

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



THE WORLDWIDE MOVEMENT FOR CHILDREN'S RIGHTS

49th SESSION

HUMAN RIGHTS

COUNCIL

ROUND-UP

28th February – 1st April 2022

Summary

During this session, Defence for Children International (DCI) spoke on behalf of the **NGO Panel on Children Deprived of Liberty** during the Interactive Dialogue with the Special Representative of the Secretary General on Violence against children highlighting the need to end immigration detention of children as it is a form of structural violence and cannot be justified. We urged States to implement non-custodial solutions and alternatives to detention, in line with recommendations of the [UN Global Study on Children Deprived of Liberty](#). Read the full statement [here](#).

In addition, DCI [intervened](#) during the General Debate under Item 7 on the Human rights situation in **Palestine and other occupied Arab territories**, where it alerted the international community about the increase in the demolition of Palestinian homes by Israeli settlers. Furthermore, we urged States to take action to demand Israeli authorities rescind the “terror” designation and cease its systematic and ongoing policies and practices aimed at intimidating and silencing Palestinian civil society and human rights defenders.

During the Annual Day on the Rights of the Child on **Family Reunification**, Defence for Children International-**Greece** delivered a statement urging States put in place a well-established inter-state structure which places best interest procedures at its core, where children on the move are seen as children first and foremost and their voices can be heard, and where all bureaucratic obstacles are replaced by accessible, effective and child friendly procedures. Read the full statement [here](#).

Defence for Children International delivered a joint statement on behalf of the Working Group on Children and Armed Conflict during the Interactive Dialogue with Special Representative of the Secretary-General on **Children and Armed Conflict** to highlight that Inadequate support for children that have been recruited and/or used by armed groups, leaves children vulnerable to re-recruitment and secondary victimisation through the detrimental impact of stigma for children returning to communities. Read the full statement [here](#).

Urgent debate on the human rights situation in Ukraine

On 3 and 4 March 2022, an [urgent debate](#) was convened on the ‘situation of human rights in [Ukraine](#) stemming from the Russian aggression’. The Human Rights Council adopted resolution A/HRC/49/L.1 to urgently establish an [independent international commission of inquiry](#), constituted by three human rights experts, Mr. Erik Møse, Ms. Jasminka Džumhur and Pablo de Greiff appointed by the President of the Human Rights Council for an initial duration of one year, with the following mandate: to, among other things, investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes, in the context of the Russian Federation’s aggression against Ukraine, and to establish the facts, circumstances, and root causes of any such violations and abuses; and to make recommendations, in particular on accountability measures, all with a view to ending impunity and ensuring accountability.



Annual full-day meeting on the rights of the child -

Theme: The rights of the child and family reunification

Panel on Family reunification in the context of migration

Opening statement: Michelle Bachelet, UN High Commissioner for Human Rights

Under international law, all children should enjoy the right to family life. They should be nurtured and protected. A child that is separated from their family is at greater risk from suffering violence, abuse or neglect. The longer they are separated from their families, the more vulnerable they become. Children who migrate are at higher risk of being separated from their family. Without adequate support, children may be forced to take perilous routes or use dangerous means of travel to be with their families again.

We know that detaining children is never in their best interest, as it has a detrimental and long-lasting effect on their development and their physical and mental well-being. It takes them away from their families. It violates their rights to healthcare and education and can aggravate previous trauma. The High Commissioner also calls on States to prohibit child and family immigration detention by law, and to abolish it in policy and practice.

As members of the Human Rights Council, it is our obligation to play an immediate and active role in preventing an even further explosion of this crisis. We need to ensure families migrate together and stay together. This requires more accessible and regular paths that take into account the enduring emotional, personal, economic and social ties that children and their families may have developed in their destination country. Keeping migrant families together must be a priority. Returning children or their families to their country of origin may violate the right to family and private life.

States must come together to develop and implement global, gender-responsive guiding principles on reunification based on the rights of the child. When developing these guidelines, children's own experience and opinions must be decisive in all procedures that affect them, and which may alter the course of their lives.

Panellists:

Eduardo, Child representative

Family separation does not only affect me but whose similar circumstances also affect them. Family separation takes away the joy and can cause psychological issues. It hinders the opportunities for experiencing their basic needs and rights to protection and education. I thought I did not fit in the society I was living in. The main issue we experience are the lack of documentation, proper shelter, limited education opportunities, and the love and parental guidance from parents and family.

The biggest contributing factor to family separation for children in Africa is the political unrest and armed conflict that forces children to migrate to neighboring countries seeking safety. Family separation is a global issue and as children from South Africa, we would like the UN and governments to facilitate the process of voluntary reunification and have programmes that can foster reconciliation, provide counseling or therapy, this will help with our mental health as we often don't understand why we have to grow up away from our family.

Governments should create platforms where children can participate freely on global issues that concern their rights and involve children in sharing their views on how some of the challenges that lead

to family separation can be addressed, especially for those who come from the affected countries. Children's voices should be heard and considered. Governments and the UN should help children that are separated from their families to reunite and reconcile with their parents. Governments and the UN should strengthen efforts in maintaining peace and addressing the root causes of family separation, such as conflict, terrorism, and political unrest.

He asks what the UN Committee on the Rights of Child and other country states are doing to address the issue of family separation and what role do they play in supporting parents to reunifying with their children

Mr. Felipe González Morales, Special Rapporteur on the human rights of migrants

In some countries migrant children are separated from their family members against their will due to ill-designed reception and/or detention arrangements that fail to respect the right to family life. Migrant boys may be more likely to be separated from their mothers in countries where facilities accommodating family migration only accept women, girls, and young boys. Maintaining family unity cannot justify immigration detention of children.

In his report submitted to the general assembly, the Special Rapporteur called all states to end migration detention and provide adequate care and reception for all migrant children and their families. Every migrant who is under the age of 18 must be considered as a child first and foremost. In the context of migration, respect to family unity and family life requires states not only to refrain from actions that would result in family separation, but also to maintain family unity reunite separated family members.

It is important to promote family unity through asylum and other migration-related processes. Children should be repatriated only if it is in their best interest, mainly for the purpose of family reunification.

When unaccompanied and separated children are returned, countries of origin and destination should cooperate to continue family tracing efforts after return. In many countries National Child Protection Systems could provide family-based-cared options, including foster care for unaccompanied or separated children; however, migrant children are often not integrated into these systems.

To address the vulnerabilities of migration children and uphold the right to family life, the Special Rapporteur encourages member states to expand the availability and enhance safe and regular pathways for families, including procedures that allow families to migrate together. He urges member states to ensure that the child's best interest is the guiding principle in the design and implementation of migration policies and a primary configuration in all actions and decisions that concern each migrant child.

Mr. Luis Ernesto Pedernera Reyna, Member of the Committee on the Rights of the Child

Family reunification is a key to guaranteeing the right to family life. We need to focus on actions that involve two states of origin and of destination, which need to take measures to ensure reunification. How do we ensure that the rights of the child are heard and ensured? If states have had the focus on migration and security considerations, it needs to move to the rights of the child and it needs to be created if there is no such system. States are ignoring a central issue, the fact that most migrating children are very vulnerable.

The conditions imposed by migration-based approaches which are concerned with utilitarian aspects, end up being one of the causes of migration by unsafe channels. Family reunification is a way to ensure that children grow up in a safe environment and they can be protected.

Ms. Daniela Reale, Global Lead on Refugee, Migrant and Displaced Children, Save the Children

Millions of children across the world are denied their rights simply because of who they are and where they are from, whether they have the right documentation or any documentation at all, children are entitled to the enjoyment of all their rights without discrimination, including respect for family life and family reunification. Regardless of their migration status or the status of their family members, a family environment is an important source of protection.

In the field, unfortunately, families are too often torn apart, particularly when people are forced to go through irregular channels. They see parents that have no choice but to entrust the care of their children to others. Children might be forcibly removed from their families or caregivers and be transferred to different reception, or detention facilities. Restrictive definitions of families mean that children are unable to join family members who could care for them. This places them at risk of abuse and exploitation.

The impact of separation is profound for children particularly if they have already experienced the trauma of violence, conflict or human rights abuses or escaped destitution. Separation induces higher rates of stress, lower academic achievements and poor mental health which can continue into their adulthood. This has to change.

We need to expand regular, safe and non-discriminatory pathways for families to migrate together, it includes removing barriers, restrictive eligibility criteria, lack of information. It includes broadening the definition of family to include parents, grandparents, aunts and uncles, brothers and sisters and others. It includes avoiding separation in return procedures and in stopping the immigration detention of children.

States, the UN civil society actors should work together to: adequately respond to and process family reunification requests. We should work together to provide child-friendly information on family reunification by trained professionals in a language they can understand. Investing guidance and training staff on child-friendly procedures, establishing best interests' assessment and determination procedures conducted by trained professionals with the full involvement and participation of the child. It involves strengthening cooperation between relevant actors and across borders, based on a child protection agenda; ensuring a proper transfer of care between jurisdictions, establishing and strengthening case management across borders. It involves investing in data protection as they are witnessing evolving threats to data protection in the management to sensitive data across contexts.

Defence for Children International – Greece delivered a statement urging States put in place a well-established inter-state structure which places best interest procedures at its core, where children on the move are seen as children first and foremost and their voices can be heard, and where all bureaucratic obstacles are replaced by accessible, effective and child friendly procedures. Further highlighting that we need States to commit to the allocation of budget for this to happen. Otherwise, we run the risk of failing more children and expose them to the risk of trafficking and exploitation in their effort to fulfil their fundamental right, which is no other, than be with their families. Read the full statement [here](#).

DCI co-signed [a joint statement](#) delivered by Child Rights Connect urging states to:

- Recognise that children in migration context must be treated first and foremost as children with all the rights that attach to that status;
- Ensure the recognition of various forms of family and the interpretation of family in a broad sense;
- Expand regular pathways for family reunification and enhance policy coherence and avenues for status regularisation for migrants based on various grounds;
- Put in place robust best-interests assessment and determination procedures, with participation of child welfare authorities, aimed at identifying and applying comprehensive, secure and sustainable solutions in a case-by-case basis; and

- Take measures to completely end the detention of all children based on their migration status as per the standards of the Committee on the Rights of the Child.

Panel on Family reunification in the context of armed conflict and counter-terrorism

Virginia Gamba, Special Representative of the Secretary-General for Children and Armed Conflict

Conflict affected children are often victims of transnational crimes and are recruited, abducted, and trafficked across borders, making family reunification even more challenging. Once released from armed groups, children are often perceived and treated as perpetrators rather than as victims of violations of international law. Children's fundamental rights are denied because of security reasons, detention is used wrongly with a lack of due process and respect for juvenile justice standards.

In 2020 the UN verified the detention of more than 3,000 boys and girls for their alleged association with armed groups. In situations of armed conflict and especially in those where counter-terrorism approaches are being implemented, children are often detained in inhumane conditions, without access to essential services.

When detained in camps, children are at a higher risk of other forms of violence, including torture, physical violence or sexual violence. When returning to their communities, children are often stigmatised and subjected to violence and further discrimination. They are often detained and are denied the documentation needed to access basic services such as health and education.

The status of a child provides children with specific rights and protection under international law. Amongst the rights they hold, children should not be detained because of their alleged association with armed groups, including those designated as terrorists by the UN. An alternative to detention should always be prioritised.

To uphold the best interest of children released or otherwise separated from armed forces or groups, including those designated as terrorist groups by the UN, they should be handed over swiftly to civilian protection agencies. The Special Representative encouraged concerned governments to sign handover protocols with the UN to ensure a quick and safe transfer of boys and girls from military to civilian actors, and called on governments to endorse and implement the Paris Principles and Guidelines on Children Associated with Armed Groups that encompass many of the aforementioned rights and principles.

Cornelius Williams, Associate Director of Child Protection, United Nations Children's Fund

3 to 5% of the displaced children are likely to be unaccompanied. Given the current crisis of the world today, this means that thousands of children are separated from their families every year. In the context of counter-terrorism, children are often separated from their families, they are treated as security threats and perpetrators rather than as victims of child violations. UNICEF is deeply concerned that the right to family life is not adequately fulfilled, either before, during, and after situations in armed conflicts.

Governments and other duty-bearers should take proactive steps to support families so that children remain with them as much as possible. Governments should provide social support, casework, and inclusive educational and livelihood opportunities and develop legal and policy frameworks that support family resilience and prevent separation.

Humanitarian child protector actors must establish systems to identify unaccompanied and separated children who are swiftly traced and restore links between them and their families while also supporting safe and alternative care and reunification and reintegration.

States should prioritise safe handover of any child they encounter during counter-terrorism or military operations instead of placing them in detention, any child detained is evidence of a failed system. Justice systems are meant to protect children.

Fionnuala Ní Aoláin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Children who were primarily brought to Syria and Iraq by parents or other family members or were born in Syria to individuals who travel there, are victims. Unknown number of children were conceived from acts of rape or sexual violence. No child is responsible for the circumstances of their birth and cannot be punished or deemed unworthy of Human Rights protection by virtue of the status or acts of their parents. Policy responses lead to lower human rights protection because of their parents or their family relationships or because those parents were perceived as associates or members of terrorist groups, violating the principle of non-discrimination.

Regarding children in Northeast Syria, her mandate has underscored the multiple human rights and humanitarian law violations that children have suffered both in the camps and, prisons and other detention sites, including the “rehabilitation centres”. Children are deprived of their liberty in these camps and are victimised on multiple grounds and continue to be denied protection.

There is no legal basis for this broad and blanket detention policy that has already lasted more than 4 years, these detention practices lack any predictability in the due process of law. There is no judicial review or control. In addition to the 10,000 children detained in camps, there are 850 boys detained on multiple spurious grounds, sometimes with adult men in numerous detention sites in northeast Syria. She is concerned with the assumption that all male children over the age of 10 in Syria in the conflict zone are to be presumed violent extremists or terrorists.

Recovery, reintegration, family reunification has to be prioritised in line with the fundamental rights of the child, no matter who the parents are. The right of a child not to be separated from their parents, and to maintain contact with them if separation occurs must be protected. The extreme nature of the situation cannot be used to justify long-term mass incarceration for children without any legal process.

On the issue of jurisdiction, the voluntary and human rights compliant repatriation of all individuals who are currently detained in northeast Syria is the only international law compliant response to the complex and precarious human rights situation there. Repatriation is key to long-term security interests.

The regressive trend of citizenship-stripping, justified by policy arguments related to counterterrorism and security, is deeply concerning. Citizenship-stripping has monumental consequences for children, particularly those whose children are deprived of their nationality and can only be considered arbitrary. Multiple states have engaged in these practices which seem to be primarily focused on preventing the return of those women and children to their countries of origin. This practice directly affects the children who are associated with or subject to the family life of the parents who are stripped.

Ms. Helen Durham, Director of International Law and Policy, International Committee of the Red Cross

The ICRC makes 4 recommendations;

1. The maintenance of the family unit to the degree possible and the provision of information to where they are. Family should stay together.
2. Making every effort to quickly identify unaccompanied children. Identification helps to ensure that cases are followed, and needs are met, knowledge of their whereabouts prevents recruitment and avoids children from resorting to harmful coping strategies to meet and exposure to exploitation and abuse.
3. Children detained in northeast Syria should be released and reunited with their families in camps or elsewhere. Foreign children should be repatriated together with their family members to countries of origin.
4. They call on states who have not done so to accede to the Optional Protocol to the UNCRC on children in armed conflict and to endorse the Paris Principle on children associated with armed forces or armed groups.

Thematic Priorities

Violence against Children

Item 3 [Interactive Dialogue](#) with Special Representative of the Secretary General on Violence against children

Special Representative of the Secretary General on Violence against children

Violence against children has not diminished, on the contrary it has increased due to the impacts of the pandemic and the ongoing multiple humanitarian crises caused by conflict, and climate change. In 2022 the SRSG plans to visit two countries in each region. Furthermore, she has continued to chair the Inter-agency Task force on children deprived of liberty which has promoted and supported implementation of alternatives to detention by member States. The SRSG has continued to meet with children from all backgrounds to channel their concerns to decision makers, including by disseminating for the first-time a [child friendly version of her report](#) in all UN languages and had an event with over 400 children from all regions which will be made into a standing practice of the mandates working methods.

Despite the challenges we have seen what can be achieved rapidly with adequate resources and willingness. Ending violence cannot wait due to the serious human and economic cost, children victims of violence may not reach their full education and health potential which will limit their future income and productivity and impact human capital development. A huge financial toll is paid by its victims and societies, one study suggests that the costs could be as high as 8% of the Global GDP while national studies have estimated violence against children to have an economical cost of up to 5% of GDP equating to trillions of USDs each year.

Ending violence is possible, feasible and cost effective, building back better must be seen as an opportunity to end all forms of violence in all settings. With only 8 years remaining to fulfil the 2030 agenda to end violence against children, we need a paradigm shift moving away from unsustainable approach's, ensuring complementarity, scaling up cross sectorial violence prevention systems. Investing in child protection generates a large long term prevention dividend, the case for investment is made even stronger by the fact that proven interventions have a low cost and even modest increases in spending on these services can make a substantial difference.

Concerning early and forced marriage, it is not only a question of education, but we also need legal empowerment of women and girls. We saw an increase in child marriage as a coping mechanism, we need to involve traditional and religious leaders in this debate, there are good practices in MENA and Africa.

Defence for Children International - Speaking on behalf of the [NGO Panel on Children Deprived of Liberty](#), Defence for Children International highlighted the need to end immigration detention of children as it is a form of structural violence and cannot be justified. We urged States to implement non-custodial solutions and alternatives to detention, in line with recommendations of the [UN Global Study on Children Deprived of Liberty](#). Read the full statement [here](#).

DCI co-signed a [joint statement](#) delivered by Arigatou International on behalf of the Child Rights Connect Working Group on Children and Violence, highlighting the urgency to scale up investment in integrated services for children and their caregivers and to ensure that prevention and response to violence against children is highest on the political and financial agenda as part of the economic and social recovery plans.

Children and armed conflict

Item 3 Interactive dialogue with the Special Representative of the Secretary General on Children and armed conflict

While instruments such as OPAC and the Paris Principles demonstrate the resolve of the international community to protect conflict affected children, they are also a stark reminder of the dire reality millions of children experience around the world. 2021 posed unprecedented challenges, the year was marked by a sustained high number of grave violations against children, killing and maiming remaining the highest followed by recruitment and use. Concerns about attacks on schools, abduction, as well as the detention of children for their alleged or actual association with armed groups remained a disturbing reality. COVID19 continued to hamper the monitoring and verifications of grave violations as well as engagement with parties to conflict.

We have witnessed worrying challenges to the agreed definition of a 'child', the SRSG emphasises that under the UNCRC every person under 18 years of age is considered a child no matter the context, if not implemented international child rights standards do not mean much for conflict affected children.

Collaboration entails providing a space for children to be heard, this has been central to the work of the mandate in 2021 including through focus group discussion and consultations with affected children organised in the framework of the [study of the evolution of the CAAC mandate](#) 1996-2021 to mark the 25th anniversary. Supporting and empowering children will also be at the centre of the Nairobi process launched as part of the Global Coalition for the Reintegration of Child Soldiers.

Defence for Children International delivered a [joint statement](#) on behalf of the Working Group on Children and Armed Conflict to highlight that inadequate support for children that have been recruited and/or used by armed groups, leave children vulnerable to re-recruitment and secondary victimisation through the detrimental impact of stigma for children returning to communities.

Watch the dialogue [here](#) and [here](#).

Special Representative of the Secretary General on Children and Armed Conflict Briefing with Working Group on Children and Armed Conflict

As convener of the Child Rights Connect Working Group on Children and Armed Conflict, DCI organised on 15th March a briefing discussion with the SRSG on Children and Armed Conflict in Geneva. The SRSG shared the activities of the previous year as well as objectives and priorities for the year to come.

The Working Group shared their concerns on a number of thematic issues (children deprived of their liberty, weapons proliferation, explosive devices, child participation, child rights mainstreaming) and country issues (Syria, Afghanistan, Myanmar, Ukraine, DRC, Yemen, Palestine, the Sahel region).

High-level side event to the Human Rights Council on ending and preventing child recruitment

The high-level side event on Ending and preventing Child recruitment was organised by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict (SRSG CAAC) and the UN CRC to celebrate the 25th anniversary of the Children and Armed Conflict mandate and the 20th anniversary of the entry into force of the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict.

Defence for Children International raised the concern of children deprived of their liberty for their alleged or actual association with armed groups who need to be urgently released and transferred to the relevant child protection services, as these children should be treated primarily as victims.

High-Level Pledging Event on the Humanitarian Crisis in Yemen

Seven years of conflict and economic collapse have devastated the country and exhausted people's coping capacities. Meanwhile, unprecedented funding shortages have forced humanitarian organisations to cut lifesaving aid over recent weeks, including food, clean water, healthcare, and protection. This means fewer people are receiving the help they need at a time when they need it most.

H.E. Mr. António Guterres, Secretary-General of the United Nations

At least 10,000 children have died, life is daily struggle for survival and the economic situation is worsening. Millions are experiencing extreme hunger, the World Food Programme had to cut rations in half due to the lack of funds, further cuts are looming. 20 million Yemenis live in extreme poverty and escalating hostilities diminish prospects for peace. 4 million people will lose access to safe drinking water, while 1 million women and girls will lose access to reproductive services and gender-based violence services, 1 woman dies every two hours from complications during pregnancy or childbirth due to preventable causes. Ending the war is a choice and urges the parties to conflict to choose peace.

Martin Griffiths, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordination

The only way to stop the suffering is peace. The needs of the population of Yemen have reached an alarming height, almost three quarters of the population will need humanitarian protection and assistance, an increase of 13% in a year. 12 million women and girls will face threats to their safety and wellbeing. There are concerns that Yemen will fall of the radar whilst other crises occupy aid budgets. We need to move towards sustainable assistance including long term action to tackle the drivers of the conflict including the collapsing economy. We also need to strengthen the aid operation to be accountable and effective as possible.

H.E. Mr. Maïn Abdelmalek Saïd, Prime Minister of Yemen

The impact of food security and fuel shortages on Yemen will be felt even more acutely. The reserves and savings have been depleted and poverty has increased. We need a more sustainable approach to aid distribution through partnership with government institutions in planning implementation and oversight to avoid aid being wasted or diverted by Houthi militias. Worsening poverty level and rising cost of humanitarian programmes due to inflation and devaluation of local currency. We urge to channel aid funds through the Yemeni central bank to maintain value of the currency in full transparency. Supporting the resumed exportation of Yemeni liquified gas would have a positive impact and can be

done in partnership to support development and can increase reserves of foreign currency in central bank. The solution lies in stopping the war and an inclusive political peace process.

Item 7 Human rights situation in Palestine and other occupied Arab territories

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk

The Special Rapporteur Michael Lynk is delivering his final [report](#) in his capacity as Special Rapporteur. The past six years as Special Rapporteur have been momentous as regards to developments which have been disheartening with periods of intense and destructive violence towards Palestinians living under occupation now in its 55th year with no end in sight. In October 2021, Israel designated 6 NGOs as ‘terrorist organisations’ and has not since rescinded it, despite being unable to present persuasive evidence. Israel have also refused to renew the visas of a number of international staff. These actions constitute an unjustified interference with actions of CSOs, not worthy of a democracy.

In recent years and months distinguished voices have expressed that the vast separation of rights could resemble apartheid. Applying the accepted three-part test of the Convention and of the Rome Statute, the **Special Rapporteur concludes that the situation satisfies the prevailing evidentiary standard to meet apartheid.**

1. Systemic racial oppression (distinguishing rights and benefits based on ethnic group, the difference of living standards and citizenship)
2. The system of alien rule has been established with the intention to maintain the domination of one group over another.
3. The imposition of systemised has been built upon the regular practice of inhuman acts of denial of fundamental human rights, flawed court system, arbitrary detention, collective punishment, killing and maiming of children) these are not isolated acts but intrinsic to the system of rule.

The unwillingness of the international community to impose accountability mechanisms on Israel with the eyes of the int community wide open. Despite high number of resolutions adopted, none of them has been obeyed and nothing has been imposed to bring it into compliance. The problem with Palestine has that it has done too little to enforce these resolutions. It is the opinion of the Special Rapporteur that we would not be faced with a situation of apartheid if the UN had taken its own laws seriously 30 or 40 years ago, stating that ‘international law should not fold up at the first sight of rain’.

Defence for Children International delivered a [statement](#) on behalf of DCI-Palestine under the General Debate alerting the international community about the increase in the demolition of Palestinian homes by Israeli settlers. Furthermore we urged States to take action to demand Israeli authorities rescind the “terror” designation, repeal its 2016 Anti-Terrorism Law, and cease its systematic and ongoing policies and practices aimed at intimidating and silencing Palestinian civil society and human rights defenders and support and strengthen Palestinian human civil society organisations that seek to hold perpetrators of international law accountable and provide critical humanitarian assistance to Palestinian communities living under Israeli occupation.

Item 2 Interactive Dialogue on the report of the Office of the High Commissioner for Human Rights on ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory (oPt), including East Jerusalem

Ms. Michelle Bachelet, High Commissioner for Human Rights

The report documents actions taken against Palestinians in the oPt and human rights defenders and members of civil society engaged in documenting violations and advocating accountability

The situation in oPt has deteriorated during observation period

- Large escalation of hostilities (10-21 May 2021)
- Increase in use of live ammunition by Israeli forces in West Bank and East Jerusalem
- 17,579 Palestinians injured during this reporting period
- Several incidents where Israel committed human rights violations, but months later, no findings on investigations into violations have been published. Criminal investigations have largely not been conducted by Israel.

The High Commissioner highlights that the biggest concerns remain:

- **Excessive use of force**, potentially unlawful killings, and war crimes committed by Israeli forces
- **Lack of transparency by Israeli government** on investigations into killings of Palestinians by their law enforcement and soldiers
- “No notable progress” into **investigation of mistreatment of jailed Palestinians**. The High Commissioner urges Israel to conduct independent, thorough investigations into alleged international crimes among jailed and detained Palestinians.
- On October 19th 2021, the Israeli Minister of Defense **designated six NGOs as terrorist organisations**. The designation is based on vague and unsubstantiated grounds and these actions undermining civil society organisations trying to aid Palestinians “constitute an attack on human rights defenders” and “seriously inhibit freedoms of expression.” The High Commissioner calls upon Israel to revoke these terrorist designations if they refuse to provide evidence for the designations.

Delegation of France – France remains concerned about the designation of six Palestinian NGOs as terrorist organisations, in the absence of elements to support their links with terrorist activity, it continues to support these organisations.

High-level side event to the Human Rights Council Examining the applicability and implications of the apartheid framework to Israel’s repressive rule over the Palestinian people

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk

Designed to be irreversible, creation of settlements whilst thwarting their right to self-determination and putting in place a military rule over the Palestinian population and military blockade over Gaza. The past 70 years has taught that an alien power has two choices. Abandon the dream of colonialism or to double down with more sophisticated methods of population control. Has this occupation not become something a lot darker. A central strategy has been the fragmentation of the territories physically divided between themselves, divide, and conquer, geographically ... by barricades and... cyber surveillance, the opt lacks any secure land or sea to the outside world with Israel controlling its borders. Requiring permits from the military to travel between them or with the outside world, severing the population from the rest of the world and between themselves. No other population faces this array of challenges.

The SR concluded that the political system of entrenched rule with endows one ethnic group with privileges while intentionally subjecting the other to live under military rule prevails to the existence of apartheid, systematic discrimination has also been established, a single regime distinguishes different rights on the basis of identity, the differences of living conditions are dramatic and maintained by systemic oppression. Intend to retain control over the occupied territory for continued Jewish settlement. Israel’s plans for increased settlement cannot be accomplished without the expropriation of Palestinian and the use of population control.

Arbitrary and extrajudicial killings, violent deaths of children, flawed military court system lack of due process displays of intended violence in Gaza, the endorsement of the judicial system are not random and isolated acts but intrinsic to the system. This is apartheid. Israel has imposed an apartheid reality in a post-apartheid world.

Omar Shakir, Human Rights Watch

Recent months have seen a range of independent bodies determine that apartheid is the reality for the millions of Palestinians based on evidence gathered over months and years. International treaties define the term of apartheid and set it out as a crime against humanity according to the Rome statutes, based on three elements; Inhumane acts, systematic oppression by one group, and thirdly intent to maintain dominance over the marginalised groups.

Israeli authorities are committing crimes of apartheid and crimes of persecution in some cases and there is an overriding intent to maintain dominance and grave repression and abuses against Palestinians. Israeli authorities sought to maintain dominance on the demographics and land over the oPt, sought to maximise land available for Jewish Israelis, form formal policies in this sense.

The government has sought to privilege one group and systematically discriminate the other group through draconian military rule, the suspension of civil rights for millions, different courts and punishment for the same crime, separation and check points, expropriation of Palestinian land, land grabs, coercive policies to make it impossible for Palestinian to live in their own homes, and demolition orders. Many of these policies have no security justification, using security to advance demographic goal.

Parliamentarians around the world, legal commenters, former UN Secretary Generals, States, CSOs have come to these conclusions. This should lead all delegations to the recognition that this is not a temporary situation, the peace process will not dismantle oppression, it is not just abusive occupation, apartheid is not a hypothetical or a future situation, it is the present-day reality for millions of Palestinian. It must be recognised for what it is.

*Crosscutting Issues*

Gender

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

On 9 March 2022, Special Rapporteur Mama Fatima. Singhateh called for concrete steps to stop the sale and sexual exploitation of children and adopt a practical approach to effectively implement policies and laws designed to prevent the crimes and protect and rehabilitate survivors. "The limited application of legislative and policy initiatives represents perhaps the most significant challenge to addressing these crimes," she said.

Access to a child friendly justice system which is free and accessible is imperative. Good practices on rehabilitation of child victims which includes the provision of free, unconditional child friendly support services, as well as long term support services and life skills training were also shared by States. Prevention measures must reach remote areas and she encourage participation of communities, including child victims themselves. States are also encouraged to take a more sustainable perspective regarding justice and rehabilitation services by providing yearly budget reallocation for child victims in order to ensure that no child is left behind. It is key to have a child friendly trauma informed approach to justice and support for rehabilitation of children victims of sale and sexual exploitation.

To help States and other stakeholders in moving towards more effective implementation, Singhateh's [report A/HRC/49/51](#) 'A practical approach to addressing the sale and sexual exploitation of children' provides concrete measures and good practices, to tackle the sale of children for the purpose of child marriage, and the sexual exploitation of children in prostitution, in the context of travel and tourism and online. There is also a new checklist for States and other stakeholders, as annex to the thematic report, which can be developed further to provide guidance at the national level to ensure that all children can live free from sale and sexual exploitation.

Online brainstorming event on practical approach to addressing the sale and sexual exploitation of children with the Special Rapporteur on the sale and sexual exploitation of children

During two panel discussions, civil society organisations shared comments and contributions to the newly developed checklist designed for the Special Rapporteur to be able to monitor measures on implementation and prevention of sexual exploitation during country visits. Defence for Children International shared information on how to include a better focus access to justice for children as well as a gender perspective in the checklist.

Resolutions and decisions

Item 6 Greece, Universal Periodic Review (UPR) Report Consideration

H.E. Ambassador Panayotis Stournaras confirmed Greece had received 239 recommendations out of which 219 recommendations had been officially accepted, as presented in the addendum to the report. 20 recommendations were noted. The State is voluntarily committed to issue a mid-term report ahead of the next review in 2026. Greece continues to welcome a growing number of Ukrainian refugees and support unaccompanied children. Regarding arrivals of migrants by sea, the State deplores the 'instrumentalisation of migration, human suffering and the abuse of asylum system are distorting reality on the ground'. Regarding obligations related to Treaty Bodies, Greece is preparing to present its report at the Committee on the Rights of the Child in May 2022. A visit by the Special Rapporteur on Human Rights Defenders is currently being prepared.

Defence for Children International welcomed the voluntary pledge to ensure that children are not detained solely because of their status under immigration law and to improve the conditions of unaccompanied minors. However, the general recommendation to ratify the Optional Protocol to the UNCRC on a communications procedure was rejected without qualification. DCI is gravely concerned that current measures to address access to justice for children are grossly inadequate. Given the various incidents of push backs that have come to the public's attention, DCI urged the Greek state to establish a transparent and effective mechanism in order to prevent and counter pushbacks against migrants and refugees, as well as ending the criminalisation of human rights work.

Read our full statement [here](#). The webcast of the Human Rights Council meetings can be found [here](#).

RELEVANT RESOLUTIONS

In a resolution (A/HRC/49/L.29) on the **Rights of the child: realizing the rights of the child and family reunification**, adopted without a vote as orally revised, the Council welcomes the work of the United Nations High Commissioner for Human Rights on the rights of the child, and takes note with appreciation of her report on the rights of the child and family reunification. The Council further reaffirms that children shall not be separated from their parents against their will except when competent authorities subject to judicial review determine that such separation is necessary for the best interests of the child. Under the rubric of migration and international protection, the Council calls upon States to use alternatives to the detention of migrant children, including by promoting the use of non-custodial solutions, implemented by competent child protection actors engaging with the child and, where applicable, his or her family. When it comes to children allegedly associated with armed forces and armed groups, including those designated as terrorists by the United Nations, the Council urges States to ensure that children associated, or allegedly associated, with armed groups or terrorist groups are treated primarily as victims, with the best interests of the child as a primary consideration, to consider non-judicial measures as alternatives to prosecution, as well as alternatives to detention for those accused of crimes. The Council requests the Office of the United Nations High Commissioner for Human Rights to organize its annual full-day meeting on the rights of the child in 2023 on the theme, "Rights of the child and the digital environment", requests the United Nations High Commissioner for Human Rights to prepare a report on the rights of the child and inclusive social protection.

In resolution (A/HRC/49/L.17) on the **right of the Palestinian people to self-determination**, the Council reaffirmed the Palestinian people's right to live in freedom, justice and dignity and the right to

their independent State of Palestine. The Council called upon all States to ensure their obligations of non-recognition, non-aid or assistance with regard to the serious breaches of peremptory norms of international law by Israel; to adopt measures to promote the realization of the right to self-determination of the Palestinian people; and to assist the United Nations in carrying out its responsibilities regarding the implementation of this right.

In resolution (A/HRC/49/L.18) on **Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan**, the Council reaffirmed that the Israeli settlements established since 1967 in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan were illegal under international law, and constituted a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace. The Council requested the United Nations High Commissioner for Human Rights to report on the implementation of the provisions of this resolution at the Council's fifty-second session.

Francesca P. Albanese (Italy) was appointed to fill the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.