

DCI Oral Statement – 4th Session of the Human Rights Council

Interactive Dialogues (Working Group on Arbitrary Detention):

Arbitrary Detention of Children in Conflict with the Law

Thank you Mr. President,

*The following is a joint statement on behalf of **Defence for Children International**; the World Organisation Against Torture; the International Federation of Social Workers; the International Alliance of Women; and World Vision International*

Defence for Children International (DCI) welcomes the report of the Working Group on Arbitrary Detention. In particular, we welcome the attention given to the large number of individuals held in pre-trial detention, many of whom have not even been accused of a serious offence. We also share the Group's concern for the horrendous living conditions within many detention centres, which often fail to meet even the most basic needs of detainees.

DCI regrets however, the Group's failure to acknowledge that over one million of the world's detainees are, in fact, children¹.

In the great majority of countries, most **children** deprived of their liberty have not actually been convicted of an offence: they are in pre-trial detention, or remand, and awaiting trial. Most have committed only petty crimes and will not receive a custodial sentence when they finally do appear in court. This has been the case as reported by a number of DCI's national sections.

The fact is: the overwhelming majority of children in the criminal justice system do not belong there.

It is during pre-trial detention that many of the worst human rights abuses occur. As highlighted in the report, detainees often lack access to basic needs such as health, food and security, and are isolated and kept far from their families. DCI would like to emphasize that it is **child detainees** who are most affected by this phenomenon – many are denied contact with their families, the outside world, and suffer physical, sexual and psychological abuses.

DCI calls on States Parties to the Convention on the Rights of the Child to honour their commitments to ensure that no child “be deprived of his or her liberty unlawfully or arbitrarily; And, that the arrest, detention or imprisonment of a child

¹ http://www.unicef.org/protection/index_juveniljustice.html

shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest period of time" (article 37, CRC)

DCI calls on States to heed their responsibility to protect and respect the rights of those in custody, including children, and to afford detainees the right to be presumed innocent until proven guilty.

DCI would like to ask the Chairperson of the working group, how she intends to address the **arbitrary detention of children** across the world – and, more specifically, what steps she will take to support justice for minors, and report on and condemn the human rights abuses experienced by children in conflict with the law.

Thank you Mr. President