Comments on the General comment No. 24(201x), replacing General Comment No. 10 (2007) on Children’s rights in Juvenile justice

the Permanent Observer Mission of the State of Palestine to the UN in Geneva, Present its complement to the UN Committee on the Rights of the child, and refers to its call for reviewing the draft of the General comment No.24 (201x), replacing general comment No. 10(2007) on children’s rights in Juvenile Justice.

The State of Palestine welcomes the revised version of the CRC General Comment No. 10 (2007) on Children’s Rights in Juvenile Justice and appreciates the efforts undertaken to develop the global understanding of the rights of children in the context of juvenile justice by amending the general comment No. 10(2007) on children’s rights in Juvenile Justice.

In this regard, the Government of the State of Palestine affirms on the following Recommendations:

1. The Draft of this General Comment is comprehensive and tackles all the issues and aspects of children deprived of their liberty and the right to dignity and fair trial in accordance with the ICRC, ICCPR, ICAT, ICRPD and ICESCR.

2. The draft of the General Comment failed to address the issue of children and juveniles detained in the context of armed conflict and/or occupation, specifically prolonged occupation. In such contexts, occupying powers may resort to the establishment of military courts to try detained civilians. Therefore, the General Comment has to reaffirm the illegality of subjecting children to military courts, and the prohibition of resorting to detain children by military authorities. For example, Israel, the occupying power, is fully responsible for the application of the CRC in the Occupied Palestinian Territory (OPT); however, it continues to legalize its violations the rights of Palestinian children by resorting charging and convicting Palestinian children by military courts designated to try the Palestinian population, and whose conviction rate exceeds 99%.

3. The Committee shall further address not only the recruitment of children by non-State actors to participate in armed conflict and membership in terror groups, but also the systematic and widespread State violence that target children in armed conflict, including prolonged occupation, and the employment of disproportionate and indiscriminate excessive force.

4. The Committee shall further elaborate on States’ interrogation measures used with children, and to prohibit the use of intimidation, threat, physical violence and torture in order to enlist or use children as informants.
5. The Committee shall further notice that use of collective punishment by States to pressure children into confessing to the crime by threatening the safety of their families and friends, and the impact of measures that amount to collective punishment on the overall of the rights of children. Namely, the committee is required to take into consideration that indiscriminate military activities in the situation of armed conflict impacts the lives of children and their enjoyment of their rights as well as the entire population that undergoes such experiences.

6. **Under the right to be heard (art. 12), par.14:**

The General Comment has to reaffirm the right of children with disabilities who are standing juvenile trail to participate in the proceedings and express their personal opinion. It is also necessary that such measures as personal legal aid, or any other measures that are relevant to ensuring that children with disabilities’ opinion is respected and is heard by the relevant authorities and parties, as part of their right to a fair trial and their right to freedom of expression. Such provisions should be undertaken in parallel with the right of the children with disabilities who are standing juvenile trial to be informed of what charges they are accused of, and to be made aware of the illegal nature of the actions they are accused of taking.

Finally, the State of Palestine would like to express its appreciation to the efforts undertaken by your respected committee to develop the principles of the International Human Rights Law. Namely, the State of Palestine believes that such efforts are of utmost importance to ensure that the injustices entailing from the violation of rights of children undergoing juvenile trial are of utmost importance to ensure a brighter future to the children of the world, and children of conflict affected countries, and post-conflict situations. After all, a fair trial for a child is a step towards a fair future.