

# A decade on, UN urges all Governments to endorse convention on enforced disappearance

17 February 2017 – Marking the tenth anniversary of an historic treaty to keep people from suffering enforced disappearance or secret detentions, the United Nations today urged all Governments that have not done so to ratify it, as the world body honoured victims separated from their loved ones.

The UN General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearances on 20 December 2006, and it opened for signature the following February.

Speaking at a High-Level Assembly meeting, the current President of the 193-member UN body said that since its adoption, the Convention has filled “an important judicial void in the international system” by preventing future victimization and seeking to redress past wrongs.

“While the catalyst to establishing the Convention was the horrendous events that took place in Latin America during the 1970’s and 1980’s, in many parts of our world today the scourge of enforced disappearance continues,” said Peter Thomson.

As the international community’s attention focuses on implementing the 2030 Agenda, it is important that the Convention be seen as a vital element in achieving the Sustainable Development Goals (SDGs).

“This applies particularly to SDG 16 in promoting the rule of law, ensuring equal access to justice, ending impunity, protecting human rights, sustaining peace, and in achieving the central tenet of the 2030 Agenda of leaving no one behind”, he continued, adding that faithful implementation of SDG 16 will create the conditions that will ensure no one will ever be subjected to enforced disappearance.

The idea that forced disappearances – in one form or another – continue today were echoed in the video message from the UN High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, who noted that most of the family members attending the high-level meeting have had members of their families disappear.

“The practice of enforced disappearance is not decreasing – it is morphing,” he said. “In the context of migration, internal conflict, transnational organized crime, humanitarian crises and the struggle against violent extremism, we are seeing new and alarming patterns of enforced disappearance.”

Mr. Thomson and Mr. Zeid commended the at least 55 Member States that have ratified or acceded to the Convention, and urged those remaining to join.

In their separate addresses, both senior officials also commended the work of the Committee on Enforced Disappearances, which alongside the Working Group on Enforced or Involuntary Disappearances, is the main UN expert mechanism in this field.

Speaking on behalf of the Committee, its Chair, Santiago Corcuera Cabezut said there were 347 urgent actions currently under consideration by the Committee – up from just five in 2012.

“The values protected by this Convention are universal, and therefore, the universality of the instrument should be achieved in the near future, just like the Convention on the Rights of the Child,” he said.

To support the principles of the Convention, the UN General Assembly has designated 30 August as the International Day of the Victims of Enforced Disappearance to draw attention to the global problem of enforced disappearance.

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## **Atrocities will end in South Sudan only when perpetrators ‘face consequences’ – UN rights official**

17 February 2017 – A senior United Nations human rights official today called for holding accountable those committing atrocity crimes in conflict-torn South Sudan.

“This is a war that has been waged against the men, women and children of South Sudan,” said the UN Assistant Secretary-General for human rights, Andrew Gilmour, as he wrapped up a four-day visit to country.

“And the only way of ending this onslaught, will be when the perpetrators face consequences for what they are doing.”

According to a news release from the Office of the UN High Commissioner for Human Rights (OHCHR), Mr. Gilmour travelled to Malakal, where he received further information concerning the suffering of the civilian population in the area.

“Although this is the fourth time I’ve been in South Sudan since 2011, I wasn’t prepared for the shocking devastation I witnessed in Malakal and even more by the clear pattern of systematic human rights violations and abuses suffered by the population,” he said.

The release said that women have been frequently subjected to rape, both by non-government militias and Government forces known as the Sudan People’s Liberation Army (SPLA), on their route to the market in Malakal town. Rape

and gang rape is present in the testimonies of numerous women in the area, though this was categorically denied by the SPLA Division Commander with whom Gilmour spoke.

It is utterly abhorrent that women in this area have to choose between getting raped or getting a livelihood, Mr. Gilmour said, But this seems the brutal reality of what South Sudan has become.

RELATED: Killings and rapes in South Sudan continued 'unabated' after July 2016 violence UN

In his meetings with the authorities in Juba, Gilmour urged them to combat the worrying rise of hate speech and to do more to protect human rights defenders.



Inside the UN Protection of Civilians site, Malakal, South Sudan. Photo: UNMISS/Isaac Billy

To the Chief of General Staff of the SPLA, General Paul Malong, Mr. Gilmour emphasized the severe restrictions on access that the UN Mission in South Sudan (UNMISS) faces when trying to protect civilians, provide humanitarian assistance and monitor the human rights situation in the country.

He stressed his concern that elements of the SPLA had engaged in what could well amount to war crimes and crimes against humanity. On the other hand, he welcomed the recent start of UN human rights training for the SPLA and the appointment of SPLA focal points on conflict related sexual violence.

Mr. Gilmour urged the Director General of the National Security Service to put an end to the practice of arbitrary and prolonged detention without charge, bring detainee before the courts, and allow them access to their lawyers and family.

Meanwhile, the three-member UN Commission on Human Rights in South Sudan has called for the immediate launch of an independent mechanism to assist in investigating violations in the country, ahead of the establishment of the hybrid court.

As part of the 2015 Peace Agreement, the African Union is mandated to establish a hybrid court for South Sudan, with the accord also providing for a truth commission and reparations authority.

Critical evidence is being lost every day as witnesses are killed or disappear, as memories fade, and physical evidence degrades, which means investigations need to start now so the hybrid court has cases to hear, said Commissioner Ken Scott at the end of a transitional justice workshop held in Ethiopia.

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## Central African Republic: UN mission reinforces presence in restive Bambari

17 February 2017 – Amid ongoing rebel activity in and around Bambari in strife-torn Central African Republic, the United Nations mission – known as MINUSCA – said today that it has reinforced its presence in the city with the arrival of additional troops, including a quick reaction unit and Special Forces.

This reinforcement makes it possible to better protect Bambari and its inhabitants, as, for the time being, the UN Multidimensional Integrated Stabilization Mission is the only legitimate authority mandated by the Government to control the city. As Mission chief Parfait Onanga-Anyanga recalled: “Bambari should not belong to armed groups.”

In a news release, the Mission stressed that the FPRC (*Front Populaire pour la Renaissance de Centrafrique*)’s coalition and UPC (*Mouvement pour l’Unité et la Paix en Centrafrique*) represent a threat for civilian populations and that UN peacekeepers will respond in case of violence.

However, discussions are ongoing and a UN civilian-military delegation will soon meet with the leader of one of the armed groups. The MINUSCA stressed that Bambari “must be free of armed groups in the coming days.”

And the UN Mission today also welcomed the nomination of Toussaint Muntazini Mukimapa as Special Prosecutor to the CAR’s Special Criminal Court.

Clashes between the mainly Muslim Séléka rebel coalition and anti-Balaka militia, which are mostly Christian, plunged the country of 4.5 million people into civil conflict in 2013. According to the UN, more more than half the population is in dire need of assistance. Despite significant progress and successful elections, CAR has remained in the grip of instability and sporadic unrest.

In December 2016, the Mission supported a new dialogue between 11 of the 14 armed groups, as part of an ongoing effort to disarm the factions.

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## One million Ukrainian children now need aid as number doubles over past

## year – UNICEF

17 February 2017 – As the volatile conflict in eastern Ukraine enters its fourth year, one million children are in urgent need of humanitarian assistance – nearly double the number this time last year, the United Nations Children’s Fund (UNICEF) reported today.

“This is an invisible emergency – a crisis most of the world has forgotten,” said UNICEF’s Representative in Ukraine, Giovanna Barberis, in a news release.

“Children in eastern Ukraine have been living under the constant threat of unpredictable fighting and shelling for the past three years. Their schools have been destroyed, they have been forced from their homes and their access to basic commodities like heat and water has been cut off,” she stated.

The release attributed the increase – an additional 420,000 girls and boys – to the continued fighting and the steady deterioration of life in eastern Ukraine, where some 1.7 million people have been internally displaced, and many families have lost their incomes, social benefits and access to healthcare, while the price of living has sharply risen.

Hundreds of daily ceasefire violations put children’s physical safety and psychological well-being at risk. The situation is particularly grave for the approximately 200,000 girls and boys living within 15 kilometres on each side of the ‘contact line’ in eastern Ukraine, a line which divides government and non-government controlled areas where fighting is most severe.

RELATED: Thousands of children out of school as classrooms shelled in eastern Ukraine – UNICEF

In this zone, 19,000 children face constant danger from landmines and other unexploded ordinance and 12,000 children live in communities shelled at least once a month. Thousands of children are regularly forced to take refuge in improvised bomb shelters.

Teachers, psychologists and parents report signs of severe psychosocial distress among children including nightmares, aggression, social withdrawal and panic triggered by loud noises.

More than 740 schools – one in five in eastern Ukraine – have been damaged or destroyed.

UNICEF once again calls for all sides to immediately recommit to the ceasefire signed in Minsk in August 2015 and to respect international humanitarian law, including allowing unrestricted humanitarian access.

UNICEF is appealing for \$31.3 million to provide health and nutrition support, education, clean water, hygiene and sanitation as well as protection for children and families affected by the conflict. So far, about 10 per cent

of the appeal has been funded.

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## **INTERVIEW: Governments should think twice before putting children in detention – UN expert Manfred Nowak**

17 February 2017 – Despite progress in the realization of children's rights, as set out in the Convention on the Rights of the Child, which entered into force on 2 September 1990, too many commitments remain unfulfilled. This is particularly true for children deprived of liberty, who often remain invisible and forgotten.

To address this situation, the United Nations General Assembly, by resolution 69/157 adopted on 18 December 2014, invited the Secretary-General to commission an in-depth global study on children deprived of liberty.

In October 2016, Manfred Nowak of Austria, an independent expert, was selected to lead the study.

Mr. Nowak is professor of international law and human rights at the *University of Vienna* and Secretary-General of the European Inter-University Centre for Human Rights and Democratisation in Venice. He was previously the United Nations Special Rapporteur on Torture and a member of the UN Working Group on Enforced or Involuntary Disappearances.

He spoke with *UN News* on his new mandate. The excerpts from the interview follow.

**UN News: What is the definition of children deprived of liberty?**

**Manfred Nowak:** It concerns the right to personal liberty. Whenever I put you in a particular place, and lock the door, then I deprive you of your right to personal liberty. Most people think about prisons and jails. But in reality, there are many more places where adults and children are being detained. In the Optional Protocol to the Convention against Torture of 2002, the United Nations provided a definition. [Deprivation of liberty means any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority.] This instrument created the UN Subcommittee on Prevention of Torture and national preventive mechanisms that inspect prisons, psychiatric hospitals, police lockups, and also special detention facilities for children and young persons.

**UN News: Can you briefly explain the context in which your mandate was created?**

**Manfred Nowak:** There are many children deprived of liberty, and it is a very serious problem because you destroy the lives of children if you lock them away. Unfortunately, that's the case in too many countries. In some States, the minimum age of criminal responsibility is very low. When I was UN Special Rapporteur on Torture, I found many kids of nine, ten and eleven years old locked away in prisons. There are many unaccompanied minors, migrant and refugee children in Europe and other areas of the world who are deprived of liberty and put in migration detention centres. Other kids are held in special institutions for children with disabilities, street children, orphans, drug users, or children who are regarded as difficult to educate. In the context of armed conflicts, there are child soldiers and children involved in terrorism and other national security crimes. Then we have children, in many countries, who live with incarcerated parents in prison.

UN Independent Expert Manfred Nowak talks to UN News about his new mandate.

There are many different reasons why children are deprived of liberty, but we simply don't know how many children [are locked away around the world]. We have no real estimate, but suspect that more than a million children are kept in detention, despite the fact that the Convention of the Rights of the Child says in principle, children should not be detained, and detention should be a measure of last resort.

But in reality, many children are locked away for many years. In order to shed light on the phenomenon of children deprived of liberty, we need to gather data. We request Governments, different UN agencies, non-governmental organizations and other stakeholders to provide reliable data, from all countries in the world, about how many children are actually deprived of liberty.

We also wish to identify the alternatives and best practices. There are many countries that have done quite a lot to reduce the number of children in detention. Others could learn from them.

**UN News: What differentiates this study from other studies on children?**

**Manfred Nowak:** There are two major global studies on children. First is an expert study in 1996 by Graca Machel about children in armed conflict, primarily child soldiers. That study raised awareness about the seriousness of this issue, and led to the creation of the mandate of the Secretary-General's Special Representative on Children and Armed Conflict. Ten years later, Paulo Sérgio Pinheiro conducted a global study on violence against children. Again, this raised awareness that so many children are subjected to violence in families, schools and all kinds of circumstances. Again, this became a major issue for the UN.

My study is a third, and a follow-up to those previous two studies. In principle, locking children up amounts to structural violence against children. It should only be allowed as an exceptional measure and only for a very short period of time. I hope this global study will raise awareness of a

hidden subject of serious violations of the rights of children.

**UN News: What are some challenges in conducting this study?**

**Manfred Nowak:** This study is not about naming and shaming of countries. It is not an exercise that says that's a good country, that's a bad country. We are trying to collect data. We hope that governments will cooperate. Of course, there are always governments that are not happy to provide data. But the real challenge is that data are not simply available. So, the process of conducting this study should raise awareness within governments that it is necessary to know how many children are deprived of liberty.

I'm working in close cooperation with UNICEF [the United Nations Children's Fund], which has offices in some 160 countries. They will assist governments in collecting those data. Collecting data is also in the interest of Governments because they can learn from others and from best practices in order to reduce the number of children in detention. It is also more cost-effective to provide them with social care or put them in small homes with foster parents rather than institutionalizing them.

**UN News: You were UN Special Rapporteur on Torture from 2004 to 2010. How does your experience as the Special Rapporteur help fulfil your new mandate?**

**Manfred Nowak:** One of the main reasons why I was chosen is that I have six years of experience as Special Rapporteur on Torture. During those six years, I carried out 18 official fact-finding missions to countries in all different regions of the world. If you want to investigate torture, you have to go into closed institutions, police lockups, prisons, and psychiatric institutions. So I spent most of my time in closed institutions. I didn't only look for torture and other forms of ill treatments. I also looked at the conditions of detention. In many countries, the conditions of overcrowded, dirty prisons and other detention facilities are only to be defined as "inhuman and degrading." Children who are locked up may be traumatized for the rest of their lives. These children need social care and love. They don't need to be incarcerated.

**UN News: When do you expect to complete the study and what contributions will this study make to the protection of child rights?**

**Manfred Nowak:** I'm very confident that as soon as I get the budget to fully start working on the study, it will really have an impact. It will create awareness that so many children who are in reality deprived of liberty should not be there. It will have preventive effects in future. I hope that in the future Governments will think twice before putting children in detention for whatever reasons. It is important to get children involved who have been detained. We want those children to speak out. We want to also show there are best practices in all regions and there are viable alternatives.

It took about two years to select the independent expert who leads the study. Developing methodologies takes much longer. So honestly speaking, I will not be able to finalize the study until the summer of 2018. It also depends how quickly governments will provide comparative data. While I intend to submit



an interim report, the General Assembly will hopefully extend the two-year deadline for the final submission of the global study.

**UN News: What kind of childhood did you live, and what influence if any, did that have on your becoming a lawyer?**

**Manfred Nowak:** I had a very happy childhood with my parents and with my siblings. I grew up in different areas of Austria. My childhood experience did not lead to becoming a lawyer. My father was a chemical engineer, and my mother had studied English and German and became a teacher in high school. My father wanted me to study at a technical university, and I wanted to study filmmaking. I did different studies, including law, which was purely by incident. My interest in human rights grew toward the end of my various studies.