



38th Session of the Human Rights Council

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Item 3: Clustered interactive dialogue with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Mr. President,

The International Catholic Child Bureau and its partner organizations implementing in Africa and Latin America a juvenile justice program would like to congratulate the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on his report, especially the link made between the deprivation of liberty of children and their physical and mental health.

The report appropriately underlined adverse conditions that affect physical and mental health of children deprived of liberty or confined, including poor sanitation and poor access to nutritional food, lack of fresh air and safe drinking water as well physical and sexual abuse by staff and peers, the use of physical and chemical restraints, forced medical treatment, solitary confinement and above all, widespread violence and humiliation. Detained children encounter poor detention conditions, boredom and powerlessness which give rise to feelings of hopelessness, despair and suicide attempts. All forms of detention severely compromise children's enjoyment of their right to health and damage their psychological and emotional development.

It is therefore difficult to resist the call of the Special Rapporteur for a global commitment to the abolition of child prisons and large care institutions alongside scaled-up investment in community-based services. The ongoing UN global study on children deprived of liberty led by the Independent expert Prof. Manfred Nowak provides a unique opportunity to respond to the call.

Notwithstanding the efforts of the Committee on the Rights of the Child as well as various studies and reports by UN experts, academia and NGOs, together with the Human Rights Council resolutions and ensuing steps calling for a restorative approach, the worldwide trend is rather repressive than restorative. The detention of children as a measure of last resort for the shortest time possible remains a mere slogan whilst the Convention on the Rights of the Child clearly states that the fundamental right of the child to care and protection can never be realized within penal institutions.

Questions:

What are the concrete legal, social, economic and financial arguments that can contribute to reverse the current systematic deprivation of liberty of children?

Which kind of follow-up steps the Special Rapporteur foresees to his report?

Thank you Mr. President