

# 51<sup>st</sup> session of the UN Committee on the Rights of the Child

## Information Notes on Juvenile Justice related issues

Defence for Children International  
June 2009



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

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Defence for Children International  
June 2009

## FOREWORD

The Committee on the Rights of the Child is the UN body responsible for monitoring the implementation, by States Parties, of the Convention on the Rights of the Child, as well as its two optional protocols, namely: the Optional Protocol on the Involvement of Children in Armed Conflict and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Every year, the Committee on the Rights of the Child holds three sessions in January, May-June and September.

States Parties are expected to submit reports to the Committee on the implementation of the Convention. The reporting cycle is as follows: 2 years after ratification, a State Party must submit an initial report. After this initial report, additional reports are due every five years.

After reviewing the reports submitted by States Parties, the members of the Committee on the Rights of the Child address their concerns and recommendations in the form of concluding observations.

The 51<sup>st</sup> session was held in Geneva from 25 May to 12 June 2009. During the three-week session, the Committee on the Rights of the Child considered reports on how the Convention on the Rights of the Child is being implemented in each of the following States Parties: Bangladesh, France, Mauritania, Niger, Romania and Sweden.

As on previous occasions, the International Secretariat of Defence for Children International attended the session of the Committee on the Rights of the Child in order to follow the presentation of country reports from France, Mauritania and Niger.

Defence for Children International is pleased to present the following information notes on issues concerning juvenile justice. These notes are intended to provide the reader with relevant information on the state of juvenile justice in the countries under review, in a concise manner.

Geneva, *June 2009*

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## INFORMATION NOTE

### Combined 3rd and 4th periodic reports of France during the 51st session of the United Nations Committee on the Rights of the Child

#### Summary of juvenile justice related issues

Ratification of the Convention on the Rights of the Child by France: 8 August 1990

Previous report presented in: June 2004 (36<sup>th</sup> session of the Committee).

## 1. COUNTRY PROFILE

### General information on France:

France is a republic situated on the west coast of the continent of Europe. It is a developed country with a population of over 65 million people.

France is one of the founding members of European Union and the Council of Europe.

### The situation of juvenile justice (overview):

Although considered as an « advanced » state in terms of juvenile justice, many questions remain and the debate in the field has been recently reopened due to the government's plan to reform the ordinance of 1945 concerning juvenile delinquency.

In addition, France has made a reservation regarding article 30 of the Convention and two declarations concerning articles 6 and 40.

Only 11 articles of the Convention out of 54 are directly applicable in the French law which is considered « too little » by the Committee members.

## 2. JUVENILE JUSTICE KEY ISSUES IN FRANCE

### ISSUE BY ISSUE:

#### I) Legislation:

##### Current Situation / Achievements:

The French Government is working on implementing a code of juvenile criminal justice in order to reform the ordinance of 1945 concerning juvenile offenders.

No official and definitive text has been presented to the government.

Other texts:

- The law of 9 September 2002 has imposed the establishment of closed education centres
- The law of 5 March 2007(n°2007-297) on delinquency prevention (see chapters 7 and 8 for questions concerning juvenile justice)
- The law of 10 August 2007(n°2007-1198) on the fight against recidivism by adults and juveniles
- The law of 30 October 2007(n°2007-1545) and the decree of 12 March 2008 (n°2008-246) have established a general control of the institutions of deprivation of liberty.

#### Key remarks by the Committee:

Based on the text available at the time of the session of the Committee on the Rights of the Child, the Committee had several remarks. It deplored especially the fact that the code is dedicated to “juveniles” rather than to “children”.

#### **II) Minimum age of criminal responsibility:**

##### Current Situation / Achievements:

In France, there is no minimum age of criminal responsibility. In the article 122-8 of the penal code it is stated that “The juveniles capable of discernment are criminally responsible for crimes, offences or petty offences of which they have been recognised as being guilty (...)”

Thus the criminal responsibility of a child is left to be decided by the judge.

A 13-year-old juvenile can not be sentenced to criminal sanctions but between the age of 10 and 13 he/she can be sentenced to educative sanctions.

##### Key remarks by the Committee:

The new juvenile penal code should establish a minimum age of criminal responsibility and Committee members insisted that it be present in the final version of the text.

#### **III) Number of children and length of detention:**

##### Current Situation / Achievements:

On 1 February 2009, there were 694 juveniles detained for 1098 available places (data of the Penal Administration Bureau).

On 1 July 2007, there were 825 juveniles detained, of whom 34.3% had been sentenced for 2.5 months, the average detention period.

##### Key remarks by the Committee:

#### **IV) Trial conditions:**

##### Current Situation / Achievements:

Juvenile judges have a double competence: they can deal at the same time with young offenders and children in danger or in need of protection. These measures should not be undermined by the new juvenile penal code.

##### Key remarks by the Committee:

The Committee expressed its concern regarding the possible retraction of the “minority excuse” - meaning that children can be denied their right to be tried as minors. According to the law of 10 August 2007, children’s right to be tried as minors can be withdrawn from juveniles aged 16 to 18 in the case of a second offence or for a serious crime. Here, the “minority excuse” can be withdrawn automatically when a child is a recidivist. If the judge decides to use this measure, he/she must justify the decision.

The delegation of France responded that this concerns only a very small number of the most dangerous youthful offenders.

#### **V) Detention conditions:**

##### Current Situation / Achievements:

The delegation was in the position to give precise information about the number of detained children, the number of children in police custody, and the number of children having suffered from abuse or died in detention. After every suicide of a child in detention there is an inquiry and a new evaluation grid for suicidal risk and the behaviour of suicidal risk has been put in place.

##### Key remarks by the Committee:

The Committee expressed its concern about the number of minors who have committed suicide in prison 4 in 2008) and the separation from families while the children are in prison.

#### **VI) Alternative measures:**

##### Current Situation / Achievements:

Alternative measures to detention do not seem to be a priority in France. The emphasis has been put on building specialised penal institutions for minors and renovating “juvenile detention wings” in prisons.

Even though the new institutions seem to be focused on the education of the young and the access to sport and culture, they still remain places of detention.

##### Key remarks by the Committee:

#### **VII) Re-adaptation/reinsertion of children:**

##### Current Situation / Achievements:

##### Key remarks by the Committee:

#### **VIII) Training of professionals:**

##### Current Situation / Achievements:

There has been no special mention of personnel working with children in conflict with the law; however, the issue of more the general training of those working with children was addressed. According to the law of 5 March 2007, these people will undergo an obligatory training on the norms regarding child protection.

##### Key remarks by the Committee:

As this assertion had been attacked by the NGOs in the alternative reports, the Committee repeated their question on the subject, to which the French delegation gave the same oral response as was given in its written report (as indicated above).

### **3. Main conclusions and recommendations**

### **Recommendations -**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

- The State party should establish an effective monitoring system on the treatment of all detained children and ensure that all allegations of torture, or other cruel, inhuman or degrading treatment or punishment are promptly and properly investigated and that the perpetrators are prosecuted and punished.
- The State party should further raise awareness and enhance the training on human rights of the child for law enforcement officials.

#### **Recommendations - Corporal punishment**

- The State party should explicitly prohibit corporal punishment in all settings, including in the family, in schools, in institutions and other childcare settings, increase awareness-raising in this respect and promote the value of education without violence according to article 28, paragraph 2 of the Convention.
- The State party should follow-up on the Council of Europe's campaign to achieve full prohibition of all forms of corporal punishment, which it has signed up for.

#### **Recommendations - Administration of juvenile justice**

- The State party should ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules).
- In particular, the Committee urges the State party to, while taking into account the Committee's General Comment No. 10 on the Administration of Juvenile Justice (CRC/C/GC/10, 2007):
  - (a) Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading children to enter in contact with the criminal justice system and take all possible measures to avoid stigmatisation;
  - (b) Increase and ensure sufficient and adequate allocation of financial, human and other resources for the criminal justice system;
  - (c) Use detention, including police custody (*garde à vue*) and pre-trial detention as a measure of last resort and for the shortest possible period of time;
  - (d) Ensure that when detention is carried out, it is done so in compliance with the law and international standards;
  - (e) Refrain from treating children between 16 and 18 years of age differently than children below the age of 16;
  - (f) Expand the use of reintegration and alternative measures to deprivation of liberty, such as diversion, mediation, probation, counselling and community services and strengthen the role of families and communities in this regard;
  - (g) Ensure that persons below 18 years of age in conflict with the law have access to free legal aid as well as to independent and effective complaints mechanisms;
  - (h) Improve training programmes on relevant international standards for all professionals working with the criminal justice system.

### ***Recommendations - Minimum age of criminal responsibility.***

- The State party should establish a minimum age of criminal responsibility, in line with article 40, paragraph 3 (a) of the Convention and with the recommendation made, inter alia, by the Children's Ombudsperson, not below the age of 13 and requiring the child's capacity of discernment.

### ***Recommendations - Protection of witnesses and victims of crimes***

- The State party should ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it takes fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

## **4. REMARKS AND RESPONSES OF DCI**

See the special edition of the information bulletin by DCI-France as well as the "immediate reaction" after the publication of the recommendations by the Committee:  
[http://www.dei-france.org/lettre-DEI/Lettre\\_DEI\\_8.pdf](http://www.dei-france.org/lettre-DEI/Lettre_DEI_8.pdf)

<http://www.dei-france.org/DEI-communiques-commentaires/2009/reactionDEIobsCRC2009def.pdf>

## **5. SOURCES**

- UN Convention on the Rights of the Child
- 3<sup>rd</sup> and 4<sup>th</sup> periodic report of France as well as the written responses given to the list of points to be addressed prepared by the Committee on the Rights of the Child
- Alternative report by DCI-France
- Recommendation of the Committee on the Rights of the Child

## **6. APPENDIX**

### **6.1. Committee members present:**

- Agnes Akosua AIDOO (Ghana)
- Hadeel AL-ASMAR (Syria)
- Luigi CITARELLA (Italy)
- Kamel FILALI (Algeria)

- Peter Guran (Slovakia)
- Maria HERCZOG (Hungary)
- Moushira KHATTAB (Egypt)
- Sanphasit KRAPPMANN (Germany)
- Yanghee LEE (Republic of Korea)
- Marta MAURAS PEREZ (Chile)
- Rosa Maria ORTIZ (Paraguay)
- Awich POLLAR (Uganda)
- Dainius PURAS (Lithuania)
- Kamla Devi VARMAH (Mauritius)
- Susana VILLARAN DE LA PUENTE (Peru)
- Jean ZERMATTEN (Switzerland)

## 6.2. Composition of the national delegation

See appendix

## INFORMATION NOTE

2nd periodic report presented by the Islamic Republic of Mauritania during the 51<sup>st</sup> session of the United Nations Committee on the Rights of the Child

### Summary of juvenile justice related issues

Ratification of the Convention on the Rights of the Child by Mauritania: 16 May 1991

Previous report presented in: October 2001 (28th session of the Committee).

## 1. COUNTRY PROFILE

### General information on Mauritania:

With a population of 3.12 million people (in 2007, according to World Bank), Mauritania is politically, a very instable Islamic republic. After the first coup d'état on the 3<sup>rd</sup> of August 2005, which had led to presidential elections in 2007, the elected president was overthrown by the army on the 6<sup>th</sup> of August 2008; however, the parliament was not dismissed. In May 2009, the country was awaiting a new democratic election.

The situation of political instability, accompanied by economic difficulties in the country, often makes it challenging to implement measures to protect the rights of children in conflict with the law.

### The situation of juvenile justice (overview):

Regarding either juvenile justice or the rights of the child in general, the national delegation reaffirmed that although the Convention on the Rights of the Child is superior to national laws, Mauritania remains an Islamic republic where the Sharia is superior to all other norms.

## 2. JUVENILE JUSTICE KEY ISSUES IN MAURITANIA

### ISSUE BY ISSUE:

#### I) Legislation:

##### Current Situation / Achievements:

Mauritania has made several advancements regarding legislation on juvenile justice:

- the ordinance of 5 December 2005 (2005-015) created the children's penal protection code.

##### Key remarks by the Committee:

The Committee wanted to know if the measures foreseen by the law had actually been implemented in practice.

#### II) Minimum age of criminal responsibility:

#### Current Situation / Achievements:

It appears that the age of criminal responsibility is 7 years.

From 7 to 15 years of age, a child in conflict with the law can be sentenced to « protection measures » and from 15 to 18 years he/she can be sentenced to « criminal sanctions but the potential sanctions cannot be more than half of the same measure applied to adults ».

#### Key remarks by the Committee:

The Committee remarked that the dividing of age into 3 categories does not comply with the Convention on the Rights of the Child.

### **III) Number of children and length of detention:**

#### Current Situation / Achievements:

The Government of Mauritania was not able to give precise information about the number of detained children. Only data on the average number of children detained in one detention centre of the country (Beyla) between 1993 and 2005 was available. The number of detained children was 86, on the average per year, from 1993 to 2000, and 121 children from 2000 to 2002.

#### Key remarks by the Committee:

### **IV) Trial conditions:**

#### Current Situation / Achievements:

#### Key remarks by the Committee:

### **V) Detention conditions:**

#### Current Situation / Achievements:

Taking children into police custody is possible only after the age of 15.

The children who have been arrested are automatically supported by a social assistant and a lawyer.

#### Key remarks by the Committee:

### **VI) Alternative measures:**

#### Current Situation / Achievements:

The new penal code appears to provide for the possibility of alternative measures to imprisonment.

#### Key remarks by the Committee:

### **VII) Re-adaptation/reinsertion of children:**

#### Current Situation / Achievements:

#### Key remarks by the Committee:

### **VIII) Training of the professionals:**

#### Current Situation / Achievements:

The law of 2005 provides for the training and specialisation of judges on the rights of the child.

#### Key remarks by the Committee:

The Committee wanted to know if this reform had been implemented.

### **3. Main conclusions and recommendations by the Committee**

#### **Recommendations - Corporal punishment**

- The State party should revise its Penal Code in order to explicitly prohibit corporal punishment by law and enforce its prohibition in all settings, including in the family, schools and alternative childcare.
- The State party should conduct awareness-raising campaigns to ensure that alternative forms of discipline are used, in a manner consistent with the child's human dignity and in conformity with the Convention, especially article 28, paragraph 2, while taking due account of General Comment no. 8 of the Committee on the Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (2006).
- The State party should seek technical assistance from UNICEF in order to implement relevant programmes in the school environment.

#### **Recommendations - Juvenile justice**

- The State party should ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules).
- The State party is encouraged to take into account the Committee's General Comment No. 10 on Children's Rights in Juvenile Justice.
- In particular, the Committee recommends the State party to:
  - (a) Apply a juvenile justice system, with specialised juvenile courts, which ensures that all children are tried as such;
  - (b) Raise the age of criminal responsibility to a minimum of 12 years, with a view to raising the age further in accordance with the Committee's general comment no. 10;
  - (c) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defence lawyers and prosecutors;
  - (d) Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;
  - (e) Ensure that detention and institutionalisation of child offenders is only resorted to as a last resort and that children remain separated from adults;
  - (f) Seek technical assistance and other cooperation from the UN Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

## **Recommendations - Protection of witnesses and victims of crimes**

- The State party should ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it takes fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

### **Sources:**

- Convention on the Rights of the Child
- 2<sup>nd</sup> Periodic Report of the Republic of Mauritania as well as the written responses to the list of questions provided by the Committee on the Rights of the Child
- Concluding observations of the Committee on the Rights of the Child

### **4. ANNEXES:**

#### 4.1 Members of the Committee present for the review:

- Agnes Akosua AIDOO (Ghana)
- Hadeel AL-ASMAR (Syria)
- Luigi CITARELLA (Italy)
- Kamel FILALI (Algeria)
- Peter Guran (Slovakia)
- Maria HERCZOG (Hungary)
- Moushira KHATTAB (Egypt)
- Sanphasit KRAPPMANN (Germany)
- Yanghee LEE (Republic of Korea)
- Marta MAURAS PEREZ (Chile)
- Rosa Maria ORTIZ (Paraguay)
- Awich POLLAR (Uganda)
- Dainius PURAS (Lithuania)
- Kamla Devi VARMAH (Mauritius)
- Susana VILLARAN DE LA PUENTE (Peru)
- Jean ZERMATTEN (Switzerland)

#### 4.2 Composition of the national delegation

- Dr Mohamed OULD ELY TELMOUDY
- Dr Sidi Mohamed BEIDY
- M. Ahmed Ould Moctar BOUSSEIF

- Taleb Khyar OULD ABI SALEM
- Abdallah OULD ISHAQ
- M. Saleck MOHAMED JEREB
- Dr. Haimoud OULD RAMDAN

## INFORMATION NOTE

Combined 3rd and 4th periodic reports of Niger during the 51th session of the United Nations Committee on the Rights of the Child

Summary of juvenile justice related issues

Ratification of the Convention on the Rights of the Child by Niger: 30 Sept 1990

### 1. COUNTRY PROFILE

#### General information on Niger:

Niger is located in Northwest Africa and is bordered by Mali, Algeria, Libya, Chad, Nigeria, Benin, and Burkina Faso. Niger has a population of about 13 million persons and a per capita national income of \$163 as of 2008. Niger's economy is mostly based on subsistence farming, mining of uranium, and the informal sector. In recent years, the people have suffered from famine and the economy has suffered due to droughts.

Human rights in Niger are a major concern. Niger's immediate past is full of political turmoil, but the country returned to a democracy in 1999. Since then, the government has been passing laws to protect human rights. These include laws which outlaw slavery and protect people from arbitrary arrests and detention. There has also been a National Commission on Human Rights and Fundamental Freedoms established. However, these laws are not enforced as they should. In 2005, Niger was ranked as one of the worst countries for human rights by the UN's Human Development Report. The main problems concern those who are arrested and detained, but never given a trial; the hundreds of thousands of people who are living in slave conditions; and the arrests of journalists and silencing of important media outlets.

There are many national and international non-governmental organizations (NGOs) in Niger working to resolve these problems. In 2008, a human rights adviser was deployed by the UN to strengthen the UN Country Team and support Niger's government efforts to strengthen its human rights promotion and protection systems.

#### The situation of juvenile justice in Niger (overview):

Juvenile justice is improving in Niger, despite all the obstacles it faces. Niger is lacking both human and financial resources, which impedes developing training sessions or creating separate juvenile detention facilities. In 2001, four Educational, Judicial, and Preventive Services (SEJUPs) were created, followed by four more in 2005. They support juvenile judges and monitoring children in conflict with the law and children at risk. This is helping to raise awareness among those who deal with juvenile justice in Niger.

### 2. JUVENILE JUSTICE KEY ISSUES IN NIGER

## **ISSUE BY ISSUE:**

### **I) Legislation:**

#### Current Situation/Achievements:

In 1999, Niger adopted ordinance 99-11 to deal with Juvenile Justice issues and protect at-risk children. In 2003, the ordinance was updated to create stronger penalties for violations of child rights. Since then, the government has been writing more amendments to further strengthen the ordinance, but there have been many obstacles.

#### Key remarks by the Committee:

Three levels of legal power exist in Niger; traditional, Islamic, and governmental. Oftentimes, these three powers do not agree. For example, in 2005, a code for child rights was created, but has been caught in legislation processes for years.

In addition to the disagreements, there is currently a very unstable situation in Niger which has taken its toll on the government. Parliament has been dissolved and the government has become decentralized. There is a major lack of resources to maintain a stable, centralized government.

Sharia (Islamic law) is well respected in Niger and many of its teachings disagree with Juvenile Justice reform issues. The process of adopting new Juvenile Justice laws or amendments has been delayed because the people who follow Sharia law have been very hostile towards these new laws and amendments.

Many people have turned to their chieftains at the local level to help with law enforcement. However, these chieftains have no jurisdiction; they can only make recommendations to judges. There is not a lot of enforcement of the national laws at the local level.

### **II) Minimum age of criminal responsibility:**

#### Current situation/Achievements:

All minors are subject to legal proceedings. Children under the age of 13 are not held criminally responsible, but judges can order them to undergo protective measures, such as counselling. Over the age of 13, children are considered criminally responsible.

#### Key remarks by the Committee:

The age of 13 is still quite young and Niger could work to raise this.

### **III) Number of children and length of detention:**

#### Current situation/Achievements:

Pre-trial detention for minor offences may not exceed three months and for criminal offences, it may not exceed one year. If a minor is found guilty of a crime where an adult would be subject to the death penalty or life in prison, the minor will be sentenced to a term of no more than 10 to 30 years. If a minor is found guilty of a crime where an adult would be sentenced 10 to 30 years of imprisonment, the minor will be sentenced to a term of no more than 2 to 10 years. If the minor commits a misdemeanour or a petty offence, the minor will only receive half the penalty that an adult would.

Key remarks by the Committee:

Many times the sentences are not regulated and minors are detained for longer than their sentence. Police have been abusing their power by holding minors in pre-trial detention longer than what is allowed by law.

**IV) Trial conditions:**

Current situation/Achievements:

During the investigation stage of the trial, juveniles are placed in the care of their parents, a shelter, a state run institution, a child welfare service, or a hospital. If the physical or psychological state of the child is questionable, they may be placed in observation during the investigation stage.

Any minor who is subject to legal proceedings is assigned a lawyer or an official public defender. Minors are subject only to investigation proceedings and all trials are held in a juvenile court. The judge is also required to order a medical examination and if necessary a psychiatric or psychological medical examination.

In order to protect the child from social stigmatization, the trials are not open to the public.

Key remarks by the Committee:

Only ten judges have undergone specific juvenile justice training. Other judges have undergone some juvenile justice training, but they tend to neglect the task of protecting minors and focus more on the technical aspects of their jobs.

**V) Detention conditions:**

Current situation/Achievements:

There have been pushes to create separate Juvenile detention wings in prisons, but it has only been successful in a few areas. Those areas that have separated juveniles from adults have not been able to provide the juveniles with the best conditions, but are looking to improve this in the future.

Key remarks by the Committee:

In most places, juveniles are still held in the same areas as adult criminals. There is a lack of resources to build separate juvenile detention wings and/or facilities.

Niger needs to improve the conditions of those placed in the juvenile areas, but is prioritizing separating all juveniles from adults in detention.

**VI) Alternative measures:**

Current situation/Achievements:

A draft juvenile justice program has been presented to promote children's rights and shed light on alternative methods to detention. A centre is opening to educate juvenile justice workers about alternative methods soon.

Current alternative methods include community service or allowing the sentence to pass for one year to allow the minor to attempt rehabilitation. Protective measures may be ordered instead of detention, such as educational monitoring or apprenticeships.

Key remarks by the Committee:

Many judges are unaware of the best way to handle sentencing juveniles, especially those suspected of needing special care, so oftentimes they just sentence the minor to detention.

There is a lack of specialized staff and state placement agencies to find appropriate placements for children who are to serve their sentence participating in alternative measures.

**VI) Re-adaptation/reinsertion of children:**

Current situation/Achievements:

Alternative methods in Niger include community service, apprenticeships, and undergoing psychological evaluations. These types of activities help the child steer away from a criminal lifestyle. Many children are also ordered to return to their families, or in the absence of family, state welfare agencies. In addition, Niger tries to reduce the stigmatization of youths in conflict with the law by keeping all trials closed to the public.

Key remarks by the Committee:

Niger sees some children as beyond rehabilitation, and therefore is unsure how to help them become productive members of society. The community service sentences are not going as well as they would like. Better re-adaptation and reinsertion programs are needed.

**VII) Training of professionals:**

Current situation/Achievements:

New judges cannot preside over juvenile justice trials until they achieve a promotion and they cannot receive a promotion until they have participated in juvenile justice training. When judges or lawyers find children have other needs, they often just sentence them to jail, but Niger is trying to train them not to, to look for alternative methods instead. As of 2006, 41 of Niger's 206 judges were juvenile judges.

230 police officers attended training courses in August 2006 on children's and women's rights.

Eleven committees chaired by juvenile justice judges and composed of people who work in all aspects of juvenile justice were established to engage in consultations on matters relating to children.

Key remarks by the Committee:

There is a lack of magistrates, lawyers, and judges, which creates an even bigger lack of those who can focus on juvenile justice. In addition, Niger has many plans for juvenile justice training but is lacking human and financial resources.

### **3. MAIN CONCLUSIONS AND RECOMMENDATIONS**

#### ***Recommendations - Death penalty***

- The State party should Take immediate steps to halt and abolish by law imposition of death penalty and life sentence for crimes committed by persons under 18

#### ***Recommendations - Separation from adults in detention***

- Urgently ensures that in all detention facilities children are no longer detained with adults;

#### ***Recommendations - Conditions of trial***

- Bring cases involving children to trial as quickly as possible

#### ***Recommendations - Conditions of detention***

- Takes all necessary measures, including strengthening the policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible, that detention is carried out, it is done in compliance with the law and respects the rights of the child, including the ten-hour time limitation for custody of children, that children are not ill-treated in detention and that conditions in detention facilities meet international minimum standards

#### ***Recommendations - training of professionals***

- Envisage a vast capacity building programme for stakeholders, including specific training for police brigades, judges and social workers to strengthen technical capacity and knowledge on juvenile justice systems and alternatives to detention.

#### **Sources:**

### **4. ANNEX:**

#### **4.1 CRC Members Present**

Ms. Aidoo; Ms. Al-Asmar; Mr. Citarella; Mr. Filali; Mr. Gurán; Ms. Herczog; Ms. Khattab; Mr. Koompraphant; Mr. Kotrane; Mr. Krappmann; Ms. Lee; Ms. Mauras Perez; Ms. Ortiz; Mr. Pollar; Mr. Puras; Ms. Varmah; Ms. Villaran de la Puente; Mr. Zermatten.

#### **4.2 Composition of country delegation**

S.E. Mme Barry Bibata Glandou, Ministre de la Femme et de la Protection de l'Enfant

S.E. M Adani Illo, Ambassadeur, Représentant Permanent du Niger

M. Almosustapha Saybou, Directeur Adjoint de Cabinet du Premier Ministre

M. Abdoulaye Djibo, Secrétaire Général du Ministère de la Justice

M. Souleymane Issouffou, Directeur de la Protection de l'Enfant

Mme. Sandi Sahadi, Ministère des Affaires Etrangères et de la Coopération

Mme. Souley Rabi, Ministère de l'Education Nationale

Mme. (Dr.) Gali Asma, Ministère de la Santé Publique

Mme. Bébert Salmeye, UNICEF Niger

M. Raoufou Issaka Moussa, Conseiller à l'Ambassade du Niger