44th SESSION
HUMAN RIGHTS COUNCIL
ROUND-UP

30 June – 17 July 2020
Summary

The 44th session of the Human Rights Council running from 28th June to 17th July 2020 was held as the COVID19 pandemic continued to persist around the world, hence this session took place under strict safety measures combining in presence meetings with virtual when possible. The effects of the pandemic were at the forefront of discussions, with the High Commissioner for Human Rights Michelle Bachelet stating that “the pandemic aggravates the exclusion, discrimination and lack of social protection suffered by women and girls. In the last few months, gender-based and domestic violence has worryingly increased” during a dedicated dialogue on COVID19.

The pandemic is also likely to generate profound and long-lasting impacts on children. UNICEF has reported that, unless there is urgent action, the number of children living below national poverty lines could increase in 15% in 2020, reaching 72.000.000. Disruption to schools and training programmes heighten the risks of the poorest children falling behind and increasing children’s exposure to the threats of domestic violence, child labour, child marriage and FGM. We are also seeing signs of a surge in online sexual exploitation of children.

- Michelle Bachelet, High Commissioner for Human Rights

This session also took place amidst a wave of renewed outrage at police violence and brutality. Indeed prior to the opening of the session, there were strong calls to Council during the 43rd session to condemn such actions and more so, to take concrete action. The Group of African States lead by Burkina Faso proposed an urgent dialogue on this topic, during which States expressed their disapproval as well as calls for justice to be made. Following this debate, Resolution A/HRC/43/L.50 was adopted deciding to “establish an independent international commission of inquiry, to establish the facts and circumstances relating to the systemic racism, alleged violations of international human rights law and abuses against Africans and people of African descent in the United States of America and other parts of the world recently affected by law enforcement agencies.”

The 44th session had a strong child, as well as gender focus including dialogues with the Special Representatives of the Secretary General (SRSG) on Violence against Children, Najat Maalla M’jid, during which DCI-IS delivered a statement on behalf of the NGO Panel for the UN Global Study on Children Deprived of Liberty, as well on Children and Armed Conflict, Virginia Gamba, when a statement EN/SP was delivered on behalf of DCI-Colombia. DCI issued a statement with DCI-Mauritania condemning female genital mutilation (FGM), urging Mauritania to ratify the protocol to the CEDAW on Communications and adopting a law criminalising FGM. During the dialogue with the Special Rapporteur on Trafficking in Persons, especially Women and Children, DCI-IS delivered a statement with DCI-Sierra Leone expressing concern that that the COVID-19 pandemic has increased the risk of thousands of children to be trafficked and forced into child labour. As member of the Girls Advocacy Alliance, DCI co-signed a statement delivered by Plan International during the Annual Day of Discussion on Women’s Rights.

In parallel to this session, DCI-IS organised two virtual events. The first one, a youth-led event focused on giving children and young human rights defenders the opportunity
to express themselves on how the COVID19 pandemic has been effecting children around the world and in particular how girls are facing a variety of different challenges. The second one, a webinar examining the impacts of COVID19 on children deprived of liberty moderated by the SRSG on Violence against Children, Najat Maalla M'jid. This dialogue was also the opportunity to bring together the key stakeholders involved in the UN Global Study on Children Deprived of Liberty.
Annual Day on the Rights of the Child
Realising the Rights of the Child through a Healthy Environment

Opening remarks from Michelle Bachelet, High Commissioner for Human Rights

Environmental harm seriously affects the younger children. Indigenous children and those with low income from marginalised communities are also amongst those most affected. Many of the effects of environmental degradation on children and their rights are completely preventable and today they are being compounded by COVID19.

Our response to climate change and other forms of environmental degradation must focus on the needs and rights of the people most affected by these harms. Our COVID19 responses must be child centred. It is time for a global recognition of a human right to healthy environment, which can lead to stronger policies to protect our planet and our children.

Ambassador Walter Stevens – European Union

The action of the European Union on environmental harm of children is part of our humanitarian and development support to third countries. The principles of the UNCRC guide us when designing, implementing and enforcing policies and programmes related to the environment. We also ensure that children are taken into account in all decision-making processes on these areas that affects them.

Justice Vui Clarence Nelson – Member of the Committee on the Rights of the Child

The Committee believes that the moral imperative of our generation for the sake of our children is that we must reverse the spiral of environmental damage and climate change. COVID19 has provoked a reduction in human activities and clear evidence indicates that this has had a positive impact on the environment. The legal framework for holding states accountable and protecting children from environmental damage is the UNCRC article 24, which guarantees the children’s right to the highest attainable standard of health, food, and drinking water. The Committee has worked on the impacts that the environment and climate change have on children, including through the addition of a separate paragraph in its concluding observations on this issue.

Dr. M. Neira Director of the Public Health, Environment and Social Determinants of Health Department of the World Health Organisation

1.7 million children are dying every year since they are exposed to risk environmental factors, such as electronic waste and toxic chemicals. Air pollution is also affecting the health of our children’s neurodevelopment. WHO has published a “manifesto for a healthy and green COVID-19 recovery”, which recognises that animal, human and environmental health are linked and must be duly preserved.

Junior, 15 years old Child environmental human rights defender from Côte d’Ivoire

The group of Children of San Pedro, which is constituted by 15 years old children, have carried out awareness raising on environmental and human rights. We have also
denounced the violations of our rights by companies, which pollute the environment in which we live through their industrial activities. Emissions have caused respiratory and skin diseases to children.

DCI co-signed the Call to Action issued by Child Rights Connect recommending the mainstreaming of children’s rights in environmental policies as well as the protect and support child environmental human rights defenders.

Thematic Priorities

Children and armed conflict

Interactive Dialogue with the Special Representative of the Secretary General on Children and Armed Conflict

Virginia Gamba, Special Representative

In her report, the Special Representative noted that throughout 2019, children continued to be the primary victims of armed conflict. With no medical and psychological care, clean water or adequate food, these children are being doubly victimised. They are victims of conflict and denied the actions that might assist in their recovery. She urges all conflicting parties to remove impediments to humanitarian access to children and comply with their international commitments to facilitate this access. Grave violations, such as rape, continued to be significantly underreported, in particular with respect of boys.

With lockdowns and school closures due to COVID19, we are at risk of seeing increased cases of military use of empty buildings, and of attacks on health facilities. Conflict parties must conduct military operations in compliance with international humanitarian law. I urge States to endorse the Safe School’s Declaration and implement its guidelines.

Last year also saw a rise in the number of children detained for their alleged association with armed groups or on national security related charges. This is particularly the case of children associated with foreign fighters and the ISIL. These children must be treated as victims, and their best interest should be the primary consideration when dealing with them. I urge states to engage with these children’s repatriation when applicable and to ensure that detentions are conducted only as a measure of last resort for the shortest period of time and in accordance with due process.
In an oral statement, DCI condemned the rape committed by a group of soldiers from the Colombian military against a young girl from the Chami indigenous people and highlighted the importance of investigating and prosecution this crime. We also urged the government of Colombia to adopt and implement key policies and political declarations related to the protection of children, including the Safe Schools Declaration. Finally, we highlighted that COVID19 has affected children’s rights such as their right to health, education, and food; and that it has increased intrafamily violence, socioeconomical difficulties and risk of children being recruited and used for armed conflict has increased.

DCI co-signed a joint statement delivered by Save the Children highlighting that more consideration is needed on how conflict can deepen existing gender dynamics and inequalities, as well as expressing deep disappointment for the recent delisting of the Saudi-led coalition for killing and maiming children in Yemen from the annual report of the Secretary-General on children and armed conflict, including the stated rationale for de-listing that is contrary to the mandate given by the Security Council.

Interactive Dialogue with the Special Rapporteur on the Occupied Palestinian Territories (OPT) since 1967

Mr. Michael Lynk Special Rapporteur deplored the fact that Israel denies him access to the OPT to be able to fulfil his mandate as best as possible. Building on his report presented to Council, he highlighted two issues of pressing concern, Israel’s intentions to make further annexations in violation of international law and human rights and the issue of collective punishment, which is the main theme of his report.

In his words, “of all the various forms of collective punishment practiced by Israel during its protracted occupation perhaps the most disfiguring and distressing measure has been its 13-year long closure of Gaza.” He noted that this has resulted in the continuous suffering of the Palestinian people for the economic and social situation that such measure entails.
Interactive Dialogue with the Special Rapporteur on Trafficking in Persons, especially women and children

Maria Grazia Giammarinaro, Special Rapporteur
The Palermo Protocol adopted 20 years ago is not widely implemented, meaning that certain groups continue to be exposed to different forms of exploitation. Vulnerable workers, including women and children face a higher risk to be exploited in times of the COVID19 pandemic. Children in emergency situations become the only source of income of their families and thus become subject to trafficking.

The rights of trafficked persons can only be protected if the rights of migrants and workers are protected. Support to trafficked persons should never be conditional to criminal procedures or cooperation with local authorities. States should specify and enforce the obligations of companies and their supplies chains to prevent exploitation. The non-punishment principle should be respected since victims of human trafficking are deprived of their will and should not be considered criminals. It is essentially to change from a criminal law approach to one that recognise that the final goals of antitrafficking action must be based on the rights of the victims of this crime.

In an oral statement, DCI noted that DCI-Sierra Leone has provided training in Sierra Leone on child trafficking to the Immigration and Transnational Organised Crime Unit and local leaders in the border area between Sierra Leone and Liberia, where the risk of child trafficking is the greatest.

We also called on Member States to move away from the ambiguous status of trafficked persons in criminal proceedings towards full recognition of victims’ rights, apply children’s right to be protected, to effectively participate in proceedings, to be heard and kept informed; and to ban children’s administrative detention at all times.

Interactive Dialogue with the Special Rapporteur on the Human Rights of Migrants

Felipe González Morales, the Special Rapporteur presented his report, which constitutes a thematic study on the freedom of association of migrants and their defenders. He said that, while “allowing migrants to organise empowers migrant communities to take care of their own needs directly however, legal and practical barriers to migrant organising exist in countries across continents.”

Mr. González noted that, during his country visit to Hungary, he visited two transit zones located in the border between Hungary and Serbia and interviewed the approximately 280 individuals confined there, the majority of whom were boys, girls, unaccompanied asylum seeking children and children with special needs who have lived in those zones for over a year. He informed that he repeatedly expressed his
Concern to Hungarian authorities for the “prison like environment and the lack of access to healthcare and education for children” and concluded that this type of confinement constitutes de facto deprivation of liberty. While the Special Rapporteur welcomed the fact that Hungary has already closed these zones, he insisted that such State must respect migrants and their defenders’ international human rights.

With respect to his country visit to Bosnia Herzegovina, he noted with appreciation that immigration-related detention is only used as a last resort measure in Bosnia Herzegovina and that “most school-aged asylum seeking children are enrolled in the primary education system, which is definitely a good practice.” While he deplored the poor conditions of a camp located very close to landmine-affected areas, which sheltered around 800 adult men and 20 minors, he welcomed that the camp was finally relocated. To conclude, Mr. González noted the adverse impacts that COVID19 has on the human rights of migrants, which aggravate when they are deprived of their liberty.

Crosscutting Issues

Deprivation of liberty

Interactive Dialogue with the Special Representative of the Secretary General on Violence against Children

Najat Maalla M’jid, SRSG VAC

COVID19 has increased the risk of children being subjected to violence at home, thus it is recommended to States to recognise that special protection services are fundamental and to fund them appropriately. The mandate of the SRSGVAC has mobilised and cooperated with different states to implement SDGs with a special focus on children’s rights. The SRSG is working with the UN Inter-Agency Task Force for the UN Global Study on Children Deprived of Liberty to ensure there is a follow up implementation of the recommendations of the Study.

The report focuses on how violence impacts mental health of children. Violence has immediate physiological and psychological effects. Few services tailor children’s needs on mental health. Growing evidence points at cost-effective preventive intervention for children subjected to violence. Further investment is needed to gather data and address mental health issues derived from violence.

→ Austria expressed their interest in how the SRSG will continue to work on the issue of children deprived of liberty and to follow up on the UN Global Study, also bringing forward the role of civil society in the implementation of the recommendations of this Study.

→ Switzerland asked the SRSG how she sees her future commitment to facilitate the implementations of the recommendations for those deprived of liberty.
Regarding the follow up of the GSCDL, the UN Inter-agency task force has been reactivated to follow up the implementation of the recommendations. The OSRSG also carried out a mapping of all the recommendations to have a comprehensive approach. We work very closely with the civil society (NGO Panel) for this Study and other stakeholders. It is fundamental that alternatives to detention of deprivation of liberty are put into place. These children are deprived sometimes for their liberty for mere association with extremist groups or for migration-related reasons. The mental health impact for all children deprived of liberty is very strong. Given COVID19, many countries released children and others are receiving children who were at the hands of foreign fighters. We need to ask ourselves the following: if it is possible now, why was not it possible before?

Najat Maalla M'jid, Special Representative

Speaking on behalf of the NGO panel for the GSCDL, we condemned the violence faced by children deprived of their liberty face and highlighted its negative consequences on their mental health which can be prevented by avoiding depriving children of their liberty, providing alternatives to detention, family and community-based care, and diversions away from the justice system.

Additionally, we asked the following question to the Special Representative: given the high prevalence of children deprived of liberty, what can be done to ensure that deprivation of liberty remains a measure of last resort and in accordance to the best interests of the child?

In a DCI online event moderated by Najat Maalla M'jid, SRSG VAC, international experts examined how the COVID19 pandemic has highlighted further the vulnerability of children deprived of liberty. Close proximity, and limited access to water, sanitation, and basic medical services place children deprived of liberty at heightened risk of infection. It was also the opportunity to discuss next steps and implementation of the UN Global Study on Children Deprived of Liberty.

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Gender

Annual full day discussion on the Human Rights of Women

Nada Al-Nashif, Deputy High Commissioner for Human Rights highlighted during the panel discussion on accountability for women and girls in humanitarian settings that women and girls often face heighten vulnerability and even deeper discrimination in humanitarian settings. Stigma derived from sexual and gender-based violence continue to compromise the human rights of women and girls. The lack of accountability for those responsible for committing these crimes is unacceptable and encourages impunity. Human rights investigations are crucial for achieving this accountability.
During the panel discussion on COVID19 and women’s rights, Plan International delivered a joint statement on behalf of the Girls Advocacy Alliance calling on Member States to strengthen meaningful participation of girls and young women in all decision-making and prioritise funding, resources, and capacity for protection of children from gender-based violence.

Interactive Dialogue with the Working Group on Discrimination Against Women and Girls

Elizabeth Broderick, Chairperson-Rapporteur of the Working Group on discrimination against women and girls (find the report here) said that the trends affecting the world of work and their impact on women required urgent attention from all. Without this, current gender inequalities and discrimination would not only be replicated but would be exacerbated. Rebuilding after COVID19 presents a unique opportunity to build back better removing discrimination against women in the workplace and in ways more respectful to the environment. A world of work that recognises women’s human rights will not only benefit women but will benefit everyone.

It was also highlighted that during the visit of the Working Group to Greece that women’s rights are often lagging behind those in other EU countries especially for marginalised communities such as migrants. Despite efforts by the government of Greece and CSOs serious gaps and challenges remain. The policy of containment of migrants in camps exacerbates women’s vulnerability and conditions remain precarious for women.

Speakers deplored that the rate of sexual and gender-based violence had increased during the lockdown for the COVID-19 pandemic and urged the engagement of boys and men in the struggle for an equal society.

DCI issued a statement on behalf of DCI-Mauritania reiterating the fact that FGM is a violation of the integrity and dignity of girls and women and that international and that regional law condemns these practices which constitute serious violations of fundamental rights. We also called on the Islamic Republic of Mauritania to adopt an effective law on FGM within the year, putting all means in place to put the existing draft bill to the vote, and guarantee survivors better access to medical care, including psychological support.
Girl human rights defenders on the frontline of COVID-19 response

On 9 July, youth human rights defenders from different backgrounds had the opportunity to speak up for their human rights at an online youth-led conversation on States’ response to the COVID-19 pandemic, with a specific focus on the impact on girls. This Webinar was organised by Defence for Children International (DCI) together with the Girls Advocacy Alliance (GAA), and was moderated by the Sierra Leonean child rights defender, Mellicentia.

Throughout the Webinar, Mellicentia stressed the importance of safe spaces for girls and young women who may be victims of sexual and gender-based violence. She noted that, while Sierra Leone has undertaken various policies to protect children’s rights, the pandemic has compromised those rights given the closure of schools. In her words, “education is crucial for girls who have been subjected to sexual and gender-based violence, since it gives them the opportunity to move on.”

Child Participation

Interactive Dialogue with the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Clement Nyaletsossi Voule, Special Rapporteur was concerned about the adoption of sweeping emergency laws and measures to rule by decree that had been adopted in several countries and geared towards cementing control and cracking down on oppositional figures rather than ensuring public health in light of COVID-19. Civil society have an important role in helping countries mitigate, adapt and transform from the devastating and long-term socioeconomic effects of this crisis: no Government could solve the crisis alone and civil society should be a strategic partner.

Whilst speakers remarked that children were now taking to the streets, seeking to play an active role in public life and expressing their right to peaceful assembly and association in unprecedented numbers, as was noted the need to protect them from being deliberately targeted.

On behalf of its members Child Rights Connect delivered a statement calling on the UN and Member States to create safe and child-friendly online and off-line spaces for child human rights defenders, where they can safely organise, assemble, and engage with decision makers and to support child-led groups, including girl-led groups, with flexible and sustainable funding and non-financial support.
Resolution and decisions

RELEVANT RESOLUTIONS

During its 44th session the UN Human Rights Council adopted 23 resolutions.

In a resolution on the elimination of female genital mutilation, adopted without a vote, the Council decided to convene a high-level panel discussion on the multi-sectoral prevention of and response, including the global response, to female genital mutilation at its forty-seventh session.

In a resolution on the elimination of all forms of discrimination against women and girls, adopted without a vote, the Council calls upon States to repeal all laws and policies that exclusively or disproportionately target or criminalise the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds.

In a resolution on trafficking in persons, especially women and children: strengthening human rights through enhanced protection, support and empowerment of victims of trafficking, especially women and children, the Council urged States to promote “gender-responsive measures to combat and eliminate all forms of trafficking in women and children, including for sexual and economic exploitation, and taking into account the specific needs of women and girls and their participation in and contribution to all phases of preventing and responding to trafficking, especially in addressing sexual exploitation.”

In a resolution on the promotion and protection of human rights in the context of peaceful protests, adopted without a vote as orally revised, the Council reaffirmed “that States must take all appropriate measures for the safety and protection of children, including while they exercise their rights to freedom of peaceful assembly, of expression and of association, including in the context of peaceful protests.”

The Council decided that the Social Forum would meet for two working days in 2021, in Geneva, to focus on good practices, success stories, lessons learned and challenges in the fight against the COVID-19 pandemic, with a special focus on international cooperation and solidarity, and from a human rights perspective.

MANDATE RENEWALS AND NOMINATIONS

The Council extended, for a period of three years, the mandates of the Special Rapporteur on education; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the rights of persons with disabilities; the Independent Expert on human rights and
international solidarity; the Special Rapporteur on extreme poverty and human rights; and the Working Group on the issue of human rights and transnational corporations and other business enterprises.