

Geneva, October 2015

Dear DCI members,

From the International Secretariat of Defence for Children International (DCI-IS), we would like to share the latest updates from Geneva, particularly with regard the Global Study on Children Deprived of Liberty and the recently concluded 30<sup>th</sup> session of the United Nations Human Rights Council (HRC-30), which took place from 14 September – 02 October.

The **Global Study on Children Deprived of Liberty**: the United Nations Secretary General (UNSG) has finally made a decision (since the adoption of the UNGA resolution in December 2014, requesting the Study) and appointed the Special Representative to the Secretary General on Violence against Children (SRSG/VAC) to facilitate the preparatory phase (from now until the end of the calendar year), which would include setting up the operational requirements for the effective implementation of the Study. To this end the SRSG/VAC will: coordinate an interagency group (those mentioned in the UNGA resolution 69/157 para 51.d), which is to appoint an Independent Expert to lead the Study; identify funding sources; systematically gather substantive information available on the relevant topics. Arrangements for the next steps (including meetings with NGOs, etc.) will be shared with relevant stakeholders, and DCI-IS will take care of involving all DCI national sections when the time comes.

As for the **Human Rights Council**, DCI actively participated in the 30<sup>th</sup> session, wherein many important issues were addressed. Below we will go through the main themes & activities. Please note that all **[HRC-30 documentation is available online in English, French, Spanish and Arabic.](#)**

#### ➤ **JUSTICE FOR CHILDREN**

The **resolution on Human Rights in the Administration of Justice, including Juvenile Justice** (A/HRC/30/L.16) focused on over-incarceration and overcrowding. The resolution also formally welcomed the Global Study on Children Deprived of Liberty (para.26) and called upon States to "*ensure that, under their legislation and practice, neither capital punishment nor life imprisonment are imposed for offences committed by persons under 18 years of age*" (para. 24) and "*not to set the minimum age of criminal responsibility at too low an age, bearing in mind the emotional, mental and intellectual maturity of the child*" (para. 23). The resolution also welcomed the Sustainable Development Goals (SDGs), in particular the target to promote the rule of law at the national and international levels and ensure equal access to justice for all (SDG 16.3).

The **Working Group on Arbitrary Detention (WG/AD)** presented the **UN basic principles and guidelines on remedies and procedures on the rights of anyone deprived of his or her liberty to bring proceedings before a court.** The document - to which DCI actively contributed with regard Principle 18 on specific measures for children - aims to provide guidance to States on the fundamental principles on which the laws and procedures regulating the rights of people deprived of liberty should be based and on the elements required for the effective exercise of such rights. DCI delivered a statement during the interactive dialogue with the WG/AD (14 September), explaining that children continue to be deprived of liberty without having their procedural rights guaranteed, and that in many cases, deprivation of liberty remained a first option, rather than a last resort. DCI reiterated that the best interests of children should always come as a primary consideration in any decision-making and action taken. To watch DCI's Johan Vigne deliver the full statement, please view the webcast **[here](#)** (02:07:38).

DCI co-organized a **side-event on Violence against Children in Detention** (16 September), together with Penal Reform International (PRI). The event aimed to highlight the situation of children detained illegally and subjected to violence as a form of punishment, in both developed and developing countries. DCI's Anna Tomasi stated that 60 percent of children were held in pre-trial detention. The office of the SRSG on Violence against Children stated that detention (even for their protection) shouldn't be used as a substitute to childcare because it had a devastating impact on children.



DCI sponsored a joint statement on the issue of the lowering of the **minimum age of criminal responsibility (MACR)** in Brazil. The statement - which was delivered by the World Organization against Torture (OMCT) during the general debate under Item 3 of the HRC (webcast [here](#) at 01:43:51) - aimed to follow-up on the recent constitutional reform which took place in Brazil reducing the MACR. The statement stressed that the legislative reform is incompatible with international obligations and, moreover, it contributes to further stigmatizing adolescents as criminals while playing with negative prejudice of the public opinion towards children in conflict with the law.

The situation of children detained for drug-related offences was raised during the **Panel on the Impact of the World Drug Problem on Human Rights** (28 September). The Deputy High Commissioner for Human Rights stressed that children should not be subject to criminal prosecution, instead, responses should focus on health and education, treatment, including harm reduction measures, and social re-integration.

A resolution on the question of the **death penalty** (A/HRC/30/L.11/Rev.1) called upon all States who have not yet done so to accede/ratify the [Second Optional Protocol to the International Covenant on Civil and Political Rights \(ICCPR\)](#). The resolution unfortunately did not explicitly call on the non-application of the death penalty to persons under the age of 18, although this had been proposed by UNICEF during the negotiation around the text.

#### ➤ **SUSTAINABLE DEVELOPMENT GOALS (SDGs)**

The **Sustainable Development Goals** (SDGs) seek to build on the Millennium Development Goals (MDGs) and complete what they did not achieve: realize human rights for all, balancing three dimensions of sustainable development (the economic, social and environmental). The SDGs – made up of 17 overall goals and 169 specific targets - are essentially an action plan for humanity and the planet for the next 15 years (2015 – 2030). The SDGs are interlinked and integrated, and do of course aim to improve the lives of children through a number of clear goals and targets, such as poverty reduction (SDG 1), health (SDG 3), education (SDG 4), gender equality (SDG 5), violence against children (SDG 16.2), as well as a number of other areas that impact children's lives.

The SDGs were officially adopted in New York at the end of September, during the seventieth session of the United Nations General Assembly (UNGA-70). The adoption and implementation of the SDGs were widely discussed throughout the HRC-30 in Geneva (i.e. panels, interactive dialogues, resolutions & side-events). DCI, as member of the [Working Group on Children and Violence \(WG/CAV\) of Child Rights Connect](#), organized a side-event on “**Accountability and Monitoring of Violence against Children related goals and targets in the Post 2015 Global Sustainable Development Agenda**”, together with the Permanent Mission of Uruguay. The focus of the event was to consider the role of human rights mechanisms (such as the Human Rights Council, the Universal Periodic Review, and treaty bodies) in the effective implementation of the SDGs, in particular violence against children (SDG 16.2). It was highlighted that the Office of the High Commissioner for Human Rights (OHCHR) should have a specific Child Rights Unit incorporated into its structure, in order to better coordinate & improve efforts aimed at the realization of the rights of the child among all stakeholders, primarily within the UN itself.

A side-event was held on “**Empowerment of children and Information Communications Technology**”, sponsored by the Permanent Mission of Belgium. The event focused on different approaches to tackling instances of sexual violence of children online. Panellists included Queen Mathilde of Belgium, the Special Representative to the Secretary General on Violence against Children (SRSG/VAC), UNICEF & Disney. This event was aimed to inform the **HRC's Annual Day on the Rights of the Child (March 2016) on “Information and communications technology and child sexual exploitation”**. The OHCHR invites NGOs to provide submissions to feed into its report; information should be sent by 16 October 2015 to: [registry@ohchr.org](mailto:registry@ohchr.org) and [iguerras-delgado@ohchr.org](mailto:iguerras-delgado@ohchr.org). More information is available [here](#).

A **Panel on Good Governance in Public Service** was held (24 September), wherein corruption was considered to be one of the main challenges to achieving good governance on human rights. It was noted



that the education sector is increasingly open to privatization which undermines the principle of universal access to education and the right to education. DCI – Costa Rica submitted a joint statement during this panel, focusing on **investment in the rights of the child at the heart of good governance in the public service**. The statement called on Member States to put the rights of the child at the centre of transparent, participatory, accountable and sustainable public service delivery underpinned by sufficient and equitable resource mobilization, allocation and spending to translate children's rights into children's realities.

➤ **GENDER**

During the **Annual Discussion on the Integration of Gender Perspective** (15 September), the UN High Commissioner for Human Rights recognized that “No country has yet achieved equality between men and women”.

During the **Annual Half-Day Discussion on the Rights of Indigenous Peoples** (22 September), the Special Rapporteur on the rights of indigenous peoples drew attention to the situation of indigenous women and girls who experienced complex, multidimensional and mutually reinforcing human rights violations which were alarming on their own, but constituted a form of structural violence. DCI – International Secretariat delivered a statement during the general debate, on behalf of DCI-Colombia, addressing the issue of violence against girls & women in the area of Mitú Vaupés – To watch DCI's intern, Marialavia Zaccarini, deliver the full statement, please view the webcast [here](#) (01:22:13).

➤ **BUSINESS & HUMAN RIGHTS**

The Permanent Mission of Belgium also organized another side-event on “**Children's rights and business: the role of States – practical guidance and best practice**”, organized by, together with UNICEF and the International Commission of Jurists (ICJ). The event presented a new guide for States on how to implement the CRC Committee's **General Comment no.16 on State obligations regarding the impact of the business sector on children's rights**. The guide “[Obligations and actions on children's rights and business](#)” offers practical examples and best practices on how to protect and ensure the realisation of the rights of the child in the context of business operations.

The **report of the Special Rapporteur on contemporary forms of slavery** (A/HRC/30/35) noted that global brands operating complex supply chains had increasingly adopted voluntary codes of conduct, which prohibited the use of forced labour, child labour and other slavery-like practices from their operations. She recognized, however, that “the right to an effective remedy remained elusive, particularly for the most vulnerable workers in supply chains”.

➤ **MIGRATION**

The Human Rights Council's Advisory Committee is developing a research-based **study on the global issue of unaccompanied migrant children and adolescents and human rights**. As part of this task the Advisory Committee is calling on civil society **consultations**, requesting a questionnaire be completed (available in [English](#), [French](#) and [Spanish](#)) and sent to [hrcadvisorycommittee@ohchr.org](mailto:hrcadvisorycommittee@ohchr.org) with the subject line: HRC AC unaccompanied migrant children and adolescents -

The **United Nations High Commissioner** provided an oral update wherein he addressed the situation of migrants in Europe and the world, and the challenges faced by the international community in terms of resources available to them to deal with the crisis.

A side-event on the **Right of every Child to a Nationality** was organized by the Permanent Mission of Uruguay and Institute of Statelessness & Inclusion (ISI). The event focused on the implementation of article 7 of the United Nations Convention on the Rights of the Child (UNCRC) on statelessness, and the



relevant SDG on legal identity (SDG 16.9). During this event the United Nations High Commission for Refugees (UNHCR) noted that States should have the obligation to assist with birth registration and must ensure that children born on their territory are provided nationality to avoid risks of statelessness.

#### ➤ **ARMED CONFLICT**

During the **general debate on human rights in Palestine and other occupied Arab territories** (28 September), the State of Palestine - speaking as a concerned country – reiterated many of its continuous concerns with regard the clear human rights violations, mentioning in particular the recent attack against Al Aqsa mosque, and the use by Israel of live bullets against protesters. Furthermore, the Gaza Strip has remained under a land, sea and air blockade for nine years, which makes the reconstruction of thousands of buildings destroyed during the Israeli incursion in 2014 impossible. It also noted that Palestinian detainees remain victims of torture. DCI – International Secretariat (IS) delivered a statement on behalf of **DCI-Palestine**, which called on the HRC to condemn Israeli forces' use of excessive force in the occupied West Bank, including East Jerusalem, against unarmed Palestinians; and demand that Israeli forces at all times act in accordance with the [UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) (1990). To watch DCI's intern, Elsa Valdivieso, deliver the full statement, please view the webcast [here](#) (01:54:44).

The report of the **Commission of Inquiry on the Syrian Arab Republic** - COI/Syria (A/HRC/30/48) was presented to the Council (21 September). It highlighted that parties to the conflict continue to recruit and use children: thousands of children have been executed by the so-called Islamic State or killed and injured in the Government's indiscriminate aerial bombardments. In a resolution (A/HRC/30/L.5), the HRC demanded that the Syrian authorities cooperate fully with COI/Syria by granting its immediate, full and unfettered access throughout the country. It also strongly condemned the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by all parties.

A **side-event on children in armed conflict** was co-organized by the European Union and the African Union. The event focused on compared and shared policies undertaken by both regional mechanisms. The [EU-UNICEF toolkit on mainstreaming child rights](#) within development programs was herein discussed.

#### **31<sup>ST</sup> SESSION OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL (HRC-31):**

The **next Human Rights Council session (HRC-31) will take place in March 2016**. Issues of interest to be addressed include: violence against children; sale of children; birth registration; children & armed conflict; torture; democracy & rule of law; disabilities; human rights defenders; integrity of the judicial system; mainstreaming – inter alia.

During the HRC-31, the **Annual Day on the Rights of the Child** will take place; the topic for 2016 is "**Information and communications technology and child sexual exploitation**". As aforementioned, the OHCHR invites NGOs to provide submissions to feed into its report; information should be sent to: [registry@ohchr.org](mailto:registry@ohchr.org) and [iguerras-delgado@ohchr.org](mailto:iguerras-delgado@ohchr.org). More information is available [here](#).

We will be keeping you updated on HRC-31 as things develop (the formal program of work has yet to be finalized by the UN).

#### **UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE CHILD (CRC COMMITTEE):**

During its **70<sup>th</sup> session** (14 September – 02 October), the CRC Committee reviewed - among the countries where DCI has presence - Brazil, under the United Nations Convention on the Rights of the Child and its two Optional Protocols. **DCI – Brazil / ANCED** had presented a stakeholders report to the CRC Committee for the review, and DCI representatives from Brazil travelled to Geneva to follow the discussions and meet



with CRC Committee members directly. The impact of the advocacy work of the DCI section, together with the IS, proved a success when key recommendations were put forward by the CRC Committee to the government of Brazil, particularly on the issue of juvenile justice.

The next session of the CRC Committee (**71<sup>st</sup> session**) will take place from **11 – 29 January 2016**. The following countries where DCI has presence will be reviewed: Benin and France. For more details on the session, you can visit the official [website](#).

Please feel free to contact me for any further information on any of the aforementioned points, I remain at disposal.

With many thanks & my best wishes,

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