

13th session of the Human Rights Council

ANNUAL FULL-DAY MEETING ON THE RIGHTS OF THE CHILD

Wednesday 10th March 2010

RIGHTS OF THE CHILD: THE FIGHT AGAINST SEXUAL VIOLENCE AGAINST CHILDREN

MORNING PANEL: Manifestations of sexual violence against boys and girls

Joint statement on behalf of the World Organisation Against Torture (OMCT), Defence for Children International, ECPAT International, Terre des Hommes International Federation, International Catholic Child Bureau (BICE), Plan International (having ECOSOC status) and Child Rights Information Network (CRIN), the African Child Policy Forum and the NGO Group for the Convention on the Rights of the Child (not having ECOSOC status).

Thank you Mr. Chairman,

We thank all the panellists for their statements, and most notably Mr. Manfred Nowak for his contribution on sexual violence against children in institutions, including in detention facilities. Please allow us now to call your attention to this issue.

In police custody, detention centres and prisons, children may be sexually abused by adult detainees, peers, police and prison staff. Overcrowding, inadequate staffing, lack of separation from adults¹ and other appalling yet common conditions of juvenile detention are the **factors** that increase the chances of children being psychologically, physically and/or sexually abused while in detention.

Mr Chairman,

We believe that any forms of sexual violence against a child detainee are ill-treatment. In this regard, international human rights jurisprudence clearly establishes that rape in detention constitutes **torture**².

Echoing the concerns raised in the UN Study on Violence Against Children regarding **impunity** for such acts, we recall that perpetrators are rarely prosecuted and sentenced³.

Finally, convinced that this practice is likely to be **more widespread** than what is commonly reported⁴ and that prevention measures are less expensive than the **high costs** incurred from

¹ According to some studies, children placed in detention with adults are 5 times more likely to be sexually assaulted than children housed in juvenile facilities. Defence for Children International, "Kids Behind Bars", 2003.

² This outcome is built on the findings of the Special Rapporteur on Torture (summary record of the twenty-first meeting, United Nations document E/CN.4/1992/SR.21, para.35). Also refer to decisions from regional HR mechanisms like the Inter-American Commission on Human Rights in *Mejia v. Peru* and the European Court of Human Rights in *Aydin v. Turkey*.

³ UN Report on Violence against Children, p. 182.

long-term effects caused by sexual assault⁵, we wish to present the following **recommendations** to Member States and observers of the HRC:

1. Collect and share disaggregated data and information concerning instances of all forms of sexual violence in all places where children are deprived of their liberty.
2. Implement the recommendations of the UN Study on Violence against Children relating to violence in “justice institutions”, and in particular take special measures on :
 - alternatives to detention;
 - quality and trained staffing;
 - access to effective complaints and investigation mechanisms;
 - prosecuting perpetrators; and
 - effective and independent access and monitoring of places where children are detained.
3. Invite relevant UN agencies to carry out a study on the scope, causes and consequences of sexual abuse of detained children and develop recommendations.

Thank you, Mr. Chairman.

⁴ There are only some rare and limited national surveys such as the following recently released in the United States: Special Report on Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09, US Department of Justice, Office of Justice Program, Bureau of Justice Statistics, January 2010, NCJ 228416.

⁵ Special Report on Sexual Victimization in Juvenile Facilities Reported by Youth, op. cit.