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Children in detention

Motion for a resolution

tabled by the Committee on Social Affairs, Health and Sustainable Development

This motion has not been discussed in the Assembly and commits only those who have signed it

In all European member States, numerous children (under 18) are in detention for various reasons in prisons and other detention facilities. Several studies have shown beyond doubt the severe psychological and physical damage that child detention may lead to, even if it is justified by the offences committed or where children are detained for very short periods of time.

In compliance with international standards, children in detention should be treated with dignity, respect and care. Based on article 37 of the United Nations Convention on the Rights of Child, the child's best interest must be considered in combination with the child's right to be heard, to be informed, to complain and to be protected from all kind of violence. Unaccompanied minors are not to be detained solely as a result of the absence of residence status, for example in the framework of migration detention. Moreover, the Guidelines of the Ministers of the Council of Europe on child-friendly justice, adopted in 2010, lay down that no other rights than the right to liberty shall be restricted as a consequence of a child's detention.

The Parliamentary Assembly calls upon member States to fully comply with the existing standards and to implement them at national level. The task will only be complete when the improvement of the situation of detained children will be tangible. Their treatment should also take into account that many of them were victims of crimes before becoming offenders, which means that they often need special support. In any case, child offenders also have the right to complete rehabilitation in order to live happy and fulfilled lives.

