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**Topic:** *Impunity for human rights violations and abuses committed against human rights defenders*

### Submission by Child Rights Connect and its members including [Child Rights Coalition Asia (CRC Asia)](https://www.crcasia.org/) and Defense for Children International (DCI), in cooperation with the Inter-American Children’s Institute (Instituto Interamericano del Niño, la Niña y Adolescentes), the European Network of Ombudspersons for Children and Mikiko Otani (member of the Committee on the Rights of the Child).

The Combat against Impunity: a Core component of a Comprehensive Protection Policy for Human Rights Defenders

The work carried out by human rights defenders is essential for the implementation of human rights and the consolidation of the rule of law. Acts of violence against human rights defenders not only affect the guarantees they must have as human beings, but also undermine the fundamental role they play in society[[1]](#footnote-1). According to the Inter-American Commission on Human Rights, in addition to affecting the victims' right of access to justice, impunity -whether total or partial- is a factor tending to hinder the causes promoted by defenders as the ignorance of the real motives of the aggressions or the lack of sanction on its authors generates fear of new reprisals.[[2]](#footnote-2)

In its 2017 report “Towards a comprehensive policy of protection of human rights defenders”, the Inter-American Commission on Human Rights identified the combat against impunity -carrying out serious, independent and transparent investigations to identify intellectual and material authors, prosecuting them and guaranteeing adequate reparation - as a core component of a comprehensive protection policy for human rights defenders[[3]](#footnote-3). Indeed, protection policies cannot be efficient when violations carried out against human rights defenders do not have consequences in terms of investigations, prosecution and guaranteeing reparations. “By deterring human rights defenders from filing complaints and survivors of violations from seeking their support, impunity erodes the rule of law in the country and encourages further violations.”[[4]](#footnote-4)

Barriers to combating the impunity affecting children human rights defenders

Barriers in children’s ability to report a human rights violation deeply affect the combat against impunity affecting children human rights defenders[[5]](#footnote-5). Indeed, protection policies for human rights defenders seldom take into account the challenges and needs with regards to children human rights defenders.

In the context of the 2018 Day of General Discussion (DGD) on protecting and empowering children as human rights defenders, consultations took place with more than 2695 children in 53 countries from 5 regions of the world (Africa, Asia-Pacific, Eastern Europe, Latin America & the Caribbean, Western Europe and others). According to children, core challenges to act as human rights defender centered on four key themes: 1) not being taken seriously; 2) not feeling safe; 3) not informed or unable to get information in ways they can understand and 4) not able[[6]](#footnote-6).

1. **Not being taken seriously**

A negative image of children human rights defenders prevails. According to children, adults do not see them as competent and, due to cultural factors, children’s views are not respected.

There is an assumption that human rights and, the rights of children and adolescents in particular, must be defended by adults. This preconception is sought to be overcome through the recognition of children and adolescents who defend human rights. Some parents and members of the community, including those in schools and in governments, still view children as “property.”[[7]](#footnote-7) When children report a human rights violation they are seldom taken seriously and listened to. Local authorities, especially the police forces, have not received the proper training to deal with children. Thus, adults can become gatekeepers, making the decision to take forward the reporting depend almost entirely on them.[[8]](#footnote-8)

1. **Not feeling safe**

70% of the children participating in the consultations were concerned about violence when they acted as human rights defenders. Yet legislations and mechanisms for the protection of children that have reported violations of human rights against any reprisals in response to such reporting are scarce, and there is not always a government focal point for child rights to turn to[[9]](#footnote-9). 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 felt fear of going to police stations to report cases of mistreatments or violence because they were afraid of not being taken seriously or were too scared of the police. It was also 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[[10]](#footnote-10). Existing spaces are not suited for children to report and can be an intimidating and traumatizing experience.

1. **Not informed**

Children’s lack of access to information and understanding, including on their own rights, can be a major challenge for them to identify abuse and know what available options exist to take effective action or to file a complaint. “Public information is often difficult to obtain, inaccurate, out of date, or presented in a way that is difficult for children to understand.”[[11]](#footnote-11)Access to information can also be particularly challenging for children with disabilities and girls.

In the consultations children expressed the need for the creation of legislations and programs to teach children in schools about their rights, national laws and international treaties[[12]](#footnote-12). Child rights education should also include pointing out the different channels and mechanisms available to report violations (online or offline) and to participate in decision-making on the matters affecting children.

1. **Not able**

While 40% of children in the consultations agreed that lack of information on their rights was a main barrier for children human rights defenders, many also indicated that even with the proper information, the lack of resources (time, money, lack of ability to travel) and support hampers their ability to take appropriate actions[[13]](#footnote-13). It is also hard for children to access international mechanisms and inter-governmental bodies without proper support.

Recommendations

* **Comprehensive protection policy for human rights defenders with a differentiated approach for children** – States should develop a comprehensive protection policy for human rights defenders that takes into account children human rights defenders, their challenges and needs in terms of combating impunity; It will be important to consult children when designing and developing this policy.
* **Child rights education** States and, in particular, national human rights institutions and children ombudsmen, should ensure that children acting has human rights defenders are empowered to understand their rights and which mechanisms they can use to make a complaint when their human rights are violated; States should train and educate children and adolescents in human rights, in order to provide the knowledge, skills and attitudes required by this new role of defenders. Similarly, States should ensure child rights education and information on child rights reaches especially children who have additional difficulties in access, such as girls and children in vulnerable settings, including from precarious socio-economic backgrounds, and be elaborated in accessible formats for children with disabilities.
* **Increase efforts to create spaces for child and adolescent participation,** such as: advisory councils, organized groups and / or networks of children and adolescents, so that they can exercise and defend human rights.
* **Access to child-friendly information**– States and, in particular, national human rights institutions and children ombudsmen, should provide children with access to information on the different channels and mechanisms available to report violations (online or offline) and to participate in decision-making on the matters affecting them.
* **Safe and child friendly spaces and mechanisms to receive direct complaints from children** - Put in place safe and child friendly spaces to receive direct complaints from children -including hotlines- especially within the judicial and police bodies, and widely disseminate information on their functioning and how to access them in a language that is accessible for children and easy to understand.
* **Support of National human rights institutions and children ombudsmen -** National human rights institutions and children ombudsmen should support children human rights defenders by working more closely with them, disseminating information about their mandate and helping children report and seek redress for human rights violations.
* **Training of local authorities and all professionals working for and with children** - Governments should put in place trainings of local authorities, especially the police forces, on how to ensure that children can have a safe space, be listened to and taken seriously when reporting a violation. These knowledge and skills must also be acquired by parents, social workers, counselors, lawyers, teachers, legislators, and all other professionals working for and with children.
* **Mainstreaming a positive image of children human rights defenders** – States must address the negative image and attitudes towards children human rights defenders so that children human rights defenders are not stigmatized by adults and their negative image are taken into account when they report violations. Adults must recognize that human rights work can take many forms, especially with the creativity and imagination of children.
* **(Increased) access to international mechanisms** – International mechanisms and inter-governmental bodies should put in place child-friendly platforms -in person or remotely through virtual engagement- to help children, especially those from marginalized groups, denounce human rights violations. The platforms should be accessible and inclusive to all children. National human rights institutions and children ombudsmen should help in the dissemination of these platforms.
* **Protection against reprisals** – States should put in place legislation and mechanism protecting children that have reported violations of human rights against any reprisals that may occur in response to their reporting.
* **Focal point for children’s rights** – Governments should have a clear focal point or coordination body on child rights and provide it with a clear mandate, sufficient authority and the necessary human, technical and financial resources to effectively coordinate action for children’s rights across different sectors at all levels, including the protection of children human rights defenders.

1. Inter-American Commission on Human Rights, Report “Towards a comprehensive policy of protection of human rights defenders” (2017), paragraph 8. [↑](#footnote-ref-1)
2. Ibid, para 336. [↑](#footnote-ref-2)
3. Other elements of the policy include the obligation to respect the human rights of human rights defenders, to prevent the human rights violations of human rights defenders (by creating a human rights culture that acknowledges the work of human rights defenders, training public authorities and by combatting structural problems) and the obligation to protect and guarantee the right to life and personal integrity of human rights defenders when they are confronted with a risks/dangerous situations. [↑](#footnote-ref-3)
4. A/HRC/37/51/Add.2, Report of the Special Rapporteur on the situation of human rights defenders on his mission to Mexico, 12 February 2018, paragraph 50. [↑](#footnote-ref-4)
5. While this submission focuses on children’s human rights defenders ability to report human rights violations, it should be noted that when the authorities have knowledge of the human rights violation of a human rights defender, they must initiate a serious, impartial and effective ex officio investigation and without delay. Furthermore, although the duty to investigate is an obligation of means and not of result, it must be undertaken by the State as a duty of its own and not as a mere pre-established and ineffective formality that depends on the impulse of the victims or their relatives. [↑](#footnote-ref-5)
6. Centre for Children’s Rights at Queen’s University Belfast, The Views, Perspectives and Recommendations of Children Across the World, page 9. [↑](#footnote-ref-6)
7. CRC Asia submission to 2018 DGD on Children Human Rights Defenders. [↑](#footnote-ref-7)
8. 2018 Day of General Discussion (DGD) 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-8)
9. Ibid, “Governments”, 3) Be protected against reprisals. [↑](#footnote-ref-9)
10. CRC Asia submission to 2018 DGD on Children Human Rights Defenders. [↑](#footnote-ref-10)
11. Ibid, “Lack of access to information”. [↑](#footnote-ref-11)
12. Centre for Children’s Rights at Queen’s University Belfast, The Views, Perspectives and Recommendations of Children Across the World, page 14 and 19. [↑](#footnote-ref-12)
13. Ibid, p15 and 18. [↑](#footnote-ref-13)