



Geneva, 04 October 2013

Dear colleagues of DCI,

I write to you with a few updates from Geneva, particularly concerning the recently concluded **24th session of the Human Rights Council (HRC-24)** which took place 09-27 September.

Please note that all reports are available online (in English, French, Spanish and Arabic), at the following link:

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session24/Pages/ListReports.aspx>

During this session the following issues of interest were addressed:

- **Juvenile Justice**

The resolution on the “**Human Rights in the administration of justice, including juvenile justice**” (A/HRC/24/L.28) makes mention of the work of the Interagency Panel on Juvenile Justice (IPJJ) and its members and notes the initiative to convene a World Congress on Juvenile Justice in Geneva from 26 to 30 January 2015. With this text, the Council decides to convene, at its 27th session (September 2014), a panel discussion on the protection of the human rights of persons deprived of their liberty. It also requests the Office of the High Commissioner for Human Rights (OHCHR) to submit at its 30th session (September 2015) an analytical report on the human rights implications of over-incarceration and overcrowding. Last but not least, the Council invites States to benefit from technical advice and assistance in juvenile justice provided by the relevant United Nations agencies and programmes, in particular the IPJJ, while encouraging States to provide adequate resources to the secretariat of the Panel and to its members.

Furthermore, a resolution on **Arbitrary Detention** was tabled, stressing the importance of the Working Group on Arbitrary Detention of the UN: <http://www.ohchr.org/EN/Issues/Detention/Pages/WGADIndex.aspx> – with whom various DCI delegates met during the activities which took place in June in Geneva.

In addition there was a written statement submitted during the session by the NGO Human Rights Advocates Inc., concerning the violations of the prohibition against arbitrary detention by private prisons.

The **Secretary-General** presented the following reports: Human rights in the administration of justice: analysis of the international legal and institutional framework for the protection of all persons deprived of their liberty (A/HRC/24/28); and a report on the Question of the death penalty (A/HRC/24/18).

During the session, a side-event was held by BICE concerning the **Restorative Approach: a way to implement the aims of the juvenile justice system**, wherein DCI – IS Executive Director, Ms. Ileana Bello participated alongside CRC Committee, UNODC and other experts. This event highlighted the many challenges remaining to prevent juvenile delinquency and ensure effective protection of children in conflict with the law. Among the pressing challenges, the lack of a child-friendly juvenile justice system (Ileana provided examples of DCI’s work worldwide), the trend of lowering the age of



criminal responsibility, poor detention conditions, constant recourse to deprivation of liberty, inter alia.

Penal Reform International (PRI) also held an event concerning the **impact of over-incarceration**. Ms. Mona Rishmawi (Chief of the Rule of Law, Equality and Discrimination Branch; OHCHR) noted that 10.1 million people are deprived of their liberty; 3.2 million of them waiting to be sentenced. There is a universal pattern wherein migrant workers, children (estimated 1 million worldwide in detention – note DCI's call for a Global Study on Juvenile Justice!), women, indigenous and minorities are over-represented. The significant work of the UN Working Group on Arbitrary Detention was highlighted, along with the important role of NGOs in easing the collaboration with States when addressing such delicate issues.

In light of next year's annual full-day meeting on the **rights of the child on access to justice (during the 25th session of the HRC - March 2014)**, DCI made a submission to the Office of the High Commissioner for Human Rights (OHCHR), concerning Socio-Legal Defence Centres (DCI is currently drafting a position statement for the Movement on this regard, which will be shared with all sections in the near future).

- **Children and Armed Conflict**

The **Special Representative to the Secretary General (SRSG/CAAC)** presented her report (A/HRC/24/35), making specific mention of the need for countries in conflict and the international community to step up measures to protect children from violence in armed conflict, as well as violations of their other human rights including education. DCI-IS, as convenor of the **Working Group on Children and Violence (WG/CAV)**, held a private meeting with the SRSG to discuss the plans of her mandate, the launch of her campaign (no children in armed forces by 2016) and expectations from the NGO community.

- **Contemporary Forms of Slavery**

The **Special Rapporteur (SR) on Contemporary Forms of Slavery** presented a thematic report (A/HRC/24/43) on challenges and lessons in combating contemporary forms of slavery, this document addressed issues such as exploitative marriage, domestic workers, forced labour, birth registration and also lists good practise of legal frameworks to address these issues.

The first-ever resolution on child, **early and forced marriage** was unanimously adopted, recognising child marriage as a human rights violation and calling for its elimination to be considered in the post-2015 development agenda.

A side-event on "Challenges and Lessons Learnt in Combating Contemporary Forms of Slavery" was also held with the SR and to which our colleague **Ms. Virginia Murillo** (DCI-Costa Rica) participated. Ms. Murillo will actually be submitting her application for the position of SR on Contemporary Forms of Slavery (as the mandate is to be renewed; elections will take place during the next HRC session in March 2014). The International Secretariat will be sending sections more information on this regard soon.

- **Civil Society Space**



An innovative resolution was tabled and discussed concerning civil society space, which would urge States to acknowledge publicly the **important and legitimate role of civil society in the promotion of human rights**, democracy and the rule of law and to engage with civil society to enable it to participate in the public debate on decisions that would contribute to the promotion and protection of human rights and the rule of law and of any other relevant decisions.

- **Universal Periodic Review (UPR) reports**

During the HRC-24 many UPR reports were adopted, among which those of Burkina Faso (A/HRC/24/4), Colombia (A/HRC/24/6), Canada (A/HRC/24/11) and Cameroon (A/HRC/24/15).

The IS assisted in lobbying for issues to be raised concerning the presence of the OHCHR office in **Colombia**. The IS also followed-up on the recommendations put forward during the UPR-pre session (March 2013) with the **Cameroon** Child Rights Coalition (COCADE), with the presentation of an oral statement by DCI intern, Florence (to view the delivery of the statement: <http://webtv.un.org/meetings-events/watch/cameroon-upr-report-consideration-24th-meeting-24th-regular-session-of-human-rights-council/2682873092001>) -00:53:23.

Furthermore a side-event was held concerning **NGO recommendations in the UPR** noting that two-thirds of NGO recommendations are reflected either fully or partially in States' recommendations. DCI-IS has collaborated in the recent past with Ecuador and Cameroon in lobbying for recommendations, and the impact has been clear. Currently we are working with Uruguay and Yemen for their upcoming UPR review. The UPR is definitely an effective platform worth pursuing to bring issues to the political agenda of governments (for more information on the UPR process: <http://www.upr-info.org/>).

- **Children of parents sentenced to the death penalty or executed**

A **panel** on the human rights of children of parents sentenced to the death penalty or executed took place, during which States, NGOs and UN experts discussed this issue which has received growing attention in recent years. Mr.Jorge Cardona Llorens, Member of the Committee on the Rights of the Child, said the sentencing of a parent to death was a question that concerned the child and the child had the right to have its best interest taken into account when the decision was taken.

This panel was organised by the **Working Group of Children of Incarcerated Parents** to which DCI-IS is active member. The Working Group also presented written and oral statements to the HRC under this item. Furthermore, a side-event was organised by the Working Group on the same issue.

The Working Group also held a meeting with Jorge Freyre of REDLAMYC, the Latin American and Caribbean Network for Children and Young People's Rights to discuss the work he is carrying out at the regional level on **data collection** around this issue. Please let me know if you are interested in receiving more or sharing any information on this topic, as Mr. Freyre intends to create a spill-over effect of this project in other regions.

- **Indigenous People**



A study (A/HRC/24/50) was presented by the **Expert Mechanism on the rights of indigenous peoples** concerning Access to justice in the promotion and protection of the rights of indigenous peoples.

During an interactive dialogue with the **Special Rapporteur on the rights of indigenous peoples** and the Expert Mechanism on the rights of indigenous peoples, UNICEF expressed its gratitude to the Rapporteur for his attention to children's rights. UNICEF also said that the extractive industries could negatively impact the well-being of children, particularly those that were forced to work in them.

The Human Rights Council also held a panel discussion on human rights as a cross-cutting theme in the **World Conference on Indigenous Peoples** (which will be held in December 2014).

Robust indigenous participation in the World Conference is essential to ensure that the challenges and priorities for indigenous peoples are duly addressed. To find out more about the Conference: <http://www.wcip2014.org/> - also you can contact the apposite regional coordinators to collaborate in identifying issues of concern and discuss strategies important in that region to realizing indigenous rights: Latin America: latinamerica@wcip2014.org / Africa: africa@wcip2014.org / Asia: asia@wcip2014.org / North America: northamerica@wcip2014.org

- **Palestine**

The Secretary-General presented a report (A/HRC/24/30) on the Human rights situation in the Occupied Palestinian Territory, including East Jerusalem. The report makes specific reference to **Palestinian children being held in Israeli detention centres**, recommending the Government of Israel to treat Palestinian children in detention with due consideration of their age and in accordance with international standards, in particular the Convention on the Rights of the Child.

- **Syrian Arab Republic**

During the presentation of the report (A/HRC/24/46) of the Commission of Inquiry on the Syrian Arab Republic, the Chair Mr. Paulo Pinheiro said that the Government had continued its relentless campaign of air bombardment and artillery shelling across the country, and that it must take steps to **release children from detention** or to transfer them to a juvenile justice system consistent with both fair trial and children's rights.

- **Yemen**

A report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was also presented on the Situation of human rights in Yemen (A/HRC/24/34).

- **Africa**

The **Working Group of Experts on People of African Descent** presented a report (A/HRC/24/52) on its twelfth session, taking into account the issue of children of African descent's access to education and justice, among other challenges.

A high-level side-event was held concerning the enhancement of **cooperation between the Human Rights Council and African Union** Human Rights Mechanisms. In fact, a memorandum of understanding was signed between the OHCHR and the African Union



Commission. It was noted that progress has been made, particularly regarding cooperation with Special Procedures, whereas limited collaboration has occurred with States parties.

It was noted that the Council requested to convene an expert workshop to assist it in the preparation of concise technical guidance on the application of a human rights based approach to reduce and **eliminate preventable mortality and morbidity of children under five years of age**, and also to organize a high-level panel discussion on the identification of **good practices in combating female genital mutilation**.

COMMITTEE ON THE RIGHTS OF THE CHILD:

The **64th session** of the Committee on the Rights of the Child (CRC) took place from 16 September - 04 October, with the States of Sao Tome and Principe, Kuwait, Moldova, Tuvalu, Lithuania, Paraguay, China, Luxembourg and Monaco under review. Relevant documents are available online: <http://www2.ohchr.org/english/bodies/crc/crcs64.htm>

As you have already been informed DCI has met with the Committee members concerning the launch of its **Global Study on Juvenile Justice**; a special task force has now been created within the Committee to guide the project. We will keep you updated on the developments of this initiative.

During the next **65th session** (which will take place from 13 to 31 January 2014), Congo Brazzaville, Germany, Holy See, Portugal, Russian Federation and Yemen will be examined by the Committee. Our colleagues from DCI – Yemen attended the pre-session and submitted an alternative report.

Furthermore, **General Comment No.17, concerning the Right to Play** is now available at the following link: <http://www2.ohchr.org/english/bodies/crc/comments.htm>
DCI attended the official launch here in Geneva, organized by the International Play Association (<http://ipaworld.org/>); this NGO worked in the lobbying and drafting of this document. The event highlighted how the right to play is in fact cross-cutting; the situation of children in detention is taken into account in this General Comment.

Treaty Body Week took place 23-27 September, putting emphasis on the rights of the child, in particular the Convention and its three optional protocols: presently, its Optional Protocol on the involvement of children in armed conflict has been ratified by 152 States; and its Protocol on the sale of children, child prostitution and child pornography by 165 States. Its latest **Optional Protocol on a communications procedure (OP3)** was further ratified during Treaty Body Week by Montenegro and Portugal; and the following countries signed: Benin, Cote d'Ivoire, Guinea-Bissau and Seychelles.

Therefore, there are currently 8 State Parties and 41 signatories: <http://treaties.un.org/pages/CNs.aspx>. For more information on the OP3 and how to lobby your Government, visit the International Coalition to ratify the OP3:



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<http://www.ratifyop3crc.org/> - Also note that the Special Representative of the Secretary-General on Violence Against Children has produced a child-friendly versions of the OP3 (http://srsg.violenceagainstchildren.org/sites/default/files/cropped_images/RaisingUnderstanding_OCPC.pdf) and has also published the **SRSG annual report on violence against children**: http://srsg.violenceagainstchildren.org/document/a-68-274_902

Please feel free to contact me if you would like to receive further information on the aforementioned documents and activities – I remain at your disposal.

All the very best from Geneva,

Anna D. Tomasi
Advocacy Officer