

14 September 2015

HUMAN RIGHTS COUNCIL – 30th session

Item 3: Working Group on Arbitrary Detention

Oral statement delivered by Defence for Children International (DCI)

Mr President,

Defence for Children International welcomes the Working Group on Arbitrary Detention's Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court, and calls on States to use this document as a blueprint for action to further ensure that no one is arbitrarily deprived of liberty.

Defence for Children International commends the Working Group for its inclusion in its Basic Principles of specific provisions for children (Principle 18), and for girls and women (Principle 19), and for reiterating that the best interests of children should always come as a primary consideration in any decision-making and action taken.

Nevertheless, and in accordance with article 37 of the United Nations Convention on the Rights of the Child, DCI remains concerned as children throughout the world continue to be deprived of liberty without having their procedural rights guaranteed. Furthermore, in many cases, deprivation of liberty remains a first option, rather than a last resort. DCI continues to witness, through its work in 47 countries worldwide, a major gap between law & practice. The DCI Regional Observatory on Juvenile Justice in Latin America shows that more than half of children held in custody have not yet been tried or sentenced by a court. In many cases, the basic rights of these children to be heard and to challenge the lawfulness of their detention simply remain unmet.

Thus, considering the human rights of every child and international norms and standards,

DCI calls upon Member States to:

- ✓ Systematically integrate children's access to justice in national reforms, rule of law initiatives and national planning processes, and support it through the national budget;
- ✓ Establish effective complaint procedures that are independent, child-sensitive and accessible for children;
- ✓ Promote and implement child-friendly justice mechanisms, in promotion of non-custodial measures;
- ✓ Implement effective monitoring mechanisms to ensure that the deprivation of liberty of children is, in all cases, legal, necessary and proportional, and that children deprived of liberty have a right to be heard and challenge the arbitrariness and lawfulness of their detention.
- ✓ Incorporate a gender equality perspective in all judicial mechanisms to address the special needs of girls involved with the justice system.