

Mainstreaming child rights: a call for a UN-wide strategy on child rights in response to *Our Common Agenda*

Position paper, September 2021

The SG report on *Our Common Agenda*

On 10 September 2021, the UN Secretary General (SG) presented his report on *Our Common Agenda: Responding to Current and Future Challenges*.¹ **Together with the SG Call to Action for Human Rights, the Common Agenda is a steppingstone for the strengthening of the UN system and a unique opportunity to advance child rights mainstreaming.**

In his report, the SG recognises that *“there is a growing disconnect between people and the institutions that serve them, with many feeling left behind and no longer confident that the system is working for them, an increase in social movements and protests and an ever deeper crisis of trust fomented by a loss of shared truth and understanding”*. He proposes that the only way forward is a **“renewed social contract anchored in a comprehensive approach to human rights”** and built on *“(a) trust; (b) inclusion, protection and participation; and (c) measuring and valuing what matters to people and the planet”*. Importantly, he acknowledges that *“no meaningful social contract is possible without the active and equal participation of women and girls”*.

The SG also states that more needs to be done by the UN and States to support *“the political participation of a diverse range of young people”*, which may mean *“challenging social norms and stereotypes, especially in relation to gender, as well as in relation to other forms of marginalization”*. The report builds on the SG’s Call to Action for Human Rights,² which includes strong and clear language on human rights mainstreaming: *“Within the United Nations, human rights must be fully considered in all decision-making, operations and institutional commitments”*. This is a welcome and strong signal from the UN at the highest level to bring human rights at the center of UN responses and priorities.

In the context of mainstreaming child rights, however, both the Common Agenda report and the Call to Action expressly refer to children only in relation to certain rights and situations, instead of integrating a holistic child rights perspective. Children are only mentioned in relation to future generations (omitting their status as present rights holders), the digital environment and their rights to health and education.

Despite the of lack child rights mainstreaming within the SG initiatives, they are relevant and crucial for all children, as it is evidenced by the implementation of the Call to Action:

1. **The SG has recognized the significance of child participation in the UN** in his guidance note on civic space,³ which commits the UN system to take concrete steps in protecting and promoting civic space at the global and country levels. The note is an important document because it defines children as civil society actors and says that special efforts are needed to reach out to children.
2. **The Heads of UN entities have made a public joint commitment to promote the rights of children,** youth and future generations to a healthy environment and their meaningful participation in decision-making at all levels, in relation to climate action and climate justice.⁴ The commitment includes

¹ <https://www.un.org/en/content/common-agenda-report/>.

² https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf.

³ https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf.

⁴ <https://www.sparkblue.org/system/files/2021-06/210615%20STEP%20UP%20-%20Joint%20Commitment%20by%20Heads%20of%20UN%20Entities.pdf>.

reference to concrete actions such as to “Take necessary steps to support the scaling up of the meaningful participation of children and young people in all stages of the definition, implementation and review of UN policies, and inform and encourage a cross-cutting focus on children and youth in climate action”. This inter-agency commitment is an unprecedented step which opens some doors to child rights mainstreaming, although limited to the thematic area of the environment/climate.

3. **The Call to Action is fostering inter-agency coordination and collaboration with human rights mechanisms.** An example is the practical guidance that the Office of the High Commissioner for Human Rights has developed for UN entities to help them maximize the use of the Universal Periodic Review mechanism at the national level.⁵

Child rights mainstreaming: what and why?

In speaking of *child rights mainstreaming*, this position paper refers to **the effective integration of child rights through the systematic application of a child rights approach**,⁶ which involves different actions:

1. Furthering the realisation of children’s rights through the holistic use of the UN Convention on the Rights of the Child (UNCRC), its Optional Protocols and other international human rights instruments;
2. Recognising that children are a distinct group of rights holders with a bespoke set of rights and a special status in society;
3. Empowering all children to know, exercise and claim their rights;
4. Strengthening the capacities of States, as duty bearers, to fulfil their obligations to ensure the promotion, protection and fulfilment of all UNCRC rights, including accountability and access to justice;
5. Recognising children as key actors of civil society with a specific right to be heard and participate in public affairs.

Without an effective and systematic application of a child rights approach, some rights end up being overlooked, partially realized or even violated. An emblematic example is the lack of child participation when decisions affecting children’s lives are taken without their views. Whether intentional or not, the lack of child rights mainstreaming within decision-making processes results in the violation of Article 12 of the UNCRC (right to be heard). It is also counter to the participatory feature identified by the SG as required for a meaningful social contract to achieve *Our Common Agenda*. Another is the widespread lack of child-friendly information, such as how children can access justice and report violations of their rights at different levels. The historical lack of child rights mainstreaming in the UN work related to the protection of human rights defenders has led to the situation where most child human rights defenders (CHRDs) remain unaware of their rights as defenders and no one has sought protection from existing UN human rights mechanisms for violations of CHRDs’ rights as enshrined in the UNCRC and the UN Declaration on human rights defenders. Furthermore, many States refuse to recognize children as human rights defenders and challenge the fact that children are entitled to civil and political rights.

Mainstreaming child rights must therefore be an integral part of the human rights-based approach, to go hand in hand with gender mainstreaming and intersectionality and treated as everyone’s responsibility. It should take place at all levels, from local to global, and across sectors because ultimately “*there are very few, if any, child-neutral policies or programmes: most have impacts on children directly or indirectly, positively or negatively. Moreover, most sectors, if not all, are interlinked and interdependent*”.⁷

The UNCRC provides a strong ground for cooperation between the Committee on the Rights of the Child (CRC Committee) and the UN system. Article 4 is the basis for what the Committee has defined general

⁵ https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf.

⁶ https://sites.unicef.org/policyanalysis/rights/index_62012.html.

⁷ EU Guidelines for the Promotion and Protection of the Rights of the Child (2017): Leave no child behind. Retrieved 8 Oct 2020, from: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_guidelines_rights_of_child_0.pdf.

measures of implementation, which include international cooperation. In its General Comment No 5 on general measures of implementation, the Committee stated: “*In their promotion of international cooperation and technical assistance, all United Nations and United Nations-related agencies should be guided by the Convention and should mainstream children’s rights throughout their activities*”.⁸

Article 45 outlines arrangements for collaboration between the CRC Committee and UN agencies and organs, including the request that the Committee submits to relevant UN entities any reports from States parties that include a request, or indicate a need, for technical advice or assistance. At its third session, the Committee decided that, when appropriate, it would indicate a possible need for technical assistance in its Concluding Observations on States parties’ reports. Where the need for a specific programme of technical advice or assistance is identified, the Committee indicated it would encourage a meeting between the State party delegation and the relevant UN or other competent body.⁹ However, this has rarely – if ever – happened, and Committee recommendations are currently not transmitted to UN entities and are not systematically integrated into relevant programmes and interventions that impact the life of children. The lack of coordination between the Committee and UN entities and among the latter may have direct effects on accountability, such as for example when certain rights are not monitored and data is therefore not collected.

The **UN has a unique role to play in relation to child rights mainstreaming** given its strategic position when it comes to assisting and prompting States to fulfil their obligations.

Unprecedented challenges

While the UNCRC is the most ratified human rights treaty, this near universal set of commitments has not yet translated into transformative change for children as rights holders. To the contrary, it is increasingly challenged by States on the basis of traditional values, patriarchal societal norms, lack of resources, competing agendas, as well as anti-human rights ideologies. Despite international standards and resolutions, many States increasingly question the very basic facts that children hold human rights, in particular civil and political rights, and that a child rights approach must be applied systematically across all sectors.

The COVID 19 pandemic has exacerbated the existing backlash against child rights, and violations of all children’s rights – civil, political, economic, social and cultural– have exponentially increased everywhere in the past year. The Secretary General has alerted that “*children risk being the biggest victims and the impact of the pandemic on them risks being catastrophic and amongst the most lasting consequences for societies as a whole*”.¹⁰ The CRC Committee has warned that years of progress in the implementation of the UNCRC are at risk of being lost and even reversed.¹¹ Indeed, the pandemic has taken the focus away from certain child rights even further, creating additional challenges to the implementation of the 2030 Agenda for Sustainable Development. For example, civil and political rights, which have been historically overlooked, have been further deprioritized and often restricted due to the extreme pressure on the provision of basic services. UNICEF has stressed that State responses to COVID 19 should be integrated and multi-sectoral, grounded on the fact that rights are indivisible, interconnected and interdependent.¹²

More than ever, it is urgent to further advocate for the holistic implementation of the UNCRC and child rights mainstreaming.

⁸ UN Committee on the Rights of the Child, *General Comment No 5: General Measures of Implementation of the Convention on the Rights of the Child*, UN Doc CRC/GC/2003/5, para 64.

⁹ <https://www.unicef.org/lac/media/22071/file/Implementation%20Handbook%20for%20the%20CRC.pdf>

¹⁰ https://unsdg.un.org/sites/default/files/2020-04/160420_Covid_Children_Policy_Brief.pdf.

¹¹ Statement of the CRC Chair at the 2020 UNGA [rlyQdztiqMu5_en.pdf \(unmeetings.org\)](https://www.unicef.org/lac/media/22071/file/Implementation%20Handbook%20for%20the%20CRC.pdf)

¹² COVID-19 and the impact on children’s rights: the imperative for a human rights-based approach, UNICEF Programme Division, Human Rights Unit, April 2020.

Gaps at the UN level

The effective mainstreaming of children’s rights by the UN through a systematic application of a child rights approach across all its organs, agencies and activities is yet to be fully achieved. While many good policies and practices exist, some UN entities are more advanced than others and there are gaps in all the three pillars of the UN. There is little understanding of what child rights mainstreaming means in practice, what UN entities should do and there is a lack of a coherent approach to ensure that all entities integrate children’s rights in the holistic way that the UNCRC requires.

Too often, children’s rights remain confined to sector-specific, thematic and welfare-oriented discussions and interventions, as evidenced in the *Common Agenda* report itself. Children continue to be put into the box of ‘vulnerable groups’ with not enough attention given to their capacities and empowerment. There are particular **gaps in international standards related to child rights** in areas such as children’s civil and political rights and the rights and protection of child human rights defenders.¹³ In a recent report, UNICEF highlighted that only 2.2% of recommendations made by the Special Rapporteur on freedom of expression pertained to children’s rights out of a sample of 22 States, despite the fact that freedom of expression (Article 13 UNCRC) is a fundamental right of children that is deeply connected to children’s right to be heard (Article 12 UNCRC) – a general principle of the UNCRC.¹⁴ As of the date of this position paper, there is no jurisprudence from the UN human rights mechanisms concerning children and their rights to freedom of expression, assembly and association, thought and religion.

In recent years, the UN and other actors have taken steps to put a spotlight on young people. This focus is welcome as it is important to support children and young people in their transition into adulthood. However, subsuming children under the terms “young people” and “youth” has created confusion, since both terms lack an internationally agreed legal definition. The overlap with child adolescents is not legally defined, neither by the Committee¹⁵ nor the broader UN, and application of these terms excludes younger children. **Subsuming children to youth or young people makes the specific rights, needs and context of children, as laid out in international law, invisible.** It can lead to the lack of recognition of children as human rights defenders. It has also been seen to lead to a progressive diversion of resources from child to adult focused work, including within UN agencies with key roles in relation to child rights mainstreaming and child rights in general.

A UN-wide child rights approach through a strategy on child rights

Why is it important that the UN has a coherent approach to child rights?

Children remain the only group who have a specific human rights treaty without a dedicated UN strategy to ensure policy coherence within the system. This undermines the SG’s call, in *Our Common Agenda*, for a renewed social contract that is “anchored in a comprehensive approach to human rights”. Children amount to over a quarter of the world population, but they constitute half of the world’s poorest,¹⁶ of which an estimated 356 million live in extreme poverty.¹⁷ In 2019, 1.6 billion children were living in a conflict-affected country; and, as at the end of 2020, an estimated 35 million of the 82.4 million forcibly displaced people were children.¹⁸

¹³ The expression ‘child human rights defenders’ is used to refer to all human rights defenders under 18 years old. See Child Rights Connect, *Advancing the Rights of Child Human Rights Defenders: Implementation Guide*, at URL <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>.

¹⁴ [Realizing-rights-changing-lives-The-impact-of-the-United-Nations-human-rights-system-on-the-enjoyment-of-children’s-rights.pdf](https://www.unicef.org/realizing-rights-changing-lives-The-impact-of-the-United-Nations-human-rights-system-on-the-enjoyment-of-children-s-rights.pdf) (unicef.org).

¹⁵ UN Committee on the Rights of the Child, *General Comment No 20 on the implementation of the rights of the child during adolescence*, UN Doc CRC/C/GC/20 (2016), which recognizes that “adolescence is not easily defined, and that individual children reach maturity at different ages. (...) The present general comment does not seek, therefore, to define adolescence, but instead focuses on the period of childhood from 10 years until the 18th birthday to facilitate consistency in data collection” (see para 5).

¹⁶ <https://www.undp.org/press-releases/half-worlds-poor-are-children>.

¹⁷ <https://www.unicef.org/social-policy/child-poverty>.

¹⁸ <https://www.unhcr.org/refugee-statistics/>.

These are only some of the figures that can give a sense of why policy coherence within the UN is needed now more than ever, at a time where decades of progress in implementing the UNCRC and its Optional Protocols have been undermined by measures taken under the COVID 19 pandemic and where an unprecedented pushback against child rights is being faced, compounded by decreased attention and commitments by States. **To counter the backlash and ensure the continued advancement of children’s rights, a UN-wide approach to child rights is crucial to reinforce the UN’s capacity to support member States’ action at the national level.** UN entities must be better equipped to show by example and provide technical assistance and recommendations that will promote the holistic implementation of the UNCRC and its Optional Protocols.

During the 2020 High Level Panel on Child Rights Mainstreaming of the Human Rights Council,¹⁹ the CRC Committee noted that it was crucial to reflect on how a comprehensive approach to child rights could help to strengthen the coherence of the UN’s work. It stressed that the mainstreaming of children’s rights requires a comprehensive approach from micro to macro level, as well as a more comprehensive understanding of children’s wellbeing.²⁰ However, this high-level discussion is yet to deliver on concrete actions.

While acknowledging that efforts are being made in relation to child rights mainstreaming, this position paper reiterates the call made by Child Rights Connect at the High-Level Panel on Child Rights Mainstreaming and asks the UN to develop **a strategy on child rights that applies to all entities and the three pillars of the UN.**²¹

What would be the added value of a UN strategy on child rights?

Child Rights Connect believes that a UN strategy on child rights is the best way to ensure child rights mainstreaming through the proactive and systematic application of a child rights approach by the UN. The advantages of having a comprehensive UN strategy on child rights are many, including:

1. More effective implementation of international law and standards as they pertain to children in their respective mandates;
2. Better support to Member States to implement their obligations under the UNCRC and trigger real changes for children;
3. Increased understanding of child participation as an essential element of the child rights approach and as a State obligation to be reinforced by States;
4. Mobilizing political support for children’s rights, including their entitlement to participate, at the highest level of the UN as well as among Member States;
5. Increased focus, capacity and resources for child rights within the UN.

What would the key elements of a UN strategy on child rights look like?

A UN strategy on child rights should provide practical guidance relevant to all UN entities on how to ensure the effective inclusion of a child rights approach within their mandates, in line with the UNCRC and the General Comment No 5 of the CRC Committee on the general measures of implementation of the UNCRC.

For a strategy to be effective, it should build on lessons from other UN system-wide strategies as well as the experiences of individual entities with regard to the application of a human rights-based approach, including the child rights approach.²² Some essential key elements are:

1. **Definition of child:** the legal definition of a child provided by the UNCRC to avoid conflating children with other groups.
2. **Explanation of child rights:** why it is essential to have a strong understanding of child rights within the UN and to use the UNCRC as a guiding tool.

¹⁹ <https://www.childrightsconnect.org/the-human-rights-council-celebrates-the-30th-anniversary-of-the-convention-on-the-rights-of-the-child-with-a-high-level-panel-on-childrens-rights-mainstreaming-within-the-un/>.

²⁰ Statement of Benyam Mezmur at the High Level Panel on Child Rights Mainstreaming <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25605&LangID=E>.

²¹ Child Rights Connect’s statement to the HLPN <https://www.childrightsconnect.org/wp-content/uploads/2020/03/oral-statement-child-rights-connect.docx>.

²² Such as, for example, the Global Evaluation of the Application of a Human Rights Based Approach to UNICEF Programming, at URL https://sites.unicef.org/policyanalysis/rights/index_62011.html.

3. **Definition of child rights approach:** how to use the UNCRC as a guiding tool and mainstream children's rights.
4. **Application of a child rights approach:**
 - a) Understanding why children's rights are relevant to all the UN pillars and why they are cross-sectoral;
 - b) Concrete guidance on how the child rights approach should be implemented with regard to management/strategic planning and programming;
 - c) Concrete information on how to appropriately and effectively advance diversity and intersectionality;
 - d) Facilitate coordination between different entities as an essential requirement for the holistic implementation of the UNCRC;
 - e) Guidelines on child participation methodology and safeguarding that UN entities can refer to and use to engage children in their work in a systematic way.
5. **Framework for accountability and evaluation:** building on the experiences with accountability frameworks of other strategies, as well as the accountability frameworks for the human rights-based approach of individual entities.

Why do we need more systematic child participation in the UN?

The participation of children in the UN system is an essential element of the child rights approach that the UN should apply in a coherent way, reinforced by the SG's call for participation as needed for a meaningful social contract to achieve *Our Common Agenda*. The increasing engagement of children in UN processes in the past years has contributed to a greater level of recognition of the importance and need for child participation, including for processes that are not child-specific (e.g. the Universal Periodic Review and the High-Level Political Forum). However, much more needs to be done to enhance children's participation and make it safe, empowering and sustained for all children. Current mechanisms for participation are not enough and must be strengthened, such as the UN Major Group for children and youth, where children rarely engage, or the SG's Youth Advisory Group on Climate Change which currently only includes youth above 18 years.

Child participation cannot remain an ad-hoc practice based on the interest or good will of certain UN entities and States. The approach of the UNFCCC to the Participation of Representatives of Non-governmental Organizations²³ at its meetings, according to which "*representatives shall normally be at least 18 years of age. Younger representatives may be registered at the discretion of the secretariat*",²⁴ illustrates the need for a clear framework to overcoming the risk that children will continue to be excluded or that may be exposed to harm due to the lack of procedures and safeguarding. **Not only is it essential to clarify the legal basis for child participation but also to develop guidelines on methodology, including safeguarding.** It is time to reframe the discussion about child participation and child rights by moving away from permission towards **recognition that is children's entitlement to participate in the work of the UN.**

Why now?

In addition to the urgency created by the COVID 19 pandemic and the important framework provided by *Our Common Agenda* and Call to Action for Human Rights, there is a series of concrete and unique opportunities that must be seized:

1. There is an **unprecedented and increasing mobilization of children globally** who are claiming more space and attention to their rights and views. The UN should react to this global mobilization and the development of a strategy on child rights would be a vital strategic opportunity to engage with those children and provide an appropriate response to their asks.
2. **The EU has recently called²⁵ on the UN system to adopt a system-wide approach to child rights.** This call was made by the EU during the 2021 Annual Day on the Rights of the Child of the Human Rights

²³ https://unfccc.int/sites/default/files/coc_guide.pdf.

²⁴ [youth participation in the unfccc negotiations.pdf](https://unfccc.int/sites/default/files/youth_participation_in_the_unfccc_negotiations.pdf).

²⁵ https://hrcmeetings.ohchr.org/HRCSessions/HRCDocuments/41/SP/32959_46_aa1a68bc_1b4d_46ee_b208_5cbb4b9508a5.docx

Council which focused on the rights of the child and the SDGs. The EU is leading by example with its new comprehensive strategy on the rights of the child that was developed in partnership with children. With the new strategy, the EU has committed to strengthen the mainstreaming of children's rights both in the EU and externally.²⁶ It has also committed to establish an EU Children's Participation Platform to connect existing child participation mechanisms at local, national and EU levels, and involve children in decision-making processes at the EU level.

3. The EU and the group of States from Latin America and the Caribbean are leading on the **upcoming UN GA resolution on child rights**. The resolution is a unique opportunity to advance child rights mainstreaming, given that it focuses on the SDGs and the Human Rights Council has already recognized that the application of a child rights approach in the implementation of the 2030 Agenda is the only way to achieve the SDGs.²⁷ The CRC Committee²⁸ and the Special Representative of the Secretary General on Violence Against Children (SRSG-VAC)²⁹ have urged States to integrate the child rights approach including child participation into the national process of implementation and monitoring of the 2030 Agenda. The SRSG-VAC is working to ensure a coordinated and coherent approach across the UN system to ending violence against children in the framework of the SDG Voluntary National Reviews.³⁰ The resolution should call on the SG to assess the current status of child rights mainstreaming in the UN.
4. The 2020 **high-level panel on child rights mainstreaming held by the Human Rights Council** to celebrate the 30th anniversary of the UNCRC was the opportunity to gain unprecedented commitments, including by high-level actors such as the President of the UNGA, the Assistant Secretary-General for Peacebuilding Support, and UNICEF Regional Director for Europe and Central Asia.³¹ However, COVID 19 has affected follow-up to such commitments, and it is now time to revive this.

²⁶ EU strategy on the Rights of the Child, at URL https://eur-lex.europa.eu/resource.html?uri=cellar:e769a102-8d88-11eb-b85c-01aa75ed71a1.0002.02/DOC_1&format=PDF.

²⁷ UN Doc A/HRC/34/L.25.

²⁸ <https://sustainabledevelopment.un.org/index.php?page=view&type=30022&nr=2498&menu=3170>

²⁹ <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26864&LangID=E>

³⁰ <https://sustainabledevelopment.un.org/index.php?page=view&type=20000&nr=7036&menu=2993>

³¹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25605&LangID=E>.