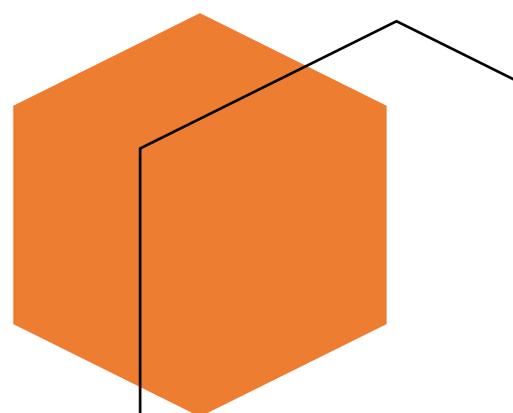
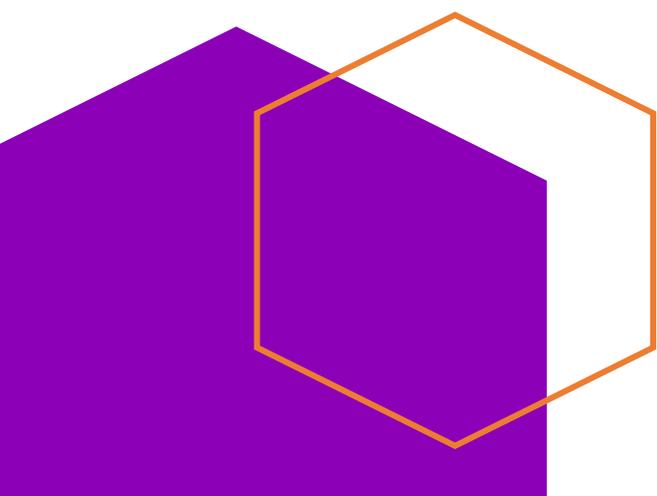


43rd session of the UN Human Rights Council
DCI Round-up

24 February – 20 March 2020



Opening of the session

Mr. Tijjani Muhammad-Bande, President of the United Nations General Assembly (PUNGA)

It is crucially important that member States and stakeholders continue to pay particular attention to all matters concerning human rights, in particular: the rights of the child, gender-equality and gender-based violence, rights of refugees and migrants. Although it has been 30 years since the adoption of the United Nations Convention on the Rights of the Child (UNCRC), there are still gaps that do not guarantee the rights of the child to be fully promoted, protected and respected. There is the need from us to compile actions to put an end to child exploitation (in all its forms), protect children in conflict situations and ensure that they have access to nutrition, health facilities, protection and quality education.

Mr. António Guterres, United Nations Secretary-General (UNSG)

The UNSG launched a [Call To Action](#) for Human Rights - civilians are trapped in war zones, starved and bombarded in clear violation of international law; human trafficking; women and girls experiencing sexual exploitation and abuse; civil society activists in jail; minorities persecuted; we are seeing global hunger on the rise; and last but not least, a new set of challenges have arisen from emerging issues such as climate change, demographic change, rapid urbanisation and the march of technology.



Ms. Michelle Bachelet, United Nations High Commissioner for Human Rights

Threats to human rights may be rising, but so are, practical solutions based on solid human rights norms. Multilateral agreement in past years are all practical solutions if fully implemented. Youths must be part of the solution. It is our objective to prepare the future generation for a world that can nourish freedom, dignity and peace.

Annual high-level panel discussion on human rights mainstreaming 24th February

30 years of implementation of the Convention on the Rights of the Child: challenges & opportunities

Opening remarks

Mr. Tijjani Muhammad-Bande, President of the 74th session of the General Assembly of the United Nations



The PUNGA urges all Member States to implement the findings and the recommendations of the [Global Study on Children Deprived of Liberty](#). The work of the Independent Expert Prof. Manfred Nowak who presented his findings to the 3rd Committee UNGA74 has been much appreciated. The study gives a good understanding, based on qualitative data, of the magnitude of the situation of children deprived of their liberty worldwide, identifying the root causes, conditions of detention and the impact on the health and development of children.

Ms. Michele Bachelet, United Nations High Commissioner for Human Rights

Although the UNCRC is the most widely ratified human rights treaty, achieving the aims of the Convention and its Optional Protocols still remains a huge challenge, the policies of many States, and some organisations need to better integrate and promote the needs and rights of children (particularly girls).

Moderator Mr. Benyam Dawit Mezmur, Member of the Committee on the Rights of the Child

Mainstreaming child rights requires an approach with linkages across sectors and from the micro to the macro level. There is a need for a more comprehensive understanding of a child well-being that advances but also looks beyond health, nutrition and education.

Oscar Fernandez-Taranco, Assistant Secretary General for Peacebuilding Support

The UN Peacebuilding Fund (PBF) is supporting interventions that promote child rights-based approach to programming. Four main areas where the PBF has supported child rights mainstreaming:

1. Creating space for inclusive participation in political/peace-building processes.
2. Making children's voices count in re-integration processes.
3. The protection of rights which are critical foundation for sustaining peace.
Transformative role of education to promote the culture of respect and social inclusion.

Dr. Zsuzsanna Jakab, Deputy Director of the World Health Organization (WHO)

8 million more children and adolescents are surviving compared to 30 years ago. However, progress in achieving child related SDGs has stalled. In 2018, 5.3 million children did not reach their 5th birthday, and most of those deaths could have been prevented or treated through prompt interventions. Child maltreatment remains a global problem with a least 41.000 homicide deaths among children under 15 years of age. We must prioritise children if we want to reach sustainable development.

Afshan Khan, Regional Director for Europe & Central Asia of the UN Children's Fund (UNICEF)

Children's rights continue to be limited by a range of barriers, some that were unimaginable 30 years ago, such as climate change, migration, natural disasters, outbreaks of diseases and conflicts which deny children their rights and their future.

GENDER

High-level panel discussion commemorating the 25th anniversary of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women

Accelerating the commitments of the Beijing Declaration and Platform for Action

Ms. Michelle Bachelet, UN High Commissioner for Human Rights

Reminded that the Beijing Declaration 25 years ago was “nothing short of revolutionary” and “strong and long-awaited”. With some 189 countries pledging gender equality, child marriage declined, and significantly more data on violence against women exists; however, she also says that the Beijing agenda is “unfinished” with risks of setbacks “real and known.”



Panellists

Ms. Phumzile Mlambo-Ngcuka, Executive Director of UN Women

Over the 25 years, women's access to health and education has improved significantly but with “slow and unequal” progress on the economic front. Violence against women and girls (VAWG) continued to be “silent and endemic” with 1.78% of women experiencing violence. The Generation Equality Forum will prove to be essential in closing the economic inequality gap and accelerating the fulfilment of the promises of Beijing.

Ms. Bandana Rana, Vice-Chair of the Committee on the Elimination of Discrimination against Women (CEDAW)

She emphasised that the Committee helped States to be accountable to their commitment to the Declaration by helping them assess the progress made. Yet, global backlash and barriers against women and their development has increased, with oppression remaining high.

Ms. Magalys Arocha-Dominguez, Expert on Human Rights and Gender Equality

Gender inequalities remain high and regression a threat – the agenda hasn't been completed due to lack of resources and visibility. Female poverty has led to forms of slavery, child pregnancies are still endemic, and chauvinistic and sexual stereotypes fuelling VAWG. Gender equality cannot be achieved "in isolation" while "chauvinist, racist, and male dominated societies" remain the status-quo.

Item 3 Interactive dialogue with the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material

Ms. Maud de Boer-Buquicchio, Special Rapporteur on Sale of Children

There should be no doubts that sale and sexual exploitation of children are some of the worst crimes and human rights violations. Justice and reparations for survivors are rarely provided. Sale and sexual



exploitation of children occurs in all settings, and in all communities. We must start by tackling the root causes which requires recreating an environment in which the sale and sexual exploitation of children is not ignored, not tolerated and not accepted. We also need political will at the highest level.

During this dialogue, DCI delivered a joint [statement](#) on behalf of the [Girls Advocacy Alliance](#) (together with Plan International and Terre des hommes International Federation) highlighting that children who have been sold or sexually abused are not merely victims. They are survivors with agency and must be empowered to speak out and defend their right to be safe from violence and exploitation. The GAA urges Member States to pursue accountability efforts in order to challenge systemic impunity for the crimes and provide reparation to victims.

PALESTINE

Interactive dialogue on the High Commissioner's report on recommendations of the Commission of Inquiry (COI) on protects in the Occupied Palestinian Territory (OPT)

Ms. Ilza Brands Kheris, Assistant Secretary-General for Human Rights:

The [Report of the High Commissioner](#) relates serious violations of International Humanitarian Law continued during the reporting period. During the reporting period, 131 casualties were recorded, including a total of 23 children killed by Israeli forces. In the West Bank, cases of excessive use of force by Israeli forces still occur, the devastating violence against children requires immediate actions. There is a lack of transparency and accountability for the killing and injuries of the Palestinians. It is imperative that Israel conduct effective and neutral investigations to find who is responsible. It is deeply disturbing that Israeli forces continue to use violence to the great march of return demonstrations, as civilians are involved in these demonstrations

Intervention by the State of Palestine

The report details the violations in Gaza and the West Bank. Last week, the occupying forces killed several Palestinians near the separating fences. The absence of justice in Palestine shows the strong lack of accountability, and we strongly call on the UN to ensure it, for the respect of basic human rights of our people, who are suffering on a daily basis.

SIDE EVENT on Children's access to health (in the context of Palestinian-Israeli conflict)

The Lutheran World Federation & Médecins du Monde

Mr. Marco Velasco, Country Coordinator, Médecins du Monde Spain:

A Médecins du Monde report and study called "[The Labyrinth to Health in Gaza](#)" has been conducted, based on years of observations, interviews, and legal declarations of patients and families. The findings: Access, quality, availability, are the main challenges of health in Gaza. The ongoing blockade (which is now in its 13th year) is making everything worse. The conflict is tremendously impacting the development of the health care service on the territory. All these severe limitations request a huge necessity of patients to receive adequate healthcare system.

Ms. Ghada Majadli, Physicians for Human Rights Israel, Occupied Palestinian Territory Department:

We are deeply concern that children from Gaza are separated from their parents, we learned by information obtained by Israeli army that in 2018, only 44% of parents obtained the permit, and in 2019 raise to 60% due to constant pressures. Why it is problematic that children are separated from their parents? It is known that separation can be a traumatic experience for children, producing high level of anxiety, trauma, and can affect their recovery. The international community has the duty to hold Israeli forces responsible for affecting the health of the Palestinian children and their families.

Dr. Khadra H. Salami, MD, Augusta Victoria Hospital, Jerusalem:

Children with cancer need specific support, which are often not available in Gaza: lack of state of art of cancer diagnosis and lack of conventional chemotherapy coupled with long security checks that often delay access to care affects prognosis and increase risk of mortality. All children should be treated with no delay; child separation is not justified.

TORTURE & CRUEL, DEGRADING TREATMENT, USE OF FORCE

Interactive dialogue with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Mr. Nils Melzer, Special Rapporteur on Torture

The Special Rapporteur presented the [latest report](#) focused on the concept of psychological torture. The mandate on torture has long recognised psychological or mental torture as an analytical concept distinct from physical torture.

There are specific challenges arising in the connection with the investigation and redress of this type of abuse, as well as the link between psychological torture and coercive interrogation. The mandate has advocated for the development of guidelines of non-coercive interviewing and has



raised awareness on the challenges of psychological torture in numerous communications. National practices still tend to deny, neglect and misinterpreted psychological torture.

The present report examines:

- the predominant conceptual discrepancies arising in relation to the notion of psychological torture;
- proposes working definitions of psychological and physical torture;
- offers recommendations regarding the interpretation of the constitutive elements of torture;
- proposes a non-exhaustive need-based analytical framework facilitating the identification of specific methods and techniques that amends to psychological torture;
- illustrates how various combination of measures, techniques and circumstances can cumulatively form and create environments generating torture;
- and it explores in a preliminary manner the possibility of basic acts which can be defined as cyber-torture.

During this Interactive Dialogue, DCI presented a [statement](#) on behalf of the NGO Panel for Children Deprived of Liberty highlighting that children are at an increased risk of facing psychological torture when they are deprived of their liberty for example in solitary confinement.

SIDE EVENT

Extra custodial use of force and the prohibition of torture in Latin America

OMCT, Colombian Commission of Jurists (CCJ)

Nils Melzer, Special Rapporteur on torture, cruel, inhumane and degrading treatment

The [first report](#) of Special Rapporteur Nils Melzer to UNGA focused on the topic of whether and the circumstance under which extra custodial use of force can amount to torture or cruel, degrading or inhumane treatment, analysing the types of instruments used, weapons and means of law enforcement:

The Special Rapporteur remains deeply concerned about a global phenomenon – to militarise law enforcement (Iran, Catalonia, Hong Kong, France etc) as if the people are the enemy of the police – this a dangerous mindset that allows for these violations.

Anabella Sibrian, Director of International Platform against Impunity in Guatemala, Honduras and El Salvador

General reference to the context in Latin America: there are several common traits and systematic violations: governments whose legitimacy has been questioned start using extra custodial force and oppression whenever citizens manifest in public space (Nicaragua, Honduras and El-Salvador). It is found that impunity in these types of violations is prevalent.

Ana Maria Rodriguez, Senior Legal Adviser, Colombian Commission of Jurists (CCJ)

The government's response to the protests in Colombia has always and continue to be violent oppression. The participation of national army in the control of protests and use of inappropriate weapons, the oppression of specific protests was used in a first resort and not in a last resort, the use of ammunition and toxic and dangerous substances, lethal weapons were also utilised in an uncontrolled manor – which are deliberately used the hurt citizens. 1100 detentions but only 65 of which were legal detentions.

Enrique Font, former Vice chair SPT, member of Argentinian NPM, Expert for OMCT International HR Observation Mission to Chile

Witnessed several violations of rights:

- To life: in November 27 cases of deaths in the case of social protests, two of those people died whilst in custody without knowing what happened to them
- To human integrity: in the report the cases were included but several of them could go under the torture category considering the conditions given by the Special Rapporteur, because the intensity of oppression. The police were the main culprits but also the army – beatings with several objects (batons, tear gas, lethal ammunitions)
- Torture: use of non-lethal weapons at the disposition of the army which are not regulated – pellet guns are not allowed to be used against civilians only soft rubber ammunition can be used to disperse the crowds.
- The responsibility of the State is undeniable.

Representative of the State of Colombia

Colombia guarantees the rights of social protest as an expression of democracy. The president instituted a big dialogue as a channel of communication with citizens until March 15th where people can express concerns and legal reforms can be introduced taking into account the demands of the people. The government refused violence that destroys infrastructure and vandalism within the city. The law enforcement act in accordance to international standards.

DECISIONS OF THE HUMAN RIGHTS COUNCIL 43rd SESSION

Due to COVID-19 outbreak, the UN Human Rights Council has suspended its current session as of March 13, but it has still appointed people to fill 19 expert posts and extended all 15 mandates due to end in March. This is an unprecedented situation and the HRC will reconvene according to the evolution of the situation.