



Working Group on discrimination against women and girls Call for input report on Girls and Young women's activism

Submission by Child Rights Connect

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1. Introduction:

Girls worldwide are speaking up on many human rights issues and are at the forefront of mobilisations and peaceful protests calling for action against climate change, social inequalities, gun violence, discriminatory laws, among others. Girls are acting as human rights defenders, challenging existing norms and practices and claiming their rights to be heard and participate in public affairs.

At the same time, girls face many barriers to exercise their civil and political rights in order to make their voices heard both because of their age and gender, in addition to other potential multiple and intersecting forms of discrimination.

The Special Rapporteur on the rights to freedom of peaceful assembly and of association reminds us in his recent report to the GA that children "In addition to having to confront all of the barriers faced by adults, they often face barriers affecting children in particular, including limitations imposed based on discriminatory policies and practices."¹ This also applies to girls.

We congratulate the UN Working Group on discrimination against women and girls (WG DAWG) for selecting "Girls and Young women's activism" for its next report.

2. Girl human rights defenders:

The 2018 Day of General Discussion of the Committee on the Rights of the Child on "Protecting and empowering children as human rights defenders" (2018 DGD) shed light on the generalized lack of recognition and understanding of child human rights defenders (CHRDs) and their rights, including girls, and identified major gaps in the protection of CHRDs' rights at all levels.

Girls across the world are acting as human rights defenders, although they do not always use the term to describe themselves and are not always seen or described as human rights defenders by adults. Part of this is connected to the potential lack of understanding by children, including girls, of what a human rights defender is and does. This is often because of the terminology used by adults, especially when referring to the activities undertaken by children, including girls, such as "civic engagement", "child" activist (as opposed to "human rights" activist), child/youth empowerment or "agents of

¹ <https://undocs.org/A/76/222>, para.45.



change". Girls should be free to choose what to call themselves. However, irrespective of that, they should enjoy their human rights both as children and as human rights defenders.

Therefore, the DGD 2018 clarified that the terminology of human rights defender is important because it come hand in hand with legal protections afforded by the United Nations Declaration on Human Rights Defenders and the overall framework of human rights treaties, and it is a way to reaffirm that girls, just like adults, are human rights holders, claimants, and defenders.

The former Chairperson of the Committee on the Rights of the Child (CRC Committee) expressed that the 2018 DGD "repaired a historical oversight in which people under 18 years of age who defended and promoted human rights were not considered human rights defenders and, therefore, did not receive the protection that this designation demands".²

In the development of the Child Rights Connect [Implementation Guide on the rights of child human rights defenders](#) (Implementation Guide), the following definition for a "child human rights defender", which is also applicable to girls, was agreed with the CRC Committee and other experts:

'Children who take actions to promote, protect and fulfil human rights, including children's rights, are human rights defenders, even if they do not see themselves as such, or are not considered and called as such by others.'

The report of the WG DAWG is an opportunity to call on stakeholders to recognise girls' activists as girl human rights defenders.

3. Lack of legal and policy standards and jurisprudence on girls' civil and political rights, in particular their right to participate in public affairs:

Given that in most countries children cannot vote, to ensure that girls' opinions are heard and taken into account, it is even more important that they enjoy their other civil and political rights as these provide the opportunities to influence public decision-making.

In the Child Rights Connect [Implementation Guide](#), one of the main obstacles that we have identified is the **lack of jurisprudence and standards on the exercise by children of their civil and political rights, including their right to participate in public affairs.**

There is a generalised misunderstanding that Article 25 of the International Covenant on Civil and Political Rights (ICCPR) on the right to participate in public affairs does not apply to children, given that the Convention on the Rights of the Child does not have a corresponding article, which expressly mentions participation in public affairs. Participation in public affairs is perceived as an "adult-only right" and has been used to justify systematic restriction of children's engagement in public life, such as the right to vote. The Committee on the Right of the Child (CRC Committee) clarified in its General Comment No.12 that Article 12 of the Convention on the Rights of the Child (CRC) on the right of the child to be heard "imposes an obligation on States parties to introduce the legal framework and mechanisms necessary to facilitate active involvement of the child in all actions affecting the child and

² Child Rights Connect, *The Rights of Child Human Rights Defenders: Implementation Guide* (December 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>



in decision-making”. Therefore, Article 12 of the CRC is a bespoke version of the right to participate in public affairs that recognises the distinct situation of children. Unfortunately, this is not widely understood, and Article 12 has mostly been used to promote child participation in contexts other than public affairs, without empowering children to exercise their civil and political rights as enshrined in the CRC (Article 13-17 of the UNCRC on freedom of expression, freedom of thought, conscience and religion; freedom of association and peaceful assembly; right to privacy and protection from attacks to reputation; and access to information in the media).

The [Implementation Guide](#) stresses that the United Nations Declaration on Human Rights Defenders is a useful bridge between the ICCPR and the CRC. By stating that “everyone has the right to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of public affairs”, Article 8 of the Declaration reinforces the intersection between Article 25 of the ICCPR and Articles 12 and 13-17 of the CRC. It provides support for an interpretation of Article 12 recognising that **a child’s engagement in public affairs is in itself a matter affecting the child and States should seek the views of children and take them seriously on issues that are of public interest and may not affect the child directly, bearing in mind that there are very few, if any, child-neutral policies or programmes.**

The report of the WG DAWG is an **opportunity to raise awareness of the lack of understanding, standards and jurisprudence on the exercise by children, and therefore girls, of their civil and political rights and the important role that the UN, including Special Procedures can have in developing guidance.**

States should:

- recognise that a child’s engagement in public affairs is a matter affecting the child and should seek the views of CHRDs and take them seriously on issues that are of public interest and may not affect the child directly, bearing in mind that there are very few, if any, child-neutral policies or programmes;
- adopt and implement legal and policy frameworks guaranteeing all children’s civil and political rights enshrined in the CRC, building upon and including the views of children;
- ensure that any restrictions on the exercise of these rights by children are lawful, necessary, proportionate and non-discriminatory;
- ensure that girls enjoy access, without discrimination, to information online and offline, and that they are able to access information in an accessible and child-friendly manner on the potential risks involved in acting as CHRDs so they can make informed choices and navigate in the balancing of rights;
- create safe and child-friendly online and off-line spaces for girl human rights defenders, where they can safely organise, assemble, and engage with decision makers, while ensuring that girls enjoy their right to privacy and protection from attacks on their reputation;
- seize the accelerated digital shift to enhance inclusivity of girls in vulnerable situations by bridging the digital divide;
- provide police forces, educators and other professionals that work with girls training on children and girls’ rights, and develop policies and practices for these professionals that enable girls to exercise their civil and political rights safely;
- ensure an enabling civic space that supports child and girls-led groups, with flexible and sustainable funding and non-financial support as well as the activities of civil society organisations that support girls to exercise their civil and political rights; and



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- ensure that girls have access to multiple, safe, child-appropriate mechanisms to report reprisals, violence and abuse, seek redress for violations and receive support and care for physical and psychological abuse.³

4. Trends on challenges and risks:

It is needless to say that the multiple challenges faced by women human rights defenders can be compounded for girls, manifesting themselves to different degrees or in different forms at different ages. Older girls may face discrimination due to limits on their decision-making power as children as well as the discrimination more commonly associated with adults like gender-based violence and barriers to accessing sexual and reproductive health and rights and services. A girl from an indigenous community, or with a disability for example might experience discrimination based on her ethnicity, age, gender and ability status.

It has been widely recognized that girl human rights defenders experience additional difficulty when they act as human rights defenders, as it challenges ‘accepted socio-cultural norms, traditions, perceptions and stereotypes’ about the role and status of women in society and that this can, in certain contexts, lead to hostility or lack of support from the general population, as well as from the authorities. These challenges impact disproportionately on girls who experience fear, threats, violence and stigmatization not just because they are children, but because they are both young and female. Secondly, the nature of violence and threats facing girls is often different from that facing other children. Girls are more likely to face sexual harassment and violence, which is often intended to silence girls and deter others from speaking up. Thirdly, many girls are advocating on issues related to gender equality, which is often perceived as controversial and may put them at extra risk.⁴

Finally, it is important to clarify that the risks and harms that girls may face when defending human rights may come as a consequence of being a child and it does not always have to involve violence.

An emblematic example of severe harm caused by a child rights violation not involving violence is what happened to many of the school strike children who got punished by their schools for having participated in climate related protests and were not allowed to sit their final exam. Undoubtedly, the impact of such measure on a child’s life is massive and this example helps understanding the age-specific risks that girl human rights defenders face due to their special and dependent status in society, including prevailing social and cultural norms.

“After the strike, the administration of a school from which several students came to strike gathered everyone from the school to threaten to expel the students who participated in the strike during school. They threatened with expelling or not admitting to the final exam.” Girl human rights defender, 17yo⁵

³ Child Rights Connect, *The Rights of Child Human Rights Defenders: Implementation Guide*, p.75-76 (December 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>

⁴ Child Rights Connect, *The Rights of Child Human Rights Defenders: Implementation Guide* (December 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>

⁵ See Inputs to new General Comment of the HR Committee: Right to Peaceful Assembly by a group of children and young people from Moldova, available at: https://www.ohchr.org/Documents/HRBodies/CCPR/GCArticle21/NGO_CRIC.pdf



The Convention on the Rights of the Child provides children with enhanced protections from abuse and harm in recognition of the fact that they may be physically weaker, more dependent, less mature, less powerful and more vulnerable to abuse, ill-treatment and torture. Children are affected by distinct forms of harm from adults, such as the use of physical punishment, and they operate in distinct contexts, e.g. school, which provide a distinct arena for additional types of harm such as bullying by peers and punishment by teachers. States must refrain from causing harm on girl human rights defenders, but also, they must do everything they can to protect girls from actions, such as threats and abuse by non-State actors, including reprisal by family, teachers, peers, religious leaders or members of the community or the general public, online and offline, for their activities as defenders.

The report of the WG DAWG is an opportunity to clarify that the harm that girl human rights defenders face is distinct from those faced by adults, and it may not only include fear, threats or violence, but also violations of their other rights, such as not allowing them to exercise their civil and political rights or their right to education.

5. The role of parents/family, schools or members of the community.

Something that is distinct from child/girl human rights defenders compared to adults, is the role that parents/family/caregivers, schools or members of the community play in supporting their activities in defending human rights.

These actors play a unique role in empowering girls to understand their rights and defend their rights, but they can also act as a barrier and not allow girls to undertake activism in many instances under the pretext that activism can be dangerous or that it's not appropriate.

The State has the obligation to ensure that girls can exercise their civil and political rights in a safe manner, rather than restrict those rights. Given that girls' exercise can also be restricted by caregivers and schools, it is important to raise awareness and promote a positive narrative about the importance of empowering girls to understand and exercise their rights in a safe manner, including by developing training programmes for caregivers, communities, teachers and other educators on how to support and empower girls to exercise their rights.

The report of the WG DAWG is an opportunity to shed light on the important role that parents/family/caregivers, schools or members of the community play in supporting girl human rights defenders and how can States assist them in their role.

6. Increasing girls' participation at the international and regional levels.

Participation of children, including girls, is very limited in international and regional fora and children face many barriers, for instance: lack of adequate and accessible information about the UN, age limitations to obtain accreditations, denial of visas to travel to participate in UN fora, and lack of a framework or specific modalities for a safe, empowering, and sustained engagement by children.

In international and regional fora there is a predominant 'protectionist' approach towards children, which instead of promoting children's safe participation as equal stakeholders, limits children's participation or their engagement is ad hoc and anecdotal. The lack of guidance and safeguarding



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standards for children's empowering participation is used as an excuse to exclude children, including girls, from discussions held in intergovernmental bodies and activities organised by UN bodies, agencies and regional mechanisms.

Some good examples that address these gaps include:

- The project established between the United Nations Environment Programme and Child Rights Connect looking at developing and making available accessible resources and tools for children on human rights and the environment, including a child-friendly version of UNEP's Policy on Promoting Greater Protection for Environmental Defenders to raise children's awareness of the opportunities presented by the Policy, to ensure the Policy is accessible to children, and to empower them to report violations of their rights as defenders, as well as an internal procedure for UNEP staff on a child-focused implementation of the Policy, empowering staff to appropriately deal with allegations of violations reported by children.
- The *2020 European Commission study on child participation in EU political and democratic life*⁶ analysing how participation of children takes place across the European Union (within EU institutions and countries) in order to advance child participation in in the EU political and democratic life.
- Consultations with children by OHCHR and Special Procedures on their reports.⁷

The WG DAWG is leading by example by consulting with girls in its work. This report is an opportunity to encourage international and regional processes and mechanisms, including Special Procedures as a whole, to develop child participation and safeguarding procedures and practices.

⁶ See https://ec.europa.eu/info/study-child-participation-bibliography_en

⁷ See

https://sustainabledevelopment.un.org/content/documents/24291OHCHR_ChildRightsReport_HLPF_July19.pdf; <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/environmentandrightschild.aspx>