



DEFENCE FOR CHILDREN INTERNATIONAL
DÉFENSE DES ENFANTS INTERNATIONAL
DEFENSA DE NIÑAS Y NIÑOS INTERNACIONAL



THE WORLDWIDE MOVEMENT FOR CHILDREN'S RIGHTS

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42ND SESSION HUMAN RIGHTS COUNCIL ROUND-UP

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02 PALESTINE

ORAL UPDATE BY HIGH COMMISSIONER MICHELLE BACHELET ON THE COMMISSION OF INQUIRY OF GAZA AND OPT

The COI investigated violations of international law during largescale civilian protests in the OPT including east Jerusalem, finding that serious violations have continued in the OPT including during protest in Gaza, the protests remain largely peaceful although on numerous occasions attacks were launched towards Israeli forces, which used tear gas, rubber coated bullets, water cannons, sound devices as well as regularly firing live ammunition against demonstrators. 13 Palestinians including 5 children have been killed as a result, two boys were killed on 6th September. There has been no indication that the children and others presented an imminent threat to life to Israeli soldiers or anyone else, the use of lethal force is limited to cases when it is strictly necessary and with proportionality, if not it amounts to arbitrary deprivation of life and could be unlawful killings. Israel has an obligation under international law to conduct appropriate investigations into the deaths and injuries occurred during the demonstrations but there has been no indication that these are being carried out. Many children are present every week at the fence, exposed to unacceptable levels of violence, while Israel bears the main responsibility of the killings, but there has been little effort by the organisers and authorities in Gaza to prevent children from travelling to the fence. Children should never be subject to violence nor encouraged to participate in violence.

GENERAL DEBATE ON ITEM 7

A multitude of issues were raised such as the increase of settler violence, the demolition of Palestinian housing, the use of collective punishment and arbitrary detention. It was highlighted that under international law the colonisation is illegal. During past Sessions, the issue of the relevance of Item 7 has been raised however delegations that took the floor expressed that it should be maintained as long as the conflict has not been resolved. It is worth mentioning that the Israeli delegation was not in the room, and no Western states took the floor during the debate. DCI delivered a [statement](#) on behalf of DCI-Palestine exposing Israeli crimes and violations as their forces continue to kill and maim Palestinian children in 2019.

03

GENDER

**ANNUAL PANEL DISCUSSION ON THE
INTEGRATION OF A GENDER PERSPECTIVE
THROUGHOUT THE WORK OF THE HUMAN RIGHTS
COUNCIL AND THAT OF ITS MECHANISMS**

More than a decade ago, the HRC adopted Resolution 6/30 to integrate systematically a gender perspective through the work of the Council and the whole UN system. The panel discussion focused on gender parity as a key element of gender equality and how it contributes to the integration of a gender perspective in the work of the HRC and its mechanisms. The session also analysed initiatives for gender-responsive assemblies that have the potential to drive effective change within the Council.

Kate Gilmore, Deputy High Commissioner for Human Rights of the UN said the HRC mechanisms including Special Procedures have enhanced our understanding of gender dimensions of human rights violations. In this regard the work of the Special Rapporteur on Violence against Women and the Working Group on Discrimination against Women and Girls are fundamental. The COIs and Fact-finding missions have documented evidence on the ways in which conflicts and crises have differentiated impacts for girls, boys and LGBTI people. Despite evidence of discrimination and gender-based violence, significant challenges remain to ensure accountability and end impunity.

Ms. Caitlin Kraft-Buchman, Founder of Women@TheTable warned many HRC recommendations have not been implemented, due to a lack of political will to conduct a structural change. She reminded of the need to set gender balance for electing candidates to the positions of HRC President, Vice-President, Treaty Bodies and Special Procedures mandates.

Ms. Elizabeth S. Salmón, Chair of the Human Rights Council Advisory Committee asked what justifies the over-representation of men in institutions. She advised to ensure gender balance when electing the candidates of the HRC Advisory Committee, with election procedures based on transparency and non-discrimination measures.

A [statement](#) was delivered by Plan International, in collaboration with DCI and Terre des Hommes International Federation, on behalf of the Girls Advocacy Alliance (GAA), an initiative striving for a world in which all girls and young women enjoy equal rights and opportunities. The GAA said a significant challenge remains to integrate an age perspective in the work of the HRC, including ensuring the participation of girls and young women in decision-making.

04**INTERACTIVE DIALOGUE WITH THE
SPECIAL RAPPORTEUR ON
CONTEMPORARY FORMS OF SLAVERY**

The Special rapporteur highlighted that 15 million people are subjected to forced marriage, most of which are girls, whilst one in four victims of slavery in 2016 was a child, and an alarming 98% of women and girls subjected to forced labour have experienced sexual violence.

The risk of forced and servile marriage including sexual slavery is increasing in societies where there is a persistent gender imbalance often as a result of sex selective abortions.

**FAMILIES IN A CHANGING WORLD:
POLICIES TO PROMOTE GENDER
EQUALITY AND THE HUMAN RIGHTS OF
WOMEN AND GIRLS**

During this side-event, Shara Razzavi from UN Women highlighted that families are 'make or break' for women and girls' rights, families are areas where women and girls have economic security, have a greater voice and power over economic resources, have greater access to education and employment as well as feel safe. Family laws are critical as are social norms and policies: an estimated 650 million girls are married before age 18. More efforts need to be deployed to protect women and girls from violence and abuse in the home and to put in place services that allow these women and girls to recuperate and to access justice.

05

YEMEN

INTERACTIVE DIALOGUE ON THE HIGH COMMISSIONER REPORT ON YEMEN

“Every imaginable source of human misery and suffering is tied up in this single conflict; war, disease, economic collapse, international terrorism, widespread human rights violations and probable war crimes. Almost no area of daily life is untouched. Basic state services and institutions have stopped functioning. Millions of woman, men and children lack access to even basic health care. Nearly 80% of the population, more than 24 million people, require some form of humanitarian assistance and protection, and more of 2/3 of the country’s districts risk famine.”

Michelle Bachelet, UN High Commissioner for Human Rights

The Chairperson of the Group of Eminent International and Regional Experts (GEE), Kemal Jendoubi stated that an updated list of perpetrators of crimes has been submitted to the High Commissioner on a confidential basis. Children continue to be maimed and killed by the conflict and the group verified cases on enlistment of children by nearly all parties to the conflict, furthermore 3 million children in Yemen are acutely malnourished. The parties transferring arms to the parties to conflict were called on to respect their international law obligations.

DCI delivered a [statement](#) elaborated with the contributions of DCI-Yemen highlighting that the ongoing conflict is having dire consequences on the children in Yemen, and that we call for the renewal of the mandate of the GEE in order to continue collecting evidence to ensure future accountability and justice. DCI also co-sponsored a joint statement delivered by Save the Children.

HUMAN RIGHTS IN YEMEN

During a side event to the council, Kemal Jendoubi, Chair of GEE stressed that children are particularly hit by the conflict with high rates of recruitment of child soldiers under the age of 15 and a lot of victims are children due to restrictions of humanitarian aid, and the military use of hospitals. Four children killed in the airstrike of the detention centre just days before the HRC. It was stressed that all parties in Yemen are responsible for violations of IHL and IHRL, this could also include those supplying military equipment, and there has been a joint and collective failure of all parties and the international community.

06

RESOLUTION ON THE HUMAN RIGHTS SITUATION IN YEMEN

Item 2, A/HRC/42/L.16

With 22 Member States in favour, 11 abstentions and 12 against, the resolution led by Canada, Belgium, Netherlands, Luxembourg and Ireland successfully passed. It renews the mandate of the Group of Eminent Experts for one year and requests the investigators to present a report to the HRC 45th session and transmit it to the UN General Assembly. It also requests the UN High Commissioner for Human Rights, Michelle Bachelet, to give an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution at the HRC 43rd session in March 2020. The resolution faced opposition from several states, notably Saudi Arabia, who called to a vote. The renewal of the resolution passed with support from the EU along with several Latin American states. A group of Arab states opposed to the text and backed another resolution on promoting human rights in Yemen without an international war crimes probe. Thanks to advocacy efforts, the present resolution demands that all parties to the conflict end the recruitment and use of children and release those who have been recruited, and calls upon all parties to cooperate with the UN for their reintegration into their communities, taking into consideration the recommendations made by the Secretary-General in his report on children and armed conflict. Finally it reiterates the commitments and obligations of the Government of Yemen to ensure respect for the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

SIDE EVENT

Yemeni activists discussed the role of Yemeni women in the fight against arbitrary detention and enforced disappearance of women through facts, experiences and local initiatives carried out on the field. Panellists provided the audience with a profile of the women in detention and post-arrest, identifying the socio-psychological impact on women and their families. These women listed the main challenges ahead in the hope of being heard by the International Community, including those facing the UN-led process for the release of female detainees.

07 JUSTICE AND DETENTION

INTERACTIVE DIALOGUE WITH THE WORKING GROUP ON ARBITRARY DETENTION

The country visit report to Bhutan by the Working group highlighted a series of recommendations with regard to the detention of children in the administration of justice such as always separating children from adults and putting into place child friendly justice systems. DCI delivered a [statement](#) on behalf of the NGO Panel on Children Deprived of Liberty where we called on States to support the Global Study and its recommendations, including specific mechanisms to continue data collection and to implement good practices on alternatives to detention.

SIDE EVENT ON THE ADMINISTRATION ON JUSTICE – HUMAN RIGHTS IN DETENTION

The HC report on administration of justice including juvenile justice finds that overcrowding in prisons and detentions facilities leads to violence, death and serious injury, it is recognised that providing alternatives to detention will contribute to alleviate these risks.

The abolition of the death penalty has led to an increase in whole life sentences, there is also an increase of the time before release. The issue of children of prisoners is difficult to getting information on, loss of contact is very common in families where a member is serving a life sentence – on rare occasions houses are set up within prisons for family visits which however doesn't happen very often and not for the most serious offences. There is also a trend of imposing life sentences on children and it is an issue that needs more attention, in the UK children as young as 10 can be sentenced to life and it has happened.

08

RESOLUTION ON THE ADMINISTRATION OF JUSTICE INCLUDING JUVENILE JUSTICE, A/HRC/42/L.11

This biennial resolution led by Austria was adopted by consensus during the 42nd session. It was an important opportunity to advocate towards the better protection of children's rights in the child justice system. As part of a group of civil society organisations, DCI pushed for the resolution to provide for the specific needs of children involved in the justice system, in particular by taking into account the recommendations of the CRC General Comment n24.

NOTABLE ACHIEVEMENTS

1. An important update in this resolution was to start turning away from the term juvenile, and to instead refer to children in line with the definition of the child in the CRC and to avoid any stigmatisation linked to the term juvenile, which also lacks international consensus on the exact age group and can sometimes lead to some children being included in a different age group and experiencing a more harsh treatment.

2. The resolution calls on States to keep the different categories of prisoners separated, taking account of their sex, age, criminal records, the legal reason for their detention and the necessities of their treatment.

3. Furthermore, the minimum age of criminal responsibility was increased to 14 years of age from 12 years of age in line with the General Comment. However, it is worth mentioning that not all States feel that this age change is appropriate or in line with their national context or national legal framework.

09 CHILD AND HUMAN RIGHTS AT THE HRC

DEMOCRATIC REPUBLIC OF CONGO

During the enhanced dialogue, it was highlighted that more needs to be done to hold perpetrators of sexual violence against women and girls to account, the government should put in place preventive mechanisms against sexual violence, the inclusion of women should be promoted within the armed forces. There has been a commitment to set up a reparation fund and a truth and reparation commission for victims of human rights violations which is a very positive step and the DRC will be supported by MINUSCO in this.

Concerning the UPR process, DRC approved 239 recommendations and noted 28, however there is no political will yet to move towards the ratification of the Optional Protocols to the Convention on the involvement of Children in Armed Conflict and on a Communications Procedure (OPIC).

GENERAL DEBATE ON ITEM 5

We have been witnessing a pushback to human rights which has manifested itself at the council by certain states trying to undermine the special procedures mandate holders, it was unsure whether a State would table a resolution in this sense. In response to these concerns, DCI co-sponsored a [joint statement](#) delivered by Amnesty International along with 19 other NGOs expressing support for the Coordination Committee's process to strengthen the work of the Special Procedures.

UPR COSTA RICA – OUTCOME OF THE 33RD SESSION OF THE WORKING GROUP

The delegation of Costa Rica received a total of 212 recommendations and decided to accept 194 recommendations, partially accept 3, take note of 12 and reject 3. Regarding the recommendations on the rights of children and adolescents, all were accepted with the exception of those relating to child, early and forced marriage. Costa Rica partially accepted and noted, respectively, these recommendations, considering that no additional measures were required for the prevention of child marriage since laws were already in place. The rejected recommendations correspond to the decriminalization of abortion. Costa Rica argued that in its article 121 of the Criminal Code: "Abortion performed with the consent of women by a doctor or by an authorized obstetrician is not punishable".

10**INTERACTIVE DIALOGUE WITH THE
INDEPENDENT EXPERT ON THE
CENTRAL AFRICAN REPUBLIC**

It is important to fight against impunity and that political or judicial sanctions be brought against those who violate the peace agreement. The mandate of the Independent Expert on CAR was renewed by resolution A/HRC/42/L.31 for one year “to assess, monitor and report on the situation with a view to making recommendations related to technical assistance and capacity-building in the field of human rights”. Mr Yao Agbetse is the newly elected Independent Expert.

**INTERACTIVE DIALOGUE ON THE HC
ORAL UPDATE ON UKRAINE**

UNICEF highlighted that children are being held in institutions and is particularly concerned about the high number of children with disabilities in such settings.

**INTERACTIVE DIALOGUE ON HC ORAL
UPDATE ON LIBYA**

Of particular concern is the conditions of detention in Libya without appropriate healthcare, indefinite arbitrary detention, torture, ill treatment, SEA, as well as trafficking and smuggling, migrants today are exposed further to the impacts of the conflict, it is estimated that 3500 are held in centres in conflict zones, 1 in 5 are children. States have the obligation under international law to assist these migrants and to provide shelter outside of Libya under the principle of non-refoulement. It is recommended that an investigative body inquire into the violations of international law in Libya.

A recent UNICEF regional survey found that 3 out of 4 Libyans sees the situation of children to have deteriorated in last 4 years, as health and education centres face attacks resulting the death and injury of civilians including children, the closure of schools means that 12,000 children are not studying. Children are increasingly being recruitment and enrolled in armed groups, the use of children in armed conflict is a violation of international human rights law and may amount to war crimes. Unaccompanied and separated minors live in dire conditions and suffer from abuse by traffickers and others.