



Interventions

**lors de la 39^{ème} session du
Conseil des droits de l'Homme des Nations Unies
en 2018**

Octobre 2018

**39^{ème} session du Conseil des droits de l'Homme
10 au 28 Septembre 2018**

1. Communication orale sur l'étude globale de l'ONU sur la privation de liberté des enfants



39th session of the Human Rights Council

Geneva, 10-28 September 2018

Item 3: Interactive Dialogue with Working Group on Arbitrary Detention

International Catholic Child Bureau (BICE) welcomes the opportunity to speak in this dialogue on behalf of the NGO Panel for the United Nations Global Study on Children Deprived of Liberty.

We thank the Working Group on Arbitrary Detention for its extensive revision of deliberation No. 5 on the deprivation of liberty of migrants.

We commend the Working Group for highlighting that the deprivation of liberty of asylum-seeking, refugee, stateless, and migrant children, including unaccompanied or separated children, is prohibited. They also make it clear that any form of administrative detention or custody must be applied only as an exceptional measure and for the shortest period of time. We also welcome the recognition that detaining children because of their parents' migration status violates the principle of the best interests of the child, and that children must not be separated from their parents or guardians. We support the call to seek alternatives to detention for the entire family, and urge all States to adopt these steps.

We have also witnessed an increased focus on deprivation of liberty of children in all settings from States, civil society, academia and the United Nations in recent years, including UN agencies, Special Procedures, and human rights treaty bodies. Furthermore, the recently finalised Global Compact on Migrants includes a commitment by States to work towards ending migration-related detention of children.

This increased awareness resulted in the UN Global Study on Children Deprived of Liberty, which is now firmly in its implementation phase. The NGO Panel, which comprises more than 150 NGOs, remains concerned that children continue to be deprived of their liberty, and that we lack comprehensive quality and quantitative, disaggregated data concerning these children. As part of the Study, States were asked to submit a questionnaire on this topic.

Therefore, we call on States to continue to support the Global Study by providing more quality, disaggregated data and examples of alternatives to detention, participating in the upcoming consultations, and contributing with political and financial support. This engagement is crucial for the effective success of the Study and its impact on the lives of the many children deprived of their liberty all over the world, including those detained due to migration-related reasons.

2. Communication orale sur le suivi des recommandations EPU des pays impliqués dans le programma Enfance sans Barreaux (EsB II)

39^{ème} session du Conseil des droits de l'homme

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Point 6 : EPU – Débat général

Le Bureau international catholique de l'enfance (BICE) et ses partenaires dans les différents pays concernés¹ sont préoccupés par la lenteur des mesures d'application des recommandations EPU au **Bénin** examiné le 10 novembre 2017, en **Côte d'Ivoire** et en **RDC** le 29 avril 2014, au **Guatemala** le 8 novembre 2017 et au **Togo** le 31 octobre 2016.

Au **Bénin**, les engagements du gouvernement et le volontarisme démontré peinent à se concrétiser par des mesures tangibles en vue de traduire dans les faits les recommandations acceptées. Par ailleurs, le Bénin n'a pas soumis de rapport à mi-parcours lors du 2^{ème} cycle. Le BICE et ses partenaires ont identifié et communiqué² aux autorités béninoises des mesures concrètes nécessaires pour mettre en œuvre le Code de l'enfant de 2015.

En **Côte d'Ivoire**, en ce qui concerne la justice juvénile, le gouvernement a certes, au regard des recommandations pertinentes des cycles 1³ et 2⁴, adopté l'arrêté n°642/MJDHLP/CAB du 29 décembre 2015 portant organisation et fonctionnement de la Direction de la Protection Judiciaire de l'Enfance et de la Jeunesse (DPJJE) et décidé de relocaliser le Centre d'Observation des Mineurs (COM) d'Abidjan. Toutefois, en dépit de l'approbation de la maquette du nouveau COM et de son calendrier de construction qui prévoyait le démarrage des travaux en novembre 2017 et la livraison de l'ouvrage en juillet 2018, les travaux n'ont toujours pas commencé au jour d'aujourd'hui.

Le **Guatemala** a pris des engagements volontaires⁵, mis en place un système national de suivi des recommandations et soumis en 2015 un rapport à mi-parcours (2012-2014) ; mais les observations préliminaires⁶ de la visite *in situ* de la Commission interaméricaine des droits de l'homme en août 2017 ont révélé que l'engagement visant à renforcer le système de justice spécialisée afin de protéger les femmes et les enfants⁷ n'est pas tenu. En effet, selon la Commission, le système pénitentiaire se caractérise principalement par la surpopulation, l'utilisation excessive de la détention préventive, les conditions de détention déplorables, le niveau élevé de violence, la corruption et le manque de contrôle effectif des lieux et centres de détention.

¹ Les partenaires sont : Bénin (Enfants Solidaires d'Afrique et du Monde (ESAM)) et Franciscains Bénin) ; Côte d'Ivoire (Dignité et Droits pour les Enfants en Côte d'Ivoire (DDE-CI)) ; Guatemala (Institut d'Etudes Comparées en Sciences Pénales du Guatemala (ICCPG)), RDC (Bureau national catholique de l'enfance en RDC (BNCE-RDC)) ; Togo ((Bureau National Catholique de l'Enfance au Togo (BNCE-Togo)).

² Voir le [communiqué](#) du 26 janvier 2018.

³ **Cycle 1 (A/HRC/13/9)** : 99. 55. S'attacher particulièrement à protéger les enfants de personnes détenues ou emprisonnées (**République tchèque**) ; 99.68. Instituer un système de justice pour mineurs dans le souci de garantir la protection des droits de tout enfant ayant affaire à la justice (**République tchèque**) ; 99.69. Agir pour renforcer et harmoniser le cadre juridique de la protection de l'enfance, en particulier en dotant les différents tribunaux du pays d'une unité de protection de l'enfance (**Italie**) ; 99.31. Poursuivre sa politique de réforme législative judiciaire et pénitentiaire en vue notamment de renforcer ses capacités en matière d'administration de la justice et d'accroître la transparence et l'accès à la justice pour tous les Ivoiriens, sans discrimination fondée sur les ressources (**France**).

⁴ **Cycle 2 (A/HRC/27/6)** : 127.44 Faire en sorte que le cadre juridique et institutionnel garantisse aux enfants en conflit avec la loi un traitement conforme aux normes internationales (**Afrique du Sud**).

⁵ A/71/77 (2016).

⁶ [Observaciones Preliminares de la Visita in loco de la CIDH a Guatemala](#), No. 114A/17.

⁷ A/71/77 (2016), § 10.

La **RDC** n'a pas fait le point sur les progrès et les défis de la mise en œuvre à mi-parcours des recommandations du 2^{ème} cycle alors que le 3^{ème} cycle se profile déjà. La Politique Nationale de Réforme de la Justice (2017-2026) adoptée en mai 2017 n'est toujours pas budgétisée privant ainsi le système judiciaire de ressources de fonctionnement.

Au **Togo**, près de 2 ans après l'examen, les recommandations acceptées n'ont pas fait l'objet d'une intégration complète dans les différentes politiques sectorielles et de mesures concrètes de suivi. En tant que membre du Conseil des droits de l'homme et candidat à sa réélection, le Togo devrait prendre des engagements volontaires spécifiques et mesurables et présenter un rapport à mi-parcours en 2019.

3. Oral statement on the adaption of UPR outcomes on Colombia

**39th session of the Human Rights Council
Geneva, 10-28 September 2018
Item 6: UPR Outcomes Colombia**

The International Catholic Child Bureau (BICE) and the Tertiary Capuchins of Colombia (TCC) appreciate the participation of Colombia in the UPR process. We regret that recommendations of the Third Cycle related to the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure⁸ have been noted.

Accepted recommendations on the administration of justice include the improvement of prison policies and conditions of detention⁹, the introduction of alternatives to detention in order to reduce prison occupancy rates¹⁰ as well as the adoption of measures that ensure the effective implementation of the Children and Adolescent's Code¹¹.

This Code states that the deprivation of liberty is a measure of last resort and provides for substitutions of the deprivation of liberty of young offenders but the System of Criminal Responsibility for Adolescents continues to disproportionately use the punishment of deprivation of liberty for adolescents and avails insufficient resources to improve the conditions in juvenile detention centres and prevent violence against children in detention. Our organisations call on Colombia to:

- **Give priority and allocate adequate resources to the promotion, implementation and follow-up of alternative measures to detention, such as diversion, probation, mediation, counselling, or community service, wherever possible.**
- **Ensure, in cases where detention is unavoidable, that children are separated from adults, that detention conditions are improved, in particular with regard to access to education and health services including drug detoxification and mental health programmes, and that they are kept as near as possible to their places of origin.**

The lack of community-based reintegration mechanism leads to recidivism as many children and adolescents are not properly followed after their release. The **Colombian Family Welfare Institute (ICBF)** should therefore **work closely with municipalities, mayors and community leaders to include the reintegration and follow-up of children in conflict with the law in municipal development plans.** Alongside, Colombia should **promptly and vigorously combat the use of children by adults to commit crimes.**

Following the advanced question of Portugal¹² and the recommendation of Paraguay¹³, among others, on a national follow-up mechanism of the UPR recommendations, our organisations call on Colombia to:

⁸ 121.7 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Germany). 121.13 Ratify other international human rights treaties to which it is not yet a party (Philippines);

⁹ 120.28 Strengthen prison policies and conditions of detention (Peru).

¹⁰ 120.47 Introduce alternative methods to detention to reduce prison occupancy rates and step up efforts to implement the Nelson Mandela Rules and the Bangkok Rules (Thailand).

¹¹ 120.159 Continue to adopt all measures to ensure that the Children and Adolescent's Code is effectively implemented (Portugal).

¹² Portugal: Has the State-under-review established a dedicated 'national mechanism for implementation, reporting and follow-up' (NMIRF) covering UPR recommendations, but also recommendations/observations generated by the UN human rights Treaty Bodies, the Special Procedures and relevant regional mechanisms? If so, could the State-under-review briefly share its experience on creating such mechanism, including challenges faced and lessons learnt, as well as any plans or needs to strengthen the NMIRF in the future?

¹³ 120.6 Strengthen the follow-up mechanism in the national human rights framework in order to follow up on the implementation of the recommendations from the universal periodic review and other mechanisms (Paraguay).

- **Provide adequate resources to the National Human Rights and International Humanitarian Law System to appropriately fulfil its implementation mandate of the UPR and other relevant human rights recommendations and voluntary pledges;**
 - **Revise and integrate in the National Strategy for the Guarantee of Human Rights the newly accepted recommendations of the Third Cycle, including those related to the administration of juvenile justice;**
 - **Submit, in a near future, a mid-term report.**
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4. Communication orale sur la quatrième phase du programme mondial sur l'éducation aux droits de l'homme

39th session of the Human Rights Council

Geneva, 10-28 September 2018

Item 3: General Debate

*Joint statement on Focus of the Fourth Phase of the World Programme for Human Rights Education delivered by Soka Gakkai International (SGI) and cosponsored by Arigatou International, Associazione Comunità Papa Giovanni XXIII (APG23), Association Points Coeur, Company of the Daughters of Charity of Vincent de Paul, Foundation for Gaia (GAIA) , Global Ecovillage Network GEN-Suisse, Graduate Women International (GWI), Instituto de Desenvolvimento e Direitos Humanos (IDDH), International Movement Against All Forms of Discrimination and Racism (IMADR), **International Catholic Child Bureau (BICE)**, International Council of Jewish Women (ICJW), International Council of Women (ICW-CIF), International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) , International Organisation for the Right to Education and Freedom of Education (OIDEI), Mother Legacy Project (MLP), ONG HOPE International, Planetary Association for Clean Energy (PACE), Teresian Association, UPR.info, Equitas and the UNESCO Chair of Bergamo and World Federation of Ukrainian Women's Organizations¹⁴.*

We welcome the report of the Office of the High Commissioner released in June¹⁵, which summarizes the views of States, national human rights institutions, civil society organizations and other stakeholders on the target sectors, focus areas and thematic human rights issues for the fourth phase of the World Programme for Human Rights Education.

The majority of the stakeholders responded that the next phase should focus on youth. More than a third of the 169 targets of the SDGs also emphasize the crucial role of young people: it is key to join efforts and align the focus of the fourth phase of the World Programme with the 2030 Agenda for Sustainable Development and specifically with SDG 4.7.

Youth are critical agents of change. It is essential to empower them through Human Rights Education to become active global citizens, ultimately contributing to build inclusive societies, overcoming social divides, hatred and discrimination aiming at the lofty objective of the UN of leaving no one behind.

The next phase of the World Programme for human rights education should also promote youth leadership and aim to support youth serving organizations that engage marginalized young people and build upon the diversity of their experiences.

Keeping these in mind, we call upon all Member States to ensure the following:

1. The fourth phase of the World Programme should include a strong focus on youth with a particular emphasis on empowering youth from marginalized backgrounds.
2. The fourth phase of the World Programme should build on previous phases and should ensure the clear accountability of States and set realistic goals and means for national actions involving all stakeholders, including civil society actors.

¹⁴ This statement reflects views of the NGO Working Group on Human Rights Education and Learning (NGO WG on HREL) of NGO Human Rights Committee of CoNGO, comprising 50 NGOs.

¹⁵ OHCHR (2018) Views of States, national human rights institutions and other stakeholders on the target sectors, focus areas or thematic human rights issues for the fourth phase of the World Programme for Human Rights Education. A/HRC/39/35.

3. There must be further efforts to strengthen monitoring and evaluation mechanisms. Human rights education needs to be effectively mainstreamed in the UPR. For this, all stakeholders, including civil society actors, have a critical role to play.