

## **The Human Rights Council**

### **ANNUAL FULL-DAY MEETING ON THE RIGHTS OF THE CHILD**

#### **Children and the administration of justice**

**Room XX, Palais des Nations, Geneva**

**Thursday, 8<sup>th</sup> March 2012**

**(9:00-12:00 and 15:00-18:00)**

#### Background and mandate

1. In its resolution 7/29 on the Rights of the Child adopted in March 2008, the Human Rights Council affirmed “its commitment to effectively integrate the rights of the child in its work and that of its mechanisms in a regular, systematic and transparent manner, taking into account specific needs of boys and girls”. It also decided “to incorporate into its programme of work sufficient time, at a minimum an annual full-day meeting, to discuss different specific themes on the rights of the child, including the identification of challenges in the realization of the rights of the child, as well as measures and best practices that can be adopted by States and other stakeholders, and to assess the effective integration of the rights of the child in its work, beginning in 2009”.
2. In its resolution 16/12 entitled “A holistic approach to the protection and promotion of the rights of children working and/or living on the streets”, adopted on 24 of March 2011, the Human Rights Council decided to continue its consideration of the question of the rights of the child in accordance with its programme of work and Human Rights Council resolution 7/29, and to focus its next full-day meeting on children and the administration of justice.
3. Since the adoption of resolution 7/29 the Human Rights Council has held the following thematic discussions on children’s rights: 1) 20 Years of the Convention on the Rights of the Child: Achievements and Challenges for its full Realization (10<sup>th</sup> session, March 2009); 2) The fight against sexual violence against children (13<sup>th</sup> session, March 2010); 3) Protection and promotion of the rights of children working and or living on the street. Children and the administration of justice will be the fourth thematic discussion at the Council since the adoption of resolution 7/29.

#### Focus, objectives and framework

4. The full-day meeting will provide a significant opportunity to discuss the situation faced by children in conflict and in contact with the law, reaffirm existing standards and commitments undertaken by member States in this area, highlight good practices and lessons learnt from work undertaken by different actors,

identify key challenges, and recommend a way forward. Emphasis will be placed on diversion, alternative measures to detention, standards and conditions of juvenile detention and the promotion of programs to allow the child to develop his/her full potential with the view to his/her reintegration to society.

The issue of children of incarcerated parents will also be addressed in the afternoon session.

5. The discussion will build upon core international standards and commitments and draw upon the work of human rights bodies and mechanisms as well as the experience of other key actors, including international organizations and civil society.
6. Delegations and other stakeholders are encouraged to share views and concrete experiences on the topic of discussion. Among questions that interventions may want to address are:
  - What are the main challenges and obstacles to the implementation of the Convention on the Rights of the Child in the context of children in the administration of justice?
  - How to ensure effective coordination among and accountability of different authorities and mechanisms involved in the issue of children and the administration of justice?
  - How do States ensure wide knowledge of the provisions of the Convention and international human rights standards? What is the role of national mechanisms to monitor the conditions of deprivation of liberty of children and other related issues (such as children of incarcerated parents, sentences, etc.)?
  - How can international and regional mechanisms most effectively support States' efforts through cooperation?
  - How can the Human Rights Council better address these issues?
  - How can children's views effectively be taken into account and how can child participation be meaningfully ensured in national efforts to implement the Convention in the context of children in the administration of justice?
  - How to ensure visibility of budgets devoted to the realization of the rights of the child in the administration of justice (e.g.: child ombudsman), measures of education, rehabilitation and reintegration into society?
  - How can international mechanisms increase visibility and knowledge of these challenges?

#### Format of the Panels

7. The presentations of the panelists (1 hour) will be followed by an interactive discussion (2 hours). This discussion will be divided in two slots of 60 minutes each (45 minutes for comments and questions from the floor, followed by 15 minutes for comments and replies by panelists). The interactive debate will be followed by concluding remarks from the moderator.
8. The modalities of the panel are: 5 to 7 minutes for panelists, 2 minutes for Member States, for Observer States, national human rights institutions, international organizations and non-governmental organizations.

9. Member States, national human rights institutions, international organizations and non-governmental organizations are encouraged to participate and make their contributions to the debate, subject to the modalities and the practice of the Council. For the purpose of an interactive discussion, Member States are encouraged to make spontaneous interventions and ask questions to the panelists. In particular, NGO coordination is strongly encouraged to maximize the use of time. Speakers on general topics should address not only children in the juvenile justice system but also, as appropriate, those in administrative, immigration or asylum processes/detention, and those whose parent's actions have brought them into contact with the justice system.
10. In this framework, the two panel sessions will be as follows:

**MORNING PANEL  
(9:00 -12:00)**

**Children in the judicial process: worrying trends and best practices**

Introduction: Madame Navanethem Pillay, UN High Commissioner for Human Rights

Moderator: H.E. Ambassador Laura Dupuy Lasserre, President of the Human Rights Council.

Panelists:

- **Personal Testimony**, Mr. Antonio Caparros Linares
- **Justice for children**, Ms. Kirsi Madi, Deputy Regional Director, UNICEF Regional office CEE/CIS
- **Worrying trends/Criminalization of children**, Mr. Jorge Cardona, member of the Committee on the Rights of the Child, Professor of Public International Law, University of Valencia
- **Children in the judicial process**, Ms. Julia Sloth Nielsen, Dean, Faculty of Law, University of the Western Cape and Member: African Committee of Experts on the Rights and Welfare of the Child
- **Inhuman sentencing and the process which enables it: death penalty, life imprisonment and corporal punishment**, Ms. Connie de la Vega, Professor and Director of the International Human Rights Clinic at the University of San Francisco.
- **Diversion and alternative measures to detention**, Ms. Renate Winter, Judge to the appeals Chamber of the Special Court for Sierra Leone

**AFTERNOON PANEL  
(15:00-18:00)**

**Children deprived of liberty and children of incarcerated parents: protection and realization of their rights**

Chair: (tbc)

Moderator: Mr. Sandeep Chawla, Deputy Executive Director, United Nations Office on Drugs and Crime, UNODC

Panelists

- **Prevention of/and responses to violence against children within the justice system**, Ms. Marta Santos Pais, UN Special Representative of the Secretary General on Violence against Children
- **Children of incarcerated parents in developing countries**, Ms. Rani Shankardass, Secretary-General of Penal Reform and Justice Association (PRAJA), India
- **Conditions of detention**, Mr. Luis Pedernera, NGO - REDLAMYC (Latin American and Caribbean Network for the Defense of the Rights of the Boys, Girls and Adolescents)
- **Right to health in detention; mental health**, Mr. Dainius Puras, Head and Professor of the Centre of Child Psychiatry and Social Pediatrics at Vilnius University, Lithuania, former member of the Committee on the Rights of the Child
- **Rehabilitation and reintegration into society**, Mr. Abdul Manaff Kemokai, Executive Director of Defence for Children International (DCI) Sierra Leone

**Outcome**

The meeting will contribute to take stock of the implementation of the Convention to achieve a better understanding of the situation of children in conflict and in contact with the law, identifying main challenges and recommendations to move forward in accordance with international standards. A summary report of the annual day of discussion will be prepared by OHCHR.

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