

22nd Session of the Human Rights Council

19 March 2013

Item 10: Annual thematic discussion on promoting technical cooperation for the strengthening of the judiciary system and administration of justice in order to ensure human rights and rule of law

Joint statement by:

- *International Catholic Child Bureau (ICCB/BICE) and;*
- *Dominicans for Justice and Peace (Order of Preachers)*

Mr. President,

Deservedly, the High Commissioner's report on *Activities to support efforts by States to strengthen their judiciary system and administration of justice (A/HRC/22/32)* underlines the "crucial role of human rights in the administration of justice". Hence, the administration of juvenile justice in many countries faces various challenges, including punitive approach negative impacts as well as lack of quantitative and qualitative indicators to measure, evaluate and monitor progress made.

BICE and Dominicans for Justice and Peace (Order of Preachers) are particularly concerned about juvenile justice systems that provide no or very few resources and spaces for mediation, alternative measures and reintegration opportunities for children in conflict with law. Some national legislation, under security pretext, treats children in conflict with law as adults by, *inter alia*, lowering the minimum age of criminal responsibility, detaining children, and by doing so undermines CRC articles 37 and 40 stating that children deprived of their liberty remain entitled to fundamental human rights and States to take into account the needs of persons of the age of the child.

Mr. President,

During last year's full-day discussion on *Children and the administration of justice*, States, UN funds, programmes and agencies, the Council and treaty body experts, and the civil society organisations as whole expressed, strong concerns about punitive juvenile justice systems that, in many cases, jeopardises reintegration chances of children into society and increases the risk of recidivism. Rather, they have insisted on positive results and good practices of restorative juvenile justice approach that prioritises, *inter alia*, alternatives measures to liberty deprivation, imprisonment as last resort and focuses on socio educative measures capitalising on the child's resilience.

Therefore, technical assistance in the field of the administration of justice should target not only States agents but also **media, private sector and community-based leaders and resources which have to become key stakeholders to mobilise, sensitize and engage in the process towards a restorative juvenile justice system. The participation of the child** must be given due attention throughout the reintegration process grounded in a **child-friendly justice scheme**.

Legislation reform and policy assessment according to restorative juvenile justice requirements should guide technical support provided to States.

Furthermore, OHCHR field offices, UNICEF, UNODC and others relevant UN services should give sufficient attention to developing **quantitative and qualitative indicators** and help States setting up **credible and desegregated data collecting mechanisms** at the different levels of a **child-friendly juvenile justice system**.

As for UPR, States that issued recommendations, including those related to juvenile justice, have the **responsibility for providing assistance and cooperation to SuR for the implementation of these recommendations**. Our organisations believe that this collaboration approach will **strengthen dialogue between States, bridge implementation gaps, and reinforce the commitment of States under UPR mechanism**.

Thank you Mr. President.