

**Child Rights Connect submission to the UN Office of the High Commissioner for Human Rights’ report on child rights to the 2019 High Level Political Forum**

**May 2019**

**Introduction**

The 2019 High-Level Political Forum’s theme, “Empowering people and ensuring inclusiveness and equality”, is of utmost importance to children’s rights. Empowering children from a young age is critical to achieving inclusive, equitable and sustainable societies. Children are entitled to empowerment measures and special protection based on their rights to be heard, participate in decision-making and exercise their civil rights and freedoms.

Children themselves, all over the world, are advocating for the realisation of their and other’s rights and the Sustainable Development Goals (SDGs) by acting as human rights defenders at the local, national, regional and international levels. Empowering and protecting children human rights defenders is crucial for States to achieve the SDGs, in particular goals 16 and 17 with their targets on fundamental freedoms, participatory decision-making, access to information and strengthened civil society partnerships.

The Day of General Discussion (DGD) held by the Committee on the Rights of the Child (Committee) in 2018, focused on protecting and empowering children as human rights defenders. Consultations took place with more than 2,695 children in 53 countries from all regions of the world, which helped identify gaps, barriers and challenges in the protection and empowerment of children human rights defenders, as well as a path forward.

Based on the outcomes of the DGD, this submission highlights risks and challenges to the rights of children acting or seeking to act as human rights defenders, as well as solutions and good practices identified for the realisation of the goals under review.

**Quality education (Goal 4)**

At the DGD, children expressed the importance of moving away from a “one-size-fits-all” approach to education and the need for education to be understood as a life-long process. According to children, most of the time, the education system does not include child participation and expects them to be passive recipients; schools do not help children solve conflict and bullying and continue to rely on punitive measures for education and discipline. Girls who want to access information face resistance in many occasions due to societal norms that prioritize education for boys (see Target 4.5).[[1]](#footnote-1)

Participants agreed that schools must be a safe space for children to realize their human rights, promote effective child participation, and systematically incorporate human rights education and training (as per target 4.7 and 4.A).

Recent studies have shown that human rights educators working with children usually emphasise the ethical and moral aspects of children’s rights over the legal components, hampering children’s ability to know how to fully exercise their rights and act as human rights defenders. For human rights education to achieve its core purpose, it must enable children to identify and challenge breaches of rights in school and elsewhere. To do so, it is fundamental to teach them knowledge of the law, both domestic and international.[[2]](#footnote-2)

Additionally, child rights education should especially reach specific groups of children (e.g., those in detention, indigenous children or children with disabilities) and children in vulnerable contexts (such as situations of conflict, forced migration or extreme poverty) and be elaborated in accessible formats.[[3]](#footnote-3) As a good practice, the Palestinian Children’s Council is providing reports to the Ministry of Higher Education in Palestine on suitable educational environments for children.[[4]](#footnote-4)

**Reduced inequalities (Goal 10)**

According to children, adults do not see them as competent and, due to cultural factors, children’s views are not respected.[[5]](#footnote-5) Although adults may sometimes afford children the opportunity to speak, it’s rare for children’s opinions to be taken into account and influence policies, as children “are still not viewed at the same level as adults”.[[6]](#footnote-6) Children should have equal opportunities to become and act as human rights defenders if they wish to do so, and they should not be discriminated against because of their age, race, gender, sexual orientation and gender identity, abilities, religion, opinion, background, or because of their actions as defenders.[[7]](#footnote-7) Additional empowerment and protection measures should be provided for children in particularly vulnerable situations, such as children with disabilities, indigenous children, refugee and migrant children (as per Target 10.7), children deprived of liberty, children in alternative care, children in conflict with the law, and children in conflict situations.[[8]](#footnote-8)

**Climate action (Goal 13)**

Children human rights defenders all around the globe are acting on environmental issues. A clear example is the school strike for climate movement triggered by 15-year-old Greta Thunberg in 2018. Her activities and the actions of other girl human rights defenders have been highlighted by the Special Rapporteur on the situation of human rights defenders in his 2019 report to the Human Rights Council.[[9]](#footnote-9) The Special Rapporteur also noted that girl human rights defenders face challenges and are not given proper attention because of their age, dependent status and other aspects of their identities.[[10]](#footnote-10)

As was discussed in the DGD, children can face intimidation, harassment and even violence from authorities, particularly when acting on issues such as pollution, access to land and access to other natural resources. Addressing environmental issues using the human rights law framework helps ensure the protection and empowerment of environmental child human rights defenders.[[11]](#footnote-11) Human Rights Council resolution A/HRC/RES/40/11 specifically calls on States to provide a safe and empowering context for initiatives organized by young people and children when defending human rights related to the environment.[[12]](#footnote-12)

In the 2018 DGD outcome report, the Committee recommended States to 1) provide a safe and empowering context for environmental child human rights defenders, 2) support activities organized by them, and 3) ensure they are protected against intimidation, harassment and violence. States should also promote a positive narrative about environmental child human rights defenders, including in the media, and facilitate the participation of children and youth in decision-making and implementation of environmental policies and programmes. The 2016 DGD on children’s rights and the environment included, *inter alia*, concrete recommendations to regulate the private sector.

As a good practice, children in the Philippines are involved in annual mangrove planting, together with indigenous people, local government, communities and international volunteers, to reduce the impact of flooding and damage to property when typhoons take place (as per Target 13.1 and 13.3). Through these livelihood projects, there is awareness-raising on topics such as waste management, planting vegetables, pollution and the use of fertilizers. There is also a “Mobile Education Project”, where children learn about their human rights and the environment.[[13]](#footnote-13)

**Peace, justice and strong institutions (Goal 16)**

**Target 16.2: End abuse, exploitation, trafficking and all forms of violence against and torture of children:** A global consultation with children found that 70% of the children consulted were concerned about violence when they act as human rights defenders.[[14]](#footnote-14) During the 2018 DGD, children reported having faced intimidation, harassment, violence and repression from authorities when acting as human rights defenders, and children living in humanitarian contexts or in situation of armed conflict were found particularly vulnerable to intimidation and reprisals.

Reprisals against children human rights defenders and their families have also taken place in the context of promoting dialogue on and implementation of the recommendations of the Committee at the national level.[[15]](#footnote-15)

Additionally, submissions to and discussions during the DGD showed how violence against children happens in many ways, hindering children’s ability to act as human rights defenders. Children mentioned cases of domestic violence, sexual and gender-based violence and abuse, violence in schools, online violence, sexual exploitation and female genital mutilation, and physical and/or emotional violence suffered by children in conflict situations, among other types.[[16]](#footnote-16)

States party to the Convention on the Rights of the Child (CRC) are bound to apply specific safeguards to ensure that children are not harmed.[[17]](#footnote-17) States should adopt a “holistic security” approach by taking the necessary protection measures to ensure that children are not subject to any human rights violations as a consequence of their actions as human rights defenders. Protection should be provided by adults, and children should be taught how to protect themselves.[[18]](#footnote-18)

As a good practice, a child-led group in India has mobilised community leaders and local authorities on issues of sexual exploitation in tourism. A Bangladeshi child-led coalition that advocates for ending violence against children and child marriage, in collaboration with different stakeholders including government, parents, schools and religious leaders, set up a helpline for cases of child marriage. A child-friendly helpdesk was also established in a police station to respond to cases of violence against children.[[19]](#footnote-19)

**Target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all, and Target 16.6: Develop effective, accountable and transparent institutions at all levels:** The 2018 DGD also highlighted the absence of safe and child-friendly spaces to receive direct complaints from children, especially within judicial and police bodies. Indeed, the submissions for the background paper of the DGD showed that children feared going to police stations to report cases of mistreatment or violence because they were afraid of not being taken seriously or were too scared of the police. It was highlighted that in some sub-regional contexts, children usually do not feel safe to talk in public because cultural practice encourages them to just listen and keep their opinions to themselves. Existing spaces are not suited for children to report and can be an intimidating and traumatizing experience.[[20]](#footnote-20)

Children should be able to participate in accountability mechanisms and have access to effective remedies for violations of their rights as human rights defenders,whether at the national, regional and international levels. This implies providing all children with information about their rights and where to seek redress in a child-friendly manner; ensuring their access to support services, legal and paralegal aid; and adapting judicial and non-judicial mechanisms, including National Human Rights Institutions, to children’s particular rights and needs. In this context, it is important that States ratify the Optional Protocol to the CRC on a communications procedure, as children within the jurisdiction of a State party to the Protocol can claim their rights directly before the Committee.[[21]](#footnote-21)

**Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels:** Many countries have not yet institutionalised child-friendly platforms and mechanisms to facilitate children’s engagement with local and national decisionmakers.

The 2018 DGD highlighted how Children’s Parliaments, Children’s Councils and similar fora supporting children’s participation enable children to mobilize themselves and build a sense of belonging with like-minded peers. These fora have limitations given that, in some cases, they lack diverse or inclusive membership, which can perpetuate patterns of inequality and exclusion. Further, they can sometimes amount to educational structures with no effective mechanism to ensure due consideration of children’s views by politicians and State institutions.[[22]](#footnote-22) In its General Comment no. 12 on the right of the child to be heard, the Committee welcomed the growing number of youth parliaments, children’s councils and ad hoc consultations where children can voice their views in decision-making processes. Bearing in mind that these structures allow for the engagement of a relatively small number of children, they should go hand in hand with other initiatives, such as consulting hours of politicians and officials, open house or visits in schools and kindergartens.[[23]](#footnote-23)

Safe environments, where children are free from judgement and adults understand the issues children face and have the skills needed to support child participation, should exist in school settings, community groups, in the family, children councils and in parliament. At the same time, engaging children in decision-making through environments that are child-led is key to developing children’s capabilities as human rights defenders.[[24]](#footnote-24)The Committee’s General Comment No. 20 on the rights of adolescents contains a recommendation to States to ensure that adolescents are involved in the development, implementation and monitoring of all relevant legislation, policies, services and programmes affecting their lives at school and at the community, local, national and international levels. The Committee emphasizes the importance of participation as a means of political and civil engagement through which adolescents can negotiate and advocate for the realization of their rights and hold States accountable.

At the international level, children can be empowered through monitoring and reporting to the Committee and other mechanisms on the implementation of human rights. At the DGD, children expressed their view that for the Committee to be able to analyse issues from a child perspective, children should be a part of every stage of the reporting cycle, by providing children’s reports and participating at the Committee’s pre-session and session. Children must also be involved in the follow-up, monitoring and implementation of the recommendations. The role of adults and supporting civil society organisations is critical to this effect.

The 2019 OHCHR Guidelines for States on the effective implementation of the right to participate in public affairs[[25]](#footnote-25) will be an important tool to advance Target 16.7. The Guidelines should be implemented through context-appropriate measures, including processes suitable to all ages and the evolving capacities of children. The implementation of the Guidelines should also be complemented with the UNICEF Conceptual Framework for Measuring Outcomes of Adolescent Participation.[[26]](#footnote-26)

**Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements**: The CRC recognises children’s right to access information (art. 17, CRC). The DGD showed that it is difficult for children to access information on their own rights and policies, budgets and meetings related to them. Even when children can access this type of information, it is often presented in a way that is difficult for children to understand. A global children’s consultation found that 40% of children consulted felt that one of the main challenges they face as defenders is the lack of information about their rights.[[27]](#footnote-27) Access to information is especially challenging for children with disabilities, as information is usually not available in accessible formats.

Regarding children’s fundamental freedoms, a study conducted by Save the Children and the Centre for Children’s Rights at Queen’s University with 1,600 children from 60 countries found that only 34% of children felt safe expressing their views in public and only 38% felt safe joining a public protest or demonstration.[[28]](#footnote-28) Many countries have not put in place laws that ensures children’s rights to take civic action, including the rights to freedom of expression, association and peaceful assembly.

States must empower children to participate in all spaces, including in public affairs, by addressing the lack of relevant national legislation on children’s right to take public action, and their rights to freedom of expression, freedom of association, peaceful assembly and access to information, both online and offline. In addition, legal and administrative obstacles to children exercising these rights must be removed, including in relation to registering their organisations and opening bank accounts.[[29]](#footnote-29) In this regard, the Committee, in its General Comment no. 20, (i) states that “legal recognition should be afforded to adolescents to establish their own associations, clubs, organizations, parliaments and forums, both in and out of school, form online networks, join political parties and join or form their own trade unions” and (ii) calls for measures to be introduced “to protect adolescent human rights defenders, particularly girls, who often face gender-specific threats and violence”.[[30]](#footnote-30) Access to information and ensuring fundamental freedoms is essential to empowering children to understand and protect their rights, and to advocate for the realisation of the 2030 Agenda.

**Partnerships for the Goals (Goal 17)**

From the DGD, it can be observed that the most successful practices are those that are (i) led by, or developed in consultation with, children, and (ii) conducted in partnership with a number of stakeholders, such as local or national authorities, communities, schools, national human rights institutions, civil society, business, media, representatives of the United Nations, and regional human rights bodies. Further, global partnerships that include children have been key to helping realise the 2030 Agenda and upholding children’s rights.

1. 2018 Day of General Discussion Background Paper: Protecting and empowering children as human rights defenders, “Lack of access to information”. [↑](#footnote-ref-1)
2. The role of law and legal knowledge for a transformative human rights education: addressing violations of children’s rights in formal education, Laura Lundy, Queen’s University Belfast, UK, Gabriela Martínez Sainz, Centre for Human Rights Studies, Mexico. [↑](#footnote-ref-2)
3. 2018 Day of General Discussion outcome report, “4.4.1 Freedom of speech and violence in schools”. [↑](#footnote-ref-3)
4. Id., “4.3.4 Role of legislature, Children’s Parliaments”. [↑](#footnote-ref-4)
5. The views, perspectives and recommendations of children across the world, Child Rights Connect. [↑](#footnote-ref-5)
6. 2018 Day of General Discussion outcome report, ”4.2.1 Civil society space for child human rights defenders”. [↑](#footnote-ref-6)
7. Principle of non-discrimination, art.2 CRC. [↑](#footnote-ref-7)
8. 2018 Day of General Discussion Concept Note. [↑](#footnote-ref-8)
9. A/HRC/40/60 (2019). [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. 2018 Day of General Discussion outcome report, “Summary analysis: non-State Actors and child human rights defenders”. [↑](#footnote-ref-11)
12. Human Rights Council resolution A/HRC/RES/40/11 (2019) on "Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development. [↑](#footnote-ref-12)
13. 2018 Day of General Discussion outcome report. [↑](#footnote-ref-13)
14. The views, perspectives and recommendations of children across the world, Child Rights Connect. [↑](#footnote-ref-14)
15. 2018 Day of General Discussion outcome report. [↑](#footnote-ref-15)
16. 2018 Day of General Discussion outcome report. [↑](#footnote-ref-16)
17. In particular, article 6 of the CRC protects the child’s right to life and obligates States to “ensure to the maximum extent possible the survival and development of the child.” Further, article 19 requires States to take various “measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” while under the care of others. These provisions, and others, protect children from abuse when they act as human rights defenders, and when they take actions in support of human rights defenders. [↑](#footnote-ref-17)
18. 2018 Day of General Discussion Concept Note. [↑](#footnote-ref-18)
19. 2018 Day of General Discussion outcome report. [↑](#footnote-ref-19)
20. Inputs for the report of the UN Special Rapporteur on the situation of Human Rights Defenders to the 74th session of the General Assembly, Child Rights Connect. [↑](#footnote-ref-20)
21. 2018 Day of General Discussion Concept Note [↑](#footnote-ref-21)
22. 2018 Day of General Discussion outcome report, “4.3.4 Role of legislature, Children’s Parliaments” [↑](#footnote-ref-22)
23. General Comment No.12 (2009), The right of the child to be heard, paras. 127-129 [↑](#footnote-ref-23)
24. 2018 Day of General Discussion Background Paper: Protecting and empowering children as human rights defenders, “Lack or inadequate environment and spaces for children human rights defenders to participate and report” [↑](#footnote-ref-24)
25. [Guidelines for States on the effective implementation of the right to participate in public affairs](https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_web.pdf), OHCHR (2019) [↑](#footnote-ref-25)
26. Conceptual Framework for Measuring Outcomes of Adolescent Participation (March 2018), UNICEF. [↑](#footnote-ref-26)
27. The views, perspectives and recommendations of children across the world, Child Rights Connect. [↑](#footnote-ref-27)
28. Centre for Children’s Rights and Save the Children (2016), Enabling the exercise of civil and political rights: The Views of Children, and Centre for Children’s Rights. [↑](#footnote-ref-28)
29. DGD submission of Save the Children, Girls Advocacy Alliance, Together (Scottish Alliance for Children’s Right). [↑](#footnote-ref-29)
30. General comment No. 20 (2016) on the implementation of the rights of the child during adolescence. [↑](#footnote-ref-30)