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QUESTIONNAIRE FOR CIVIL SOCIETY ORGANISATIONS AND HUMAN RIGHTS DEFENDERS

On 9 December 1998, the UN General Assembly adopted the landmark Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, the “Declaration on Human Rights Defenders” (A/RES/53/144).

With a view to marking the upcoming 20th anniversary of the Declaration on Human Rights Defenders, the next report of the Special Rapporteur to the UN General Assembly will provide a global survey of the situation of human rights defenders. It will be a timely update of the last global survey conducted in 2006 (E/CN.4/2006/95/Add.5).

In preparation of this survey, the Special Rapporteur is seeking the views of a wide range of stakeholders about the situation of human rights defenders with a view to identifying both important developments and key challenges facing human rights defenders.

To this end, the Special Rapporteur is kindly requesting that civil society organisations and human rights defenders submit the information outlined in the attached questionnaire, which will be used to inform his report.

Responses to the questionnaire should be sent to: defenders@ohchr.org and registry@ohchr.org no later than 4 June 2018. Responses received after this date may not be reflected in the global survey report.

Questionnaire on the situation of human rights defenders

1. *Submission category*

Who is participating in this survey?

- a. **Civil society organisation** – yes
- b. Human rights defender
- c. Other, specifically: _____

2. *Situation of human rights defender in which location(s)*

This survey is conducted regarding the situation of human rights defenders in the following place(s):

- a. A single state: _____
- b. More than one state, specifically: **globally** _____

Note: If you are submitting information about more than one state, please be clear which state(s) you are describing in each of your responses.

3. *Background of submission:*

What is the nature of your human rights work? On what human rights issues and in which locations within the State do you work?

Child Rights Connect is a global children's rights network with a long-term programme on children human rights defenders. We work directly with children human rights defenders, including children, on all issues affecting the rights of children and we do this globally with our membership, which covers every region.

4. *Context:*

What is the relevant social, economic and political context which affects the situation of human rights defenders?

In all contexts, children face additional barriers to adult in accessing and enjoying their human rights and face discrimination by virtue of their age and dependent status. Children in particularly vulnerable situations are at higher risk of discrimination, including children with disabilities, indigenous children or children belonging to minority, refugee and migrant children, victims of human rights violations, children deprived of liberty, children in alternative care, children in conflict with the law and children in conflict situations.

The lack of recognition of children as holders of human rights and subjects of their own rights, as opposed to objects of concern, good will or charity is present across social, economic and political contexts and creates extremely challenging, restrictive and dangerous situations for children human rights defenders, due to the lack of consequent protection and empowerment. This situation for children human rights defenders is also clearly apparent across the UN human rights mechanisms: Despite the pioneering work of the UN Committee on the Rights of the Child, the participation of children as equal

rights holders continues to be restricted, deemed inappropriate and at times ignored entirely.

Just as adult human rights defenders, children are exposed to risk of threats, attacks and other negative consequences linked to their activities as human rights defenders. Children consulted for the UN Committee on the Rights of the Child 2018 Day of General Discussion (DGD) on protecting and empowering children as human rights defenders told the Committee that they fear being harassed if they speak up and that if children are not allowed or supported to form their own associations, their role as human rights defenders cannot be fulfilled. Children face challenges in family and school settings as well, where they often cannot find the necessary information and support to act as defenders.

5. *Local human rights community:*

How many other civil society organisations and human rights defenders do you have contact with in your country as part of your work? How do you communicate with them? Are there any national or local networks of human rights defenders?

Child Rights Connect has 86 civil society organisation members across the world, many of which work directly with children human rights defenders. We offer technical assistance and capacity-building to the network in connecting with the UN human rights mechanisms to push for child-rights based approaches and sustained positive change at local, national and regional levels. We communicate with our members through a variety of means and predominantly through online webinar facilities. We have contact with our cross-regional DGD Children's Advisory Team which includes 20 children human rights defenders from 19 countries.

6. *Recognition of human rights defenders:*

How are human rights defenders recognised by the state and/or other actors? Are there any specific legal or policy frameworks that recognise human rights defenders and/or their rights and responsibilities?

As highlighted by the Special Rapporteur, "without being perceived by others or perceiving themselves as such, defenders may not be aware of their rights as defenders, not seek support from peers and support networks and may not receive protection from States, civil society and the international community" . This is more relevant for children whose identity is often influenced by the way adults perceive them.

While most of the children consulted so far for the DGD told the Committee that they see themselves as human rights defenders, they also said that many of the adults they are in contact with do not want them to be defenders, either because they want to protect them ("allowing them to be children") or because they do not believe in their capacities and do not take them seriously. While some children highlighted their experiences of being supported by NGOs and their parents, others said they feel underestimated, judged and disrespected by adults as well as by their peers.

7. *Challenges facing human rights defenders:*

What are the main risks and challenges facing human rights defenders?

As articulated in the CRC, all children are entitled to special protection and empowerment due to their special and dependent status. Every child human rights defender is affected differently by the same human rights violation, because of his/her opinion, evolving capacities, age, nationality, background, gender, sexual orientation or gender identity. This must be taken into account when determining the particular challenges facing children human rights defenders and affording protection and support to children who are or want to be human rights defenders.

The international consultations which took place to inform the DGD concept note and feedback from the DGD Children's Advisory Team and their peers during a DGD workshop in March 2018 highlighted the following risks and challenges facing children human rights defenders:

- **Not informed** – lack of access to information and child-friendly resources, not informed about human rights which children reported as one of the most important ways to help human rights defenders, not informed on how to report violations, not informed about how to act to defend human rights.
- **Not safe** – facing violence as a result of actions to defend human rights such as being beaten by police, the attitude of teachers and offending by them, lack of privacy and protection from prosecution, being imprisoned, punished or intimidated, exclusion from peers and lack of peer support.
- **Not taken seriously** – adults don't listen, adults sometimes try to manipulate children, children's views are not taken seriously and the stereotype that children and young people are not able to understand, adults in higher positions don't care.
- **Not able** – additional barriers for children with disabilities and children in alternative care to defend, lack of fundamental rights including food, education and shelter, lack of power to be able to solve problems, child marriage can prevent girls from defending, it's hard to juggle responsibilities.
- **Not allowed** – children depend on adults, laws don't support CHRDs, parents want to keep children away from violence, children can't join groups, children have no chance to complain, people are against children and 'pull us down', people think that children have no rights but obligations.

8. *Specific categories of human rights defenders:*

Are specific categories of human rights defenders facing particular risks and challenges? What is the situation of women human rights defenders?

Children human rights defenders are facing particular risks and challenges based on the barriers indicated in question 7 above. The lack of a child rights-based approach grounded within the domestic legal and policy framework of States, the work of the UN and other multilateral and regional organisations,

the private sector and civil society as a whole creates extremely risky and challenging circumstances for children who act as human rights defenders, or want to become human rights defenders.

9. *Specific protection of rights:*

What are the particular challenges facing human rights defenders seeking to exercise the right to defend human rights guaranteed in the Declaration on Human Rights Defenders, including:

- a. The Right to freedom of peaceful assembly
- b. The Right to freedom of association
- c. The Right to access to information and participation
- d. The Right to freedom of opinion and expression
- e. The Right to develop and discuss new human rights ideas
- f. The Right to an effective remedy
- g. The Right to access funding

Children must be recognised as human rights defenders when they act as such. As highlighted by the Special Rapporteur, “without being perceived by others or perceiving themselves as such, defenders may not be aware of their rights as defenders, not seek support from peers and support networks and may not receive protection from States, civil society and the international community” . This is more relevant for children whose identity is often influenced by the way adults perceive them. While most of the children consulted so far for the DGD told the Committee that they see themselves as human rights defenders, they also said that many of the adults they are in contact with do not want them to be defenders, either because they want to protect them (“allowing them to be children”) or because they do not believe in their capacities and do not take them seriously. While some children highlighted their experiences of being supported by NGOs and their parents, others said they feel underestimated, judged and disrespected by adults as well as by their peers.

Children must be empowered to act as defenders, if they wish to do so. All children who wish to act as defenders have the right to be empowered by adults without discrimination (art. 2 of CRC) and according to their evolving capacities (art. 5 of CRC), abilities (art. 23 of CRC) and best interests (art. 3 of CRC). Children should be able to: a) enhance their knowledge of human rights and their self-esteem; b) build their strength through collaboration; c) actively engage in the realisation of their rights, in particular their right to be heard and to participate (art. 12 of CRC), their freedom of expression, thought, association and peaceful assembly (art. 13 of CRC), their right to access information (art. 17 of CRC) and education (arts. 28 and 29 of CRC), and their right to name, nationality and identity (arts. 7 and 8 of CRC). Most of the children consulted for the DGD confirmed the results of recent research establishing that children’s ability to engage in political and public affairs depends largely on the extent to which their civil and political rights are fulfilled . They also highlighted the role of children human rights defenders in empowering other children as well as the critical importance of access to information and better education and training as the cornerstone for children to increase their understanding of human rights and the role of human rights defenders.

Children who are becoming or acting as human rights defenders need a heightened duty of care through specific safeguards. With the general principles of the CRC (non-discrimination (art. 2 of CRC), best interests (art. 3 of CRC), right to life, survival and development (art. 6 of CRC) and respect for the views of the child (art. 12 of CRC)) guiding the interpretation and implementation of all other rights, special protection measures should ensure a “holistic security” for children. This means ensuring that children are not subjected to any human rights violations – whether they relate to physical, psychological or digital environments – as a consequence of their actions as human rights defenders or their interest and initiatives towards becoming defenders. Children human rights defenders should be protected by adults and be taught how to protect themselves. While all types of empowerment activities should take place with a clear protection priority, protection should not be an argument for keeping children unaware or unable to engage. Rather, protection should focus on enabling children to be active in a safe and secure manner. As highlighted by the UN Special Rapporteur, “a good practice in protecting human rights defenders is a practice that contributes to the full respect of their rights and strengthen their security, including by mitigating the risks they face, addressing threats and building support for their work” .

Please refer to Question 7 on the particular challenges facing children human rights defenders in exercising their rights as guaranteed in the Declaration on Human Rights Defenders.

10. *Implementation of the Declaration:*

What steps has the state taken to implement the Declaration on Human Rights Defenders? What is the view of the Declaration by the state and/or the public? Are there any good practices in relation to the implementation of the Declaration that have been developed in the state, including by the national human rights institution(s), civil society organisations, and human rights defenders themselves?

The UN Committee’s DGD 2018 taking place on 28th September will be an opportunity to gather good practices in relation to the implementation of the Declaration on Human Rights Defenders at all levels. At present there is very little information available on good practices in relation to the implementation of the Declaration specifically in relation to children human rights defenders. Due to the lack of recognition of children as human rights defenders across the board, we have found that where children are being empowered and protected as human rights defenders, this is rarely linked and grounded in the articles of the Declaration.

11. *Recommendations:*

Has the State received and/or implemented any recommendations on human rights defenders made by UN or regional bodies (eg. UPR, special procedures, treaty bodies, etc.)?

In its General Comment n° 20, the CRC Committee has explicitly called States to protect “adolescent human rights defenders, particularly girls who often face gender-specific threats and violence”¹.

The CRC Committee has also very recently included for the first time, in its [concluding observations for the 78th Session](#) an explicit mention to children human rights defenders. In the context of [Angola's revision](#), the Committee asked the State to "Involve children, including child human rights defenders, in its cooperation framework with civil society".

12. *Good practices and pledges:*

In commemoration of the 20th anniversary of the Declaration on Human Rights Defenders, what future actions and/or commitments to the protection and recognition of the importance of human rights defenders are you able to make? Are there any good practices or key issues that you can identify that would be important to disseminate on the 20th anniversary?

The 20th anniversary should pay particular attention and focus to the UN Committee's DGD happening in September 2018 on protecting and empowering children as human rights defenders, and all related activities and long-term outcomes. In addition, the 20th anniversary should join forces with Child Rights Connect's long-term programme on children human rights defenders, so that the 20th anniversary can be the strong driving force needed to advance a global movement for children human rights defenders.

13. *Other information:*

Is there any additional information that the Special Rapporteur should consider about the situation of human rights defenders?

14. *Contact information:*

The information provided in your submission will be kept confidential and you will not be identified in the response; unless you provide authorisation to publish your responses on the website of the Office of the High Commissioner for Human Rights.

However, it would be useful to provide contact information for the individual / organisation participating in this survey:

Child Rights Connect, Emma Grindulis, grindulis@childrightsconnect.org

¹ [General Comment 20 on the implementation of the rights of the child during adolescence](#)