



## **Human Rights Council - 39<sup>th</sup> Session ITEMS 2 and 3**

### **Delivered by: Defence for Children International (DCI)**

Defence for Children International (DCI) welcomes the opportunity to speak in this session.

We commend the report of the United Nations High Commissioner for Human Rights on Youth and Human Rights, and share the Office's concerns regarding the particular challenges and discrimination faced by specific groups of children, such as those in conflict with the law and asylum-seeking, migrant, and refugee children. DCI has long worked on the rights of children in the juvenile justice system as well as children on the move, and has also documented the barriers and challenges that the OHCHR highlighted in its report.

The UN Committee on the Rights of the Child's General Comment on Juvenile Justice is clear that special rules should be applied for children accused of committing an offence. The Committee also affirms that deprivation of liberty should only be used as a measure of last resort and for the shortest appropriate period of time. Yet, as the OHCHR's report highlights, children continue to be detained and subject to harsh penalties, including life imprisonment and the death penalty. Children deprived of their liberty in the administration of justice are at risk of institutional violence, corporal punishment, or solitary isolation. Such practices are detrimental to children's right to health as well as their psychological and emotional development and well-being. The negative effect of deprivation of liberty on children and their rights was also highlighted in the Special Rapporteur on the Right to Health's report to the Council last session.

We also welcome the OHCHR's focus on asylum-seeking, migrant, and refugee children, the emphasis on factors that disproportionately affect these children, and the need to ensure that they have a smooth transition to adult life. DCI also underlines the importance of protecting children's rights throughout the entire migratory process.

There are currently several opportunities for States to concretely change the situation of children in conflict with the law and children on the move, and ensure their rights are protected and fulfilled. These include the United Nations Global Study on Children Deprived of Liberty: States can submit quality, disaggregated data and examples of alternatives to detention of children in different settings in their countries as well as provide continued financial and political support for the Study. Furthermore, the recently-finalised Global Compact on Migration will be adopted and move towards implementation later this year. It contains provisions that protect children and recognise them as key actors in the implementation of their rights, as well as a commitment for States to work towards ending detention of children in the context of migration. We call on States to fully engage in these processes.

DCI also believes that children are advocates for their rights, and we reiterate that they are not only right-holders in need of protection but also active members of society, capable of voicing their own rights. In this respect, we welcome the proposal of a mechanism that would ensure permanent, structured youth participation in the Council's work, and call for this to be fully representative.

Furthermore, only 39 Member States are currently parties to the Third Optional Protocol to the UN Convention on the Rights of the Children's on Communications Procedure, which allows children to report violations of the Convention to the Committee. Therefore, we urge member states to ratify the Optional Protocol and respect their obligations under the Convention on the Rights of the Child. We also call on States to cooperate with national, regional, and international mechanisms and processes to respect and protect the rights of all children everywhere, and let inclusiveness be the watchword within the child rights system.

Thank you.