

Advancing the rights of Child Human Rights Defenders (CHRDs) through the Universal Periodic Review (UPR)

Thematic brief for UN diplomats

1. Who are child human rights defenders (CHRDs)?

All human rights defenders (HRDs) under 18 years old are child human rights defenders (CHRDs), based on the definition of the child in the UN Convention on the Rights of the Child (UNCRC). In 2018, the Committee on the Rights of the Child formally applied the definition of HRDs from the UN Declaration on human rights defenders (the Declaration) to children, in the context of its [Day of General Discussion](#) on “Protecting and empowering children as human rights defenders”.

In the last years we all have witnessed an unprecedented and increasing mobilization of CHRDs globally who are claiming space and attention to global political issues such as climate change, racial discrimination, and public health. Children, including very young children, are increasingly exercising their civil and political rights in many ways, including by organizing and attending peaceful protests, expressing their views through social media, conducting advocacy campaigns and engaging with politicians. The covid-19 pandemic has galvanized these movements even further, especially in the digital environment.

2. What is different for CHRDs?

CHRDs not only have the same rights as adult defenders, but the UNCRC expands some of these rights taking into account children’s distinctive social context. Children experience specific and additional challenges and violations when acting as HRDs because of their status in society, lack of political power, lack of voting rights and dependence on parents/guardians. Some children may face even more barriers based on their gender, ability, ethnicity, culture or because of where they live. Children are a distinct group of rights holders and therefore should not be subsumed to other groups, such as “youth” or “young people”.

3. Why is it essential to recognize CHRDs?

Because there is an on-going resistance to the idea that 1) children have rights, in particular civil and political rights, 2) children have the capacity to understand and claim human rights, and 3) children can and should be able to speak up and take action on human rights abuses. This resistance makes children particularly vulnerable and increases risks of harm when they take action for human rights. There is wide-spread lack of awareness that children have human rights as defenders, as provided by the Declaration on Human Rights Defenders. Children must be aware of the mechanisms at the national, regional and international level that can help them. Adults (together with children) must ensure these mechanisms are accessible to children and strengthen/create the systems where needed. Without an explicit recognition and inclusion of CHRDs in human rights standards and mechanisms, their specific rights and needs will continue to be overlooked and their violations will continue to go unreported and unredressed, and children who take action for human rights will remain vulnerable to risks of harm.

4. Why should the terminology of CHRD be used for children?

The term human rights defender is commonly used and understood for adults and there is no reason why it should not be used for children engaged in similar activity. Reading the existing normative frameworks (such as the ICCPR and CRC) in line with the UN Declaration on Human Rights Defenders affords the defenders specific legal protections and places obligations on States and other to act. These protections are just as important, if not more important for children, who are acting to defend human rights. It is therefore crucial that the official term is also used for children.

5. Where do we currently stand?

The definition of HRDs has only been formally and explicitly applied to children very recently, thanks to the 2018 [Day of General Discussion](#) of the UN Committee on the Rights of the Child. This discussion was informed by CHRDs from around the world and marked a turning point in awareness/knowledge about CHRDs activities and contributions as well as obstacles and issues which children face when taking action to advance human rights. To tackle one of the underlying issues, Child Rights Connect published, in 2020, a comprehensive analysis of the rights of CHRDs and [guidance](#) for their implementation. There is a general tendency to think that CHRDs is a semantic issue, with many even questioning the value of calling children HRDs. The Implementation Guide demonstrates that recognizing CHRDs is first and foremost a substantive matter. The main focus should be implementing the Declaration and the UNCRC; **using the term CHRDs in the context of standard-setting makes it explicit that the Declaration applies to children as well and should be implemented hand in hand with the UNCRC.** The Guide also highlights that there is a general lack of standards and jurisprudence from the international human rights mechanisms.

However, despite the increasing attention to the situation and rights of CHRDs, including by the Special Rapporteur on the situation of human rights defenders (SRHRD) or the Human Rights Council (HRC), too often children and CHRDs are simply forgotten in relevant discussions and processes due to lack of awareness, with the result that their specific rights are not taken into account, such as for example when developing legislation and protection mechanisms for HRDs. According to the Universal Human Rights Index, the UPR has never issued a recommendation specifically mentioning CHRDs. While many recommendations concern HRDs in general and some others youth, children have never been referred to as a specific group of HRDs to pay attention to, with the result that they are often left behind from the implementation of those general recommendations.

6. What can you do in the context of the UPR?

You can champion the rights of CHRDs by becoming the first State to make a UPR recommendation focusing on CHRDs. You can use Child Rights Connect's [Implementation Guide](#) as a tool to develop SMART recommendations. Civil society in Moldova has recently used the Guide to develop the first ever UPR civil society [report](#) entirely focusing on the rights of CHRDs. Three general recommendations on HRDs and human rights education that were given to the Republic of Moldova during its last UPR review were used to build specific CHRD recommendations. Regrettably, the recommendations weren't supported by recommending States in this UPR cycle; however, they are certainly relevant and adaptable to other contexts where CHRDs face similar challenges, and they can therefore be used for other State reviews.

Ensure that child human rights defenders are empowered to assess risks and access multiple, safe, child-appropriate mechanisms, including but not limited to school, alternative care, and other child protection facilities etc. to report violations of their rights and receive appropriate support and care.

Ensure that child human rights defender's civil and political rights are protected in law and that any restrictions on the exercise of these rights by children are lawful, necessary, proportionate, and non-discriminatory; and implement public awareness strategies (including parenting education) to support understanding of children's civil and political rights.

Ensure that all children in school (as part of compulsory national curricula), and out of school, receive human rights education, including to learn about their rights as child human rights defenders and how to promote and claim their rights, understand the rule for breaches of human rights in school and elsewhere.

Recommendation on CHRDs in a Moldova civil society UPR submission

Considering that the 4th UPR cycle will have a greater focus on follow-up, a key opportunity to introduce recommendations on CHRDs is to build on previous UPR recommendations related to the rights that are key for CHRDs, despite the absence of the word "CHRDs". For example, some of the UPR [recommendations](#) from the last review of Thailand are undoubtedly about CHRDs' right to freedom of peaceful assembly and association, as reflected in the civil society reports of [Amnesty International](#) and [Front Line Defenders](#).

Review the usage of lèse-majesté legislation in its entirety and especially against minors to comply with international human rights standards, including the Convention on the Rights of the Child.

End arrests and prosecution of children under article 112 and other articles related to security and public order in the criminal code, and ensure the respect of Thailand's obligations under articles 13, 15 and 37 of the Convention on the Rights of the Child.

Recommendations made to Thailand during its UPR review

The Human Rights Council (HRC) has called on several occasions for States to develop, support and protect safe and empowering environments for CHRDs (for example, [A/HRC/RES/40/11](#), [A/HRC/RES/45/30](#) and [A/HRC/46/7](#)). Below, a compilation of existing promising language based on HRC resolutions and other standards that can be used to develop SMART UPR recommendations on CHRDs.

Recognizing the positive, important, and legitimate role played by child human rights defenders for the promotion of human rights, as well as their specific rights and needs, States should provide a safe and empowering environment, both online and offline, for their initiatives and those of child-led movement, promote child-centred innovation and ensure protection from all negative consequences (such as acts of intimidation, harassment, deprivation of liberty and abuse) and reprisals.

Suggested language for a UPR recommendation on CHRDs based on existing Resolutions' text

Finally, it is important to note that the Committee on the Rights of the Child has been making specific recommendations on CHRDs in its Concluding Observations. These are important standards that the UPR should build on. Child Rights Connect monitors the Committee's recommendations on CHRDs



through its “Child participation and empowerment monitor” that is published at the end of every session of the Committee on Child Rights Connect’s [website](#).

The Committee urges the State party to promptly and thoroughly investigate all allegations of intimidation of human rights defenders, including child human rights defenders, and their families, and ensure that they have adequate access to justice and are protected from future harassment, intimidation, retaliation and violence. Concluding Observations of Rwanda

Strengthen protection mechanisms for human rights defenders and amend the Act of 20 June 2014 to ensure that child human rights defenders are addressed. Concluding Observations of Cote d’Ivoire

Involve children, including child human rights defenders, in its civil society cooperation framework. Concluding Observations of Angola

Concluding Observations from the UN Committee on the Rights of the Child

7. Conclusion

It is high time for the UPR to respond to the emerging reality of increasing numbers/mobilization/engagement of child human rights defenders globally and to their situations and needs, and issue recommendations that can have a concrete impact at the national level for the empowerment and protection of those children who take action to advance human rights.