



**KATHMANDU
SCHOOL OF LAW**



**THE
RIGHT
LIVELIHOOD
FOUNDATION**



**Global Campus
of Human Rights**

RESEARCH PROJECT ON SITUATIONAL ANALYSIS OF DEPRIVATION OF LIBERTY OF CHILDREN IN THE ADMINISTRATION OF JUSTICE IN SOUTH ASIA

CALL FOR POLICY RESEARCH CONSULTANTS
March – August 2021

Background

Children can be in contact with the justice system as a victim, witness, or offender. Yet, the justice system is often structured to deal with adults, not allowing the necessary space for children to participate and be heard, in line with article 12 of the Convention on the Rights of the Child. The best interest of children is a matter of primary consideration. In particular, Article 37 (b) of the Convention on the Rights of the Child provides that children's deprivation of liberty shall be used only as a measure of last resort. However, children deprived of liberty are often invisible and forgotten group who suffer from clear violations of human rights. As per the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), children deprived of liberty includes children who are in "any form of detention or imprisonment or the placement...in a public or private custodial setting, from which (they are) not permitted to leave at will, by order of any judicial, administrative or other public authority."

The southern part of Asia comprises eight countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Despite the unavailability of specific data in South Asia, the global study estimates that at least 7.2 million children are deprived of liberty worldwide. Yet, children are frequently placed in inhuman conditions and adult facilities in different situations. They are at heightened risk of violence, rape, and sexual assault, as well as torture and cruel, inhuman, or degrading treatment or punishment. Not only does such deprivation of liberty damage their physical and psychological development, but it also destroys their capacities and opportunities to conduct healthy lives and constructively contribute to society.

While the United Nations Global Study covers the study relating to the children deprived of liberty, specific research focusing on South Asia is necessary. This research focuses on situational analysis of children deprived of liberty in South Asia, particularly to situations pertaining to the detention of children in the administration of justice. In South Asia, the arrest and detention of children living and working on the streets by police officers are reported on the grounds such as vagrancy, indecent behaviour, or prostitution. Arrests on the grounds of being a public nuisance or exposed to moral danger are reported in Bangladesh, Nepal, Pakistan, and Sri Lanka. Instead of prevention, States often rely on repressive and punitive policies that lead to excessive criminalization. The

majority of children in detention have not committed serious offences. Despite the principle of deprivation of liberty, to use it only as a last resort measure and for the shortest appropriate time, it remains a common form of punishment for juvenile offenders. The juvenile offenders are often detained for several years and, in some cases, for indeterminate periods. Conditions of detention are generally sub-standard, overcrowded, and deny children their rights, such as the right to appropriate health and education standards. Children are regularly mixed with adults, increasing the risk of violence, abuse, and exploitation. Setting the minimum age of criminal responsibility too low also has a detrimental effect on children. Except for Afghanistan and Bhutan (12 years), the minimum age of criminal responsibility in South Asian countries is below international standards, ranging from 7 (Pakistan, India), 8 (Sri Lanka), 9 (Bangladesh), 10 (Maldives, Nepal).

Without a strong knowledge basis and a robust protection system in South Asia, countless children risk their human rights. In some cases, their lives, while societies miss out on the participation, ideas, and talents these young people could bring.

Objectives

In this light concerning UNGA Resolution (A/RES/69/157), this research is an opportunity to study and raise awareness about the different challenges and to:

1. Assess the amplitude of the occurrence of children deprived of liberty on the administration of justice in South Asian countries.
2. Amplify the global study's impact by presenting the research outcome in the South Asian Regional Launch. Each country researcher will be invited to present their research in the South Asian Regional Launch through either online or offline mode, which would be decided later.
3. Initiate a difference in stigmatizing attitudes and behaviour towards children at risk of being, or who are, deprived of liberty.
4. Provide legal and policy-level recommendations and practice to safeguard the children's human rights concerned in respective countries.

Learning Outcomes

The completion of this imparts:

- Understanding of the process behind the study.
- Knowledge about the required standard for the protection of the human rights of children deprived of liberty.
- Awareness of the importance of data and root-causes in the area of deprivation of liberty for children.
- Analysis of the situational and contextual practices in the South Asian region and its challenges.
- Ability to identify legal, political, and social mannerism to safeguard the human rights of children deprived of liberty.

Proposal Submission Guidelines

1. We are looking for one (1) Policy Research Consultant from (7) SAARC countries, i.e. Afghanistan, Bangladesh, Bhutan, India, the Maldives, Pakistan, and Sri Lanka.
2. The selected researchers will be in charge of producing a policy research article. They will work in close cooperation with the Policy Coordinator appointed by the Kathmandu School of Law. They will be hired under the terms and conditions of a research consultancy agreement with Kathmandu School of Law, Nepal.
3. Please note that this is not to be considered a full-time job offer, but a part-time consultancy remunerated with an honorarium of NPR 90,000/- (necessary tax will be deducted from the amount as per rules). The payment will only be made after the final approved submission of the policy research brief.
4. Eligibility:
 - Proven experience in policy paper writing and research.
 - Should have at least 2 to 3 years working experience in Children's Rights in South Asia and/or similar academic experience.
 - Excellent command over written and communication skills in English
 - Should be available to complete the research between April to August 2021. A specific timeline will be shared with the selected researcher(s).
5. The proposal should consist of the following (not more than 2 pages):
 1. Title of The Research
 2. Abstract (300 Words)
 3. Research Question(s)
 4. Methodology
 5. Research Plan Along with Timeline
6. Interested researchers can apply by submitting their proposal through the google link here - <https://forms.gle/FWV3D7GKz6XBjaQ5A> by **30th March 2021**.
7. For any queries or clarification, please write at rpvyas@ksl.edu.np
8. Timeline for the research will be as follows:

March 30, 2021	Call for researchers
April 15, 2021	Selection of researchers
April 20, 2021	Online briefing and discussion on research
May 20, 2021	Submission of 1st Draft
May 31, 2021	Review and comments of the 1st Draft
June 20, 2021	Submission of 2nd Draft
June 30, 2021	Final review
July 15, 2021	Final submission by researchers
July/August, 2021	Publication