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UN Human Rights Council
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ANNUAL FULL-DAY MEETING ON THE RIGHTS OF THE CHILD

Children and the administration of justice

Panel on "Children in the judicial process: worrying trends and best practices"

Madam President,

For this year's Council's meeting on "Children and the administration of justice" Amnesty International has submitted two written statements [that provide information and recommendations in relation to some key aspects in relation to lengthy terms of imprisonment and detention of children and in relation to children and the death penalty, including children of parents under the death sentence and children and the practice of *diyah*.]¹.

Today, we wish to highlight that, despite the clear universal legal prohibition against imposing capital punishment on persons aged under 18 years at the time of the alleged offence, in 2011 juvenile offenders were executed in Iran and had death sentences imposed or upheld in Iran, Mauritania, Sudan and Yemen.

In Egypt, the Supreme Council of the Armed Forces announced in April 2011 that the death penalty for convicted rapists would also apply to juvenile offenders if the victim was under 18.

Juvenile offenders also remain on death row in Nigeria in violation of national and international law. [At least 20 so remained, as of October 2011.]

A particular problem in death penalty cases involving young offenders is that occasionally there is no clear evidence of age, such as a certificate of registration at birth. Authorities in some states assess adulthood on the mere basis of evidence of puberty and fail to take account of physical, psychological and social development - essential factors in assessing age accurately. [Such an approach is inconsistent with the principle that the best interests of the child shall be a primary consideration in all actions concerning children as required by article 3(1) the CRC.]

[Cases from Yemen, including from 2011 and this year, are examples of this problem with age determination.]

¹ See UN documents: A/HRC/19/NGO/102 and A/HRC/19/NGO/132

Madam President,

The Human Rights Council has a key role to play in ensuring *universal* compliance with the *universal* legal prohibition of imposing the death sentence on juvenile offenders. We urge this Council to call on all states to end the application of the death penalty to juvenile offenders *in law and in fact*, to immediately commute all death sentences imposed on juvenile offenders and to apply a full range of appropriate criteria for age determination while giving the benefit of any doubt to the offender.

We would like to ask the panellists whether there are other measures that the Council could take to prevent sentencing and execution of juvenile offenders and to ensure the end of these practices once and for all?

Thank you Madam President.