



**30th session of the Human Rights Council
Geneva, 14 September – 2 October 2015**

Item 3: Interactive Dialogue with the Working Group on Arbitrary Detention

Mr. President,

The International Catholic Child Bureau and its partner organizations in Africa and Latin America involved in our juvenile justice program welcome the *UN Basic Principles and Guidelines on remedies and procedures on the right of anyone deprived of their liberty to bring proceedings before a court*.

With regard to Principle 18 as well as Guideline 18 on “Specific Measures for Children”, legislation per se might not be the main concern in safeguarding the CRC juvenile justice provisions as a great number of domestic legal frameworks provide for i) deprivation of liberty as a measure of last resort and for the shortest possible period of time; ii) alternative measures; iii) social educative programs to facilitate reintegration into society; and iv) prominently consider the best interests of the child. Yet, in practice, implementation policies and alternative mechanisms are still weak or inexistent, are insufficiently funded or face scarce human resources and coordination due to overall lack of political will.

In the **DRC**, despite the provisions enshrined in articles 95, 96 and 112 of 2009 Law, more than 250 children, including children under 14 years old, are still deprived of liberty in Makala (*Pavillon 10*) in Kinshasa due to insufficient resources allocated to social workers office in charge of preliminary investigations either for extrajudicial measures or prosecution and the absence or the disrepair nature of State’s alternative facilities to detention. The country therefore violates its own domestic legislation.

In **Côte d’Ivoire**, effective cooperation between the government and civil society organizations would have been instrumental in transferring the Minors’ Observatory Center (COM), which is an alternative and educative program, from the MACA, the biggest adult prison of the country, to a safer place where children do benefit from socio-educative measures. In fact, Côte d’Ivoire has not yet set up a comprehensive juvenile justice system as stated in Principle 18 and Guideline 18.

In **Brazil**, if due financial and human resources were provided to the National Council on the Rights of Children and Adolescents (CONANDA) to effectively implement 8069/1990 and 12.594/2012 Acts on juvenile justice focusing on the restorative approach, the country could comply with the Basic Principles and Guidelines without lowering the age of criminal majority for children and adolescents in conflict with the law.

In **Peru**, the draft Basic Principles and Guidelines resonates with the ongoing legislative reform¹ aiming *inter alia* at increasing the period of detention of adolescents in conflict with the law from 6 to 10 years, whilst the 2013-2018 National Plan on the Prevention and Treatment of Children and Adolescents in conflict of the law based on the *Doctrina de la Protección Integral*, prioritizes substitutions to the deprivation of liberty and pledges for non custodial measures.

It is worth mentioning that local government officials and parliamentarians who should play a leading role in implementing and evaluating juvenile justice related endeavors are not always aware of States’ commitments at the regional and international levels.

The follow-up process of the Basic Principles and Guidelines should be mainstreamed into each country periodic review process by treaty bodies, including the CRC, as well as the UPR mechanism and States should rather focus their relevant comments, questions and recommendations on practice, measures and policies required to overcome challenges.

Question: *How concretely the Working Group and the Council intend to follow-up on the Principles and Guidelines? How local administration and public services providers as well as parliaments could be associated to their implementation?*

Thank you Mr. President.

¹ Nevertheless, the reform also envisages new positive measures such as i) judiciary oversight to review or change adolescents’ decisions and treatment according to their behavior evolution; ii) mediation as a diversion measure; and iii) reparation and redress as a peaceful mean to settle disputes and restore relationships in society.