



**United Nations Human Rights Council
40th Regular Session**

International Bar Association's Human Rights Institute

**Statement prepared on the occasion of the General Debate on
the Universal Periodic Review (Item 6)**

15 March 2019

As we commemorate the adoption of the Convention on the Rights of the Child (CRC) 30 years ago, the International Bar Association's Human Rights Institute wishes to raise here the alarming findings of its 2018 report on the 'Role of the UPR in advancing children's rights in juvenile justice'.

Over the two first UPR cycles:

- Children's rights have been in the top five issues addressed at the UPR and eight per cent of these recommendations have addressed juvenile justice.
- 174 out of 193 states have received at least one recommendation on juvenile justice.
- 118 states have received a recommendation related to the principles of deprivation of liberty as a last resort and for the shortest time possible and of the separation in detention of children and adults. 112 states received a recommendation addressing a specific justice system for children. 57 states received a recommendation addressing the minimum age of criminal responsibility. These recommendations reveal an alarming situation where the basic principles governing juvenile justice systems as set out in the CRC still remain to be appraised and implemented by states to foster and inform the necessary legal reforms and put in place a specific juvenile justice system.
- Even more alarming is the scarce number and general character of the recommendations issued on prevention measures (12), diversion measures (14), and respect of children's fair trial rights (31), whereas reports from international non-governmental organisations (INGOs) and United Nations mechanisms indicate that those principles are still to be implemented in most of the countries.¹

¹ See in particular, CRIN, 'Rights, remedies and representation' (2016), 33. Report available at: www.crin.org/sites/default/files/crin_a2j_global_report_final_1.pdf. Julinda Beqiraj and Lawrence McNamara, 'Children and Access to Justice: National Practices, International Challenges' (Bingham Centre for the Rule of Law Report 02/2016) (IBA 2016).



Children's access to effective, competent and independent lawyer is of particular concern for our organisation, as it appears to be the most neglected of the children's fair trial rights worldwide.²

Following the joint statement on access to justice for children adopted by states at this session, we call on Member States to monitor, during the UPR process, the state obligation set up in the CRC to establish a rehabilitative and restorative juvenile justice system, with particular emphasis on access to lawyers for children. States recommendations in that respect should take into consideration the upcoming General Comment n.24 of the Committee on the Rights of the Child.

Relevant IBA reports:

IBAHRI, [‘The role of the UPR in advancing children rights in juvenile justice’](#) (2017)

Julinda Beqiraj and Lawrence McNamara, [‘Children and Access to Justice: National Practices, International Challenges’](#) (Bingham Centre for the Rule of Law Report 02/2016) (IBA 2016).

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² See CRIN, ‘Rights, remedies and representation’ (2016), 33. Report available at: www.crin.org/sites/default/files/crin_a2j_global_report_final_1.pdf.