Human Rights Council (29th Session)

ID with SR on Independence of Judges and Lawyers (18 June 2015)

Delivered by: Defence for Children International (DCI)

Thank you Mr President,

We share the Special Rapporteur’s emphasis on the importance of investing in child-sensitive justice. We further emphasize the need for effective implementation of international juvenile justice standards to protect the rights of children deprived of liberty.

Under article 37 of the United Nations Convention on the Rights of the Child, deprivation of liberty is to be a last resort and used for the shortest possible period of time. Deprivation of liberty has negative consequences for the child’s harmonious development, exposing children to increased risks of violence, social discrimination, and denial of their human rights. Society is affected at large as deprivation of liberty tends to increase social exclusion, recidivism, and public expenditure. With the ongoing post-2015 development agenda, we remind member states that investing in children is key to the success of the Sustainable Development Goals.

We commend the Special Rapporteur’s recommendation to properly educate judges, prosecutors, and lawyers to embrace a child-sensitive justice and to always consider alternatives to detention first and foremost. However, in cases where alternatives to detention are not employed, independent monitoring mechanisms are to be established to ensure the effective implementation of international standards. Contrary to existing facilities for adults, there are no guidelines on visiting and monitoring juvenile detention centres, jeopardizing the coordination of practices and hampering the obtainment of comparable information on the concrete situation of these children.

In order to bridge this gap, the Belgian section of Defence for Children International has launched the “Children’s Rights Behind Bars” project alongside fourteen European countries. This project aims to evaluate the monitoring systems of child detention centres, and will culminate next January in the publication of a practical guide to be used by monitoring bodies.

Last year, Defence for Children International also led a campaign calling for a Global Study on Children Deprived of Liberty to address the lack of data, research, and verified information on the situation of child detention. The Study, which was officially requested through a resolution of the UN General Assembly in December 2014, will collect and analyze comprehensive data on all forms of child detention, assess how international standards are being implemented, and identify recommendations and best practices.
Defence for Children International would like to make the following recommendations here today:

- First, integrate child-specific training and capacity-building initiatives for all judges, lawyers, and prosecutors in order to sensitize them to the human rights of children involved in the justice system;
- Second, ensure adequate review and protection mechanisms even after sentencing, using a specific child-focused approach;
- Finally, we encourage all member states to establish a specialized legal system for children at the national level, and ensure that all judicial proceedings comply with international human rights standards, always prioritizing the best interests of the child.

Thank you.