented that attempts are being made to improve educational programmes in detention for women and young girls. Overall, however, the lack of information provided on the situation of girls in prison may suggest that little is known regarding their unique needs and that there are few strategies in place to accommodate them.

**Children living with parents in prison:** The situation of children living with a parent in prison varied between and within the countries involved in this consultation. In some cases, children could stay with their mother until a set age or until they are no longer being breastfed, for example. In other cases, this practice is forbidden or discouraged. These children, who have not committed any crime, often face huge barriers to accessing education because prison conditions are not capable of meeting their needs.

There is a wide variation in terms of the age limit up to which children can accompany their mother in detention, as the table below shows<sup>50</sup>.

---

50 Information not provided for Colombia, Lebanon, Nigeria or Italy.

# CHAPTER II: THE RIGHT TO EDUCATION OF CHILDREN IN DETENTION

Country	Age limit up to which children can stay with their mothers in prison
Albania	3 years
Belgium	3 years
Ecuador	Not found in any legislation <sup>51</sup>
Netherlands	4 years
Niger	Depends on judge
Palestine	Israel: 2 years
Pakistan	6 years (school going age)
Sierra Leone	7 years (school going age)
Uganda	18 months

Provisions for children living with parents in detention varied greatly. In certain countries (Albania, Belgium), early years services such as nurseries and day care centres are provided for children, who can only stay with their mothers up to the age of three. In Pakistan, special women's prisons have appointed primary school teachers to educate the children of prisoners. In the Netherlands, children of non-nationals in deportation centres can stay with their parents regardless of their age, but education provision is of a lower quality than what is provided by standard public education programmes. There is also a language barrier to education.

Some of these children appear to have been completely overlooked by the authorities: it was reported that there is no clear system in several countries (Sierra Leone, Uganda) that caters for the education of children born in prison and/or who grow up with their mothers there. In Uganda, while policy dictates that children should be removed from their mothers at 18 months, this is often impossible as there are no alternative settings available where the children can be housed.

**Non-nationals and children in deportation centres:** Overall it appears that non-national children in detention have access to the same educational opportunities as nationals. DCI-Uganda also commented that some juveniles in detention are refugees from neighbouring countries.

The situation of non-nationals awaiting deportation, however, appears more precarious. These settings were more likely to provide limited education of a lower than standard quality. In Lebanon, where these children are placed in detention centres, the educational provision is

51 According to the co-ordinator of the women's prison in Quito, children remain with their mothers up to one year of age.

## CHAPTER II: THE RIGHT TO EDUCATION OF CHILDREN IN DETENTION



“During those two weeks they have the right for education which is provided within the centre. You can say that formally there are educational programmes but in reality it comes to one teacher who teaches all children (from 5 to 18). There is also a lack of continuity. The education programme the children get before placed in a deportation centre does not fit the programme provided in the deportation centre itself” DCI-Netherlands

equal as to what is offered to all children (i.e. organised and paid for by NGOs or the child/its family themselves), and so it is unlikely that the offer is taken up by children in these situations. Even in the Netherlands, where education provision for detained children is otherwise good, children can only stay in deportation centres for a maximum of two weeks, during which they have the right to access education that is provided in the centre. However, there are some doubts regarding the value and quality of this education when compared to what available outside the institution.

# CHAPTER III: DCI'S WORK TO IMPROVE THE SITUATION OF CHILDREN IN DETENTION

The principles enshrined in the UN Convention on the Rights of the Child form the basis of DCI's national, regional and international activities. Through the work of its International Secretariat and its national sections, DCI supports the right to education of children in detention, via direct interventions with children deprived of their liberty, information dissemination and awareness raising, and advocacy and lobbying activities.

These activities fall into two broad categories, discussed in more detail in this chapter:

1. Advocacy and lobby for the implementation of juvenile justice standards
2. Direct intervention to provide education in detention

DCI is working at the policy and legislative level to make changes which improve the juvenile justice system and the conditions of detention: this includes ensuring children's right to education. At the same time, many DCI sections are providing education and programmes in the interim to children who would otherwise not receive them, or working to improve existing programmes.

## **1. Advocacy and lobby for the implementation of juvenile justice standards**

DCI national sections work to influence policy and legislation to ensure that children's rights are respected, with advocacy against the detention of children forming the bedrock of DCI national activity. Many national sections also advocate for better conditions and the upholding of international standards for the treatment of children deprived of their liberty.

Examples of these activities with regard to the education of children in detention include:

- DCI-Sierra Leone is lobbying the ministry of Education, Youth and Sport to provide teachers for children's detention centres;
- DCI-Nigeria has been involved in the successful campaign to raise the age of criminal responsibility from 7 to 12 years, which is expected to reduce the number of children in detention;
- DCI-Palestine is conducting a research and advocacy campaign calling for the provision of education in all places of detention for children. The section has also been active in collecting evidence regarding the provision of education to detained children;
- DCI-Albania is active in organising awareness raising activities regarding the importance of the right to education for children in detention through debates, workshops and other lobbying and advocacy activities. It is also involved in monitoring and reporting access to education of children from disadvantaged groups;
- DCI-Italy conducts research and advocacy work calling for a reduction in the numbers of children in detention;

# CHAPTER III: DCI'S WORK TO IMPROVE THE SITUATION OF CHILDREN IN DETENTION

- DCI-Netherlands advocates their government for a reduction in detention and improved standards of education for children in conflict with the law and detained migrant and asylum seeking children;
- DCI-Sierra Leone advocates for a reduction in the pre-trial detention of children, and pressures the government to improve detention conditions.

Co-ordinating DCI activities at the international level, the DCI International Secretariat is implementing a strategic plan of action on juvenile justice and continues to host and supervise the permanent Secretariat of the International Panel on Juvenile Justice. Work includes monitoring the implementation of the UN CRC and other human rights instruments, advocating for appropriate juvenile justice systems, lobbying for the inclusion of juvenile justice as a priority item on political agendas and raising awareness about children's rights and juvenile justice issues.

The International Secretariat recently produced a written statement about education in detention (using the information provided by DCI national sections), which was delivered to the 11th session of the Human Rights Council, to coincide with the Special Rapporteur's report. DCI also hosted a side event at the Human Rights Council with the Special Rapporteur on June 2009, where the key messages from the statement were presented.

## 2. Direct intervention to provide education in detention

A number of DCI national sections are actively involved in the provision of education to children in detention, in a variety of different ways. These range from providing formal education, to undertaking activities to develop children's social and personal skills. In the case of Sierra Leone, for example, where the State is not fulfilling its international obligations, DCI is currently the only NGO providing education to detained children whose rights in this respect would otherwise be completely ignored.

- In Sierra Leone, DCI social workers provide education to children in detention. Activities range from formal teaching (reading and writing), while also covering topics of general interest such as human/child rights and responsibilities, civic education and juvenile trial proceedings, hygiene, reviewing daily newspapers and discussing current events (national and international). Other activities include storytelling, music and drama, quiz competitions and drawing;
- DCI-Albania offers socio-educative assistance and support to minors in juvenile prison. In collaboration with UNICEF, DCI-Albania also launched a series of newsletters for children and young people in prison;
- DCI-Uganda provides vocational training and sexual education to youth in detention centres and remand homes.

# CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS



The UN Convention on the Rights of the Child and the Havana Rules, among other instruments, clearly articulate the obligation of States to guarantee children's right to a quality education in detention, which is suitable to their needs and abilities. Despite the provisions set out in these international standards, it is obvious that children deprived of their liberty are still forgotten and overlooked by national policies and in practice on the ground.

Children deprived of their liberty represent a vulnerable group at-risk twice over. Many come from a poor socio-economic background and some have experienced neglect, abuse, exclusion or violence. States have a duty to uphold their rights so that they are not further disadvantaged by missing out on education when deprived of their liberty. Unfortunately, the evidence provided by DCI national sections demonstrates that these rights are frequently being violated due to lack of political will, scarcity of resources, and refusal on the grounds of punishment or 'security'.

Some of the key findings from this consultation with DCI national sections on the right to education of children in detention are as follows:

- In spite of international legislation that establishes the right to education of children in detention, there is no guarantee that children's rights are being upheld in national contexts;
- There were a number of examples where national legislation fails to establish provisions for the education of children in detention and where education is treated as an opportunity rather than a right;
- In a number of countries, the State is failing to provide any education whatsoever to children in detention;
- Detained children face many barriers to accessing their right to a quality education, including lack of appropriate facilities, staff shortages, overcrowding and ineffective organisation;
- There are concerns regarding the regularity, quality and quantity of education in many countries due to an absence of consistent policies and implementation plans;
- Instances where children's right to an education integrated into the public system, that meets their diverse needs and abilities, were rare;
- In many situations, non-governmental organisations (NGOs) are the sole providers of educational programmes to children in detention or play a key role in enhancing existing provision;
- The situation of children is often worse when they are held in pre-trial detention, where limited, lower quality or indeed no education is provided;
- It is evident from this consultation that few efforts are being made to monitor and evaluate the quality and frequency of education in detention, and in particular participation rates among detained children.

# CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS



As well as endorsing the recommendations set out in the Special Rapporteur's report, DCI also calls upon States to act on the recommendations set out below. A number of DCI national sections that participated in the Special Rapporteur's consultation provided specific recommendations for their respective governments: these are acknowledged and included among the recommendations below.

- Use detention as a measure of last resort and for the shortest appropriate period of time; and, prioritise diversion and alternative methods to detention;
- Guarantee the provision of education for children in detention through national legislation and ensure that it is framed as an inalienable right;
- Provide education to children in detention and ensure that such programmes reflect the diverse needs of children according to age, gender, ability and other factors;
- Integrate the provision of education in detention into all national action plans, policies and strategies on child education;
- Ensure regular review of the use of pre-trial detention, by a competent body, to ensure that it is in conformity with the law;
- Ensure clarity in the allocation of government responsibility for education and facilitate coordination amongst ministries
- Facilitate the participation of children in the development of education programmes in detention;
- Systematically collect and publish disaggregated data about the provision of education in detention;
- Monitor and review the quality and quantity of education in detention; and, set forth a plan to transfer responsibilities from non-governmental organisations to the State.

## Specific Recommendations for Improving the Provision of Education to Children in Detention

- The State should undertake more awareness-raising activities, to promote the place of education for children in detention (Albania);
- States should provide a combination of formal and vocational training for children in detention, so that they can access a variety of courses and have the opportunity to specialise if they wish (Sierra Leone);
- With regard to teachers, detention centres should provide permanent, qualified and experienced teaching staff (Sierra Leone, Belgium);
- Ensure that strategies are in place to guarantee that children in detention do not miss their school or public exams (Sierra Leone);
- Ensure that courses provided in detention are accredited and equivalent to qualifications provided in standard educational system, so that experience of detention does not damage their future employment or life chances (Belgium)

## CHAPTER IV: CONCLUSIONS AND RECOMMENDATIONS



- The State should ensure that well resourced libraries are provided in detention centres (Nigeria);
- Children should have the opportunity of changing schools if they wish (Nigeria), and to access schools outside of detention facilities (Belgium).
- Strategies should be in place to ensure that detained children are able to continue their education upon their release (Ecuador).

# APPENDIX A: QUESTIONNAIRE ON THE RIGHT TO EDUCATION OF PERSONS IN DETENTION

## Special Rapporteur on the right to education

Questionnaire on the right to education for persons in detention addressed to Governments, international organisations, including United Nations agencies, non-governmental organisations and other interested parties

(Human Rights Council resolution 8/4)

### A. Policy and legislation frameworks

1. Please provide confirmation whether or not access to education is available for persons in detention in your country. If not, please indicate why.
2. Please provide details of the legislative and policy frameworks relevant to persons in detention. Specifically, is access to education for persons in detention guaranteed in legislation and if so, how? Is it considered a right or a privilege?
3. Is access to education part of the management strategy of persons in detention?
4. Do persons in detention suffer financial or other disadvantage for taking part in education? 'Other' disadvantage includes for instance sentence reductions (if any) applicable to detainees who work being unavailable to those who study.
5. Please confirm whether access to education whilst in detention can, in legislation and in practice, be refused on any basis, including on the grounds of risk and potential misuse of skills.

### B. Allocation of resources

6. How is access to education (including libraries) for persons in detention resourced? Is it publicly funded, and/or subject to outsourcing to private, charitable or non-profit organizations? If outsourced, what steps are taken to evaluate and monitor that provision?
7. More specifically is education provided without charge to the prisoner or detainee? If so, is this for all forms of education offered? If persons in detention are personally responsible for, or some of, the costs of their education, for what proportion and how are these generally met? Are grants offered and, if so for what proportion?

# APPENDIX A: QUESTIONNAIRE ON THE RIGHT TO EDUCATION OF PERSONS IN DETENTION

## C. Curriculum of education programmes

8. Does the educational strategy recognize the diverse background and needs of persons in detention, with respect to formal classroom education, vocational education and personal development? If so, please indicate how. Specifically does the system provide and ensure access to education programmes that are relevant and appropriate to groups traditionally marginalized, including for instance women, persons with disabilities and minorities? Is the curriculum offered equally relevant to all prisoners, taking into account the range of different abilities, literacy levels, motivation, prior learning experience, attainment and marginalization? If so, please give examples.
9. Is there a preferred model of delivery of education? For instance is education classroom-based, by way of distance learning, or offered outside the place of detention?
10. Please provide details of whether and if so, what opportunities for higher education are made available.
11. Are libraries provided with appropriate resources and technology? Please provide examples.
12. Are teachers qualified? Is their professional status recognized and linked to teachers in schools, vocational, community, higher education or other relevant sectors? Are they generally considered to be prison personnel or entirely separate?
13. Do educational programmes for persons in detention integrate and/or link into State education and vocational education programmes generally? If so, please indicate how. For instance, do education programmes deliver recognized qualifications? Are these distinguishable in any way from qualifications awarded within State programmes generally? What measures are taken to facilitate continuation of education after release? Do vocational programmes meet actual employment opportunities?
14. Is non-formal education (for example not class-room based) provided and/or encouraged? If so please provide details. Specifically, are non-formal education programmes recognised as education activities?

## D. Statistics and monitoring of educational programmes

15. Is there statistical data available with respect to the number and frequency of educational activities, their content, their organisation as well as the allocation of human and financial resources? The Special Rapporteur would particularly welcome any such statistical

# APPENDIX A: QUESTIONNAIRE ON THE RIGHT TO EDUCATION OF PERSONS IN DETENTION



information.

16. Has research been undertaken to identify the type of education provision that would have the greatest impact on meeting the individual learning needs of the detained person? Is this research publicly available? If so please provide copies or references.

17. Is an evaluation of formal and informal learning completed upon the start of detention? Specifically does this lead to the development and implementation of an individual education plan? Does the educational 'file' remain separate from the penal file?

## E. Participation of different actors in educational programmes

18. Do prisoners (current and/or former) participate in the development and provision of education programmes? If so, how?

19. Does the State promote the participation of the outside community in the education of persons in detention? If so, how? Does the State promote public understanding of the place of education for persons in detention. If so, how?

20. Are families integrated into education programmes? If so, please indicate how.

21. To what extent does the prison system promote the participation of prison officers and prison personnel in supporting and encouraging prisoner education?

## F. Non-nationals in detention

22. Are non-nationals offered the same opportunities regarding access to education than nationals? If not, please identify the differences.

23. Are non-nationals awaiting deportation (whether serving a sentence or having had their asylum claim rejected) offered the same opportunities regarding access to education than other non-nationals living permanently in the country? If not please expand.

## G. Children in detention

24. Please confirm the age limit at which children can accompany their mother in detention.

# APPENDIX A: QUESTIONNAIRE ON THE RIGHT TO EDUCATION OF PERSONS IN DETENTION



Please detail what steps are taken to ensure such children are educated, the form such education takes, and who is responsible for its provision and cost.

25. Please confirm the number and a breakdown of the ages of children currently in detention, and the minimum age in which a child in conflict with the law can be detained or placed in a closed correctional facility.

26. What steps are taken to integrate the right to a compulsory primary education for all children in detention or in closed correctional facilities? Is the curriculum, program and delivery equivalent to that for children not in detention or closed correctional facilities? What access to secondary education is available for these children?

## APPENDIX B: STATISTICS

### STATISTICS PROVIDED BY DCI NATIONAL SECTIONS ON NUMBERS OF CHILDREN IN DETENTION AND MINIMUM AGE AT WHICH A CHILD CAN BE PLACED IN DETENTION

- **Albania**

At the moment in the prison of Vaqarr, the only prison that has a section for minors in Albania, the number of detainees under 18 years old is 13. The children currently in detention are all aged 17 years, who mainly have been detained for theft.

- **Belgium**

In the French-speaking community (2007), 1867 young people were placed in closed detention centres: 1577 in IPPJ (Public Institutes for the Protection of the Youth) and 290 in the Everburg centre (see table below). The IPPJ hold minors who have been detained for having committed crimes such as theft and assault. The Everburg centre takes young men (14 years plus) who have committed serious crimes. More information is available at the following website (Direction Générale de l'Aide à la Jeunesse, 2007): [http://www.aidealajeunesse.cfwb.be/fileadmin/sites/ajss/upload/ajss\\_super\\_editor/professionnel/documents/administration/DGAJ-rapport\\_statistique\\_integre\\_2007\\_definitif\\_280508.pdf](http://www.aidealajeunesse.cfwb.be/fileadmin/sites/ajss/upload/ajss_super_editor/professionnel/documents/administration/DGAJ-rapport_statistique_integre_2007_definitif_280508.pdf)

#### Différences d'âge en fonction du régime

	N	Ecart-type	Moyenne	Médiane	Minimum	Maximum
Régime ouvert	248	1,230	15,48	16	2	18
Régime fermé	136	1,205	16	16	13	21
Everberg	194	0,878	16,25	16	14	18
API	56	1,027	15,77	16	13	18
Régime ouvert						
- accueil	512	1,370	15,59	16	12	19
Total	1146	1,262	15,74	16	12	21

- **Netherlands**

The number of persons below the age of 21 years in conflict with the law in youth custodial institutions in the year 2003 until 2007. In 2007 a total number of 3491 children below the age of 18 were or have been detained. Source: [http://www.dji.nl/Organisatie/Feiten\\_en\\_cijfers/justitiele\\_jeugdinrichtingen/dji\\_capaciteit\\_bezetting.aspx#paragraph5](http://www.dji.nl/Organisatie/Feiten_en_cijfers/justitiele_jeugdinrichtingen/dji_capaciteit_bezetting.aspx#paragraph5)

## APPENDIX B: STATISTICS

### • Palestine

Palestinian children are routinely arrested at checkpoints, off the street and most commonly, from their homes in the early hours of the morning. Currently, approximately 700 Palestinian children (under 18) from the West Bank are prosecuted through Israeli military courts per year, after being arrested, interrogated and detained by Israeli forces. Since 2000, over 6,500 Palestinian children have been detained<sup>52</sup>. The table below shows the number of Palestinian child detainees being held by Israeli authorities as at 30 November 2008.

30 November 2008						
12- 15 yrs	16-17 yrs	Held in Israeli army facilities <sup>53</sup>	Male	Female	Administrative detention <sup>54</sup>	Total
25	293	9	322	5	5	293
327			327		-	327

There are currently 1,500 Israeli Military Orders in operation in the West Bank which are enforced in two military courts situated in military bases at Ofer (near Ramallah) and Salem (near Jenin). Palestinian children who are arrested by the Israeli military are prosecuted in the same jurisdiction as adults. In contravention of international law there is no specialist branch of the Israeli military courts for dealing with children.

Since the Court decision in 1997, Israeli prison authorities have interpreted 'subject to the security situation' to permit only very limited education in only two out of the five prisons where Israel detains Palestinian children, and in none of the seven interrogation and detention centres where Palestinian children can remain for up to three months or more.

52 DCI-Palestine lawyers represent about 30% of these children in military courts. Information in this briefing is based on statements collected by DCI lawyers from children in detention/interrogation centres and prisons.

53 There is no available data for the ages of the children temporarily detained in Israeli army facilities.

54 Administrative detainees are already included in the total of 327

## APPENDIX B: STATISTICS



#	Detention Facility <sup>55</sup>	Provided education	Subjects <sup>56</sup>	Hours per week <sup>57</sup>
1	Huwwara *	No	-	-
2	Etzion*	No	-	-
3	Salem*	No	-	-
4	Askelon*	No	-	-
5	Jalama*	No	-	-
6	Mascobiyya*	No	-	-
7	Petah Tikva*	No	-	-
8	Ketziot	No	-	-
9	Ofer	No	-	-
10	Telmond	Yes	Arabic, Hebrew, Maths	2
11	Megiddo	No	-	-
12	Addamoun	Yes	Arabic, Hebrew, Maths	9

- Pakistan

As of October 2008, there are 1892 children in 91 prisons all across the country. There breakdown is below:

### Pakistan Prison Data for Juvenile Population Sept 2008

Date	Region	Under-trial	Convicted	Total
15-Sep-08	Punjab	1136	94	1230
15-Sep-08	NWFP	237	19	256
1-Oct-08	Sindh	315	7	322
30-Jun-07	Balochistan	84	0	84
Grand Total		1772	120	1892

<sup>55</sup> \* Indicates that the facility is an interrogation and detention centre.

<sup>56</sup> Information on the subjects taught to Palestinian children in Israeli detention varies, but reports generally confirm that Arabic, Hebrew, English and Maths are the subjects usually taught

<sup>57</sup> Information on the hours of education provided to Palestinian children detained in Addamoun and Telmond prisons varies, but the range appears to be from two hours to nine hours per week.

## APPENDIX B: STATISTICS

According to Section 82 of Pakistan Penal Code, the minimum age of criminal responsibility is seven years. However, there are laws in Pakistan which override the minimum age provisions as well. There were 10 children below the age of 7 in Pakistani prison mainly in NWFP charged under the collective responsibility clauses of the Frontier Crimes Regulation 1901.

- Sierra Leone

### No of children in detention

Age group	Boys	Girls	Total
10-14	1	0	0
14-16	31	1	32
16-20	37	0	37
Total	69	1	70

Statistics collected from Remand Home Freetown, Remand Home Bo and Approved School Freetown. The Remand Homes are pre-trial detention centres for children whilst Approved school is the post trial rehabilitation home for child offenders.

- Uganda

The placement of children in the institutions is done as a last resort and in the “best interest” of the child. There are about 3,755 children in the NGO Homes and about 200 children in the three Remand Homes, 10% of who are girls. Desegregated data has only been obtained from the National Rehabilitation Centre and shows the following categories of children in the institutions:

### No. of inmates in Kampiringisa National Rehabilitation Centre

- Current number of Street boys - 95
- Current number of Street girls - 20
- Committed children - number of boys - 48
- Committed children - number of girls - 4
- Total number of children as per 5th August 2005 - 167

# EVALUATION



« Education in Chains: Gaps in Education Provision to Children in Detention »

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## Advocacy Strategies Training Manual General Comment No. 10

Children's Rights in Juvenile Justice, November 2009: This manual aims to provide users with step by step practical advice for advocacy for juvenile justice reform and building up a strategy for children's rights in juvenile justice. It adapts and makes best use of the good practices already developed for the child rights advocacy and illustrates how they can be used to ensure follow-up to the Committee on the Rights of the Child's General Comment No. 10 on Children's rights in Juvenile Justice, THE authoritative guidelines written by the Committee on the Rights of the Child for States parties. This manual provides step by step strategic plans, case studies, and real life examples. It also gives advice on how to assist your organisation in planning and coordinating strategies with other partners at the highest in-country level possible.

## Ending Violence Against Children in Justice Systems

Strategies for Civil Society: Engagement in the Follow-up to the UN Study on Violence against Children, October 2009: This report explores the specific role of civil society organisations in following-up the recommendations of the World Report on Violence against Children on ending violence in Justice Systems (chapter 5 of the Study). Eight case examples from civil society organisations illustrate different strategies or activities for follow-up intervention in practice, to provide guidance to NGOs wishing to undertake similar follow-up actions. November 2009

## “Education in Chains: Gaps in Education Provision to Children in Detention”

An Overview of the Right to Education of Children in Detention: This report examines the right to education of children in detention in thirteen countries where Defence for Children International (DCI) has a presence. The report stems from DCI's participation in a special paper produced by the UN Special Rapporteur on the Right to Education on the theme of education for persons in detention. The evidence presented in this report highlights that many governments are failing to guarantee the right to education of children held in detention around the world. August 2009.

Fact Sheets on General Comment No. 10.: This collection of tools includes 7 easy to read and use fact sheets. The fact sheets are as follows: General Comment No. 10: Rights in Juvenile Justice, Preventing Juvenile Delinquency, Promoting Diversion, Ensuring Appropriate Age Limits of Criminal Responsibility, Guaranteeing a Fair Trial, Prohibiting the Death Penalty and Life Imprisonment, and Deprivation of Liberty as a Last Resort. April 2008

## Annual Activities Report 2008

The 2008 annual report of Defence for Children International gives an overview of the work that has been carried out by DCI's International Secretariat throughout 2008 to promote and protect the rights of children in conflict with the law and to train and lend advocacy support to the national sections. It gives plenty of ideas for advocacy and lobbying and shows how to link advocacy and lobbying at the international level with the local level. (March 2009)

CD with downloadable PDF files of all materials: A compilation of the described titles in PDF.



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