Summary on the briefing on Child Human Rights Defenders (CHRDs) and the Universal Periodic Review (UPR)

The briefing on Child Human Rights Defenders (CHRDs) and the Universal Periodic Review (UPR)[[1]](#footnote-2) took place on 5 September 2022 from 13:00 to 14:00 CET at the Child Rights Connect office and on Zoom.

Aims of the briefing

The discussion comes ahead of the fourth cycle of the UPR, which will focus on children's human rights defenders (or CHRDs) worldwide, in particular how we can use the UPR mechanism to strengthen the empowerment and protection of the growing number of children working to promote and protect their own human rights and the human rights of others. This brief for the UN - which can also be used by civil society - will be used to call for specific UPR recommendations on the rights of children who act as defenders. Through this discussion, we can identify how the UPR can be used to increase the recognition of human rights defenders and promote and implement their rights. It is important that we do this because CHRDs remain largely invisible and are left behind in the standard-setting and jurisprudence of international human rights mechanisms and subsequently in action at national and local levels.

Speakers

* Alex Conte, Executive Director, Child Rights Connect

Alex Conte explained that CHRDs not only have the same rights as adult defenders, but that the UN Convention on the Rights of the Child (UNCRC) expands on some of these rights, taking into account the particular social context of children. Children face particular and additional challenges when acting as human rights defenders. This is due to their status in society, lack of political power, lack of the right to vote, general prohibition on peaceful assembly, obstacles to forming associations and dependence on their parents/guardians, which can lead to rights violations. Both the UNCRC and the UN must be implemented hand in hand. The use of the term 'CHRDs' can help to clarify this. A first important point is the explicit mention of children as human rights defenders.

* CRIC Moldova, Child and young human rights defenders (CHRDs) supported by CRIC Moldova

Elvira and Gheorghe are young human rights defenders in Moldova who have been active as CHRDs for several years at the national level and more recently at the international level. They are supported by our member organisation CRIC Moldova. They started campaigning for human rights in Moldova as children at the age of 13. Some of them have been campaigning for human rights for years. Others are still learning how to advocate for human rights and how to make their voices heard about the problems they see in their communities and in society at large. They advocate for human rights individually without belonging to a structure, such as a student council or a non-governmental organisation. They advocate for various white issues, such as sex education in schools, women's rights, the LGBTQ community and many others. Nevertheless, they encounter difficulties. One of the most important is the fact that they are not taken seriously by teachers, local public administration and the national government. Sometimes they are not taken seriously by international organisations either, as in the UPR process. It is therefore necessary that they are recognised and taken seriously.

Some of them participated in the UPR process for their country, Moldova, where they discussed the situation and challenges related to child rights defenders. During this process, they had the opportunity to present and discuss the situation of human rights defenders in separate meetings with representatives of Germany and Mexico. Mexico developed a recommendation for a model for human rights defenders and proposed it for adoption in a participatory and inclusive process. They are committed to raising awareness of human rights among the authorities, as they face major challenges due to the lack of recommendations on children and human rights defenders. They want the state to recognise children as human rights defenders and to meet with children's human rights defenders to hear their concerns and recommendations so that children are taken seriously as human rights defenders.

* Ms Mary Lawlor, Special Rapporteur on Human Rights Defenders

Ms Mary Lawlor shared her comments and views on how we can strengthen the recognition and rights of child human rights defenders through the UN human rights mechanisms. She began her mandate in 2020 and decided that child human rights defenders and young human rights defenders should be a priority during her mandate. Since then, she has increased her efforts to highlight the challenges faced by child human rights defenders, but also the enormous contributions and achievements for the human rights defender community. Ms Lawlor says that CHRDs are at the forefront of raising awareness about issues such as climate change and environmental degradation, bullying in schools, the practises of business enterprises that negatively impact the environment and local communities, and issues related to lack of education. At the same time, children are disenfranchised and often excluded from public and political life. Ms Lawlor emphasises the need to strengthen children's agency, self-esteem and knowledge so that they can participate in the public decision-making process. An enabling political, social and cultural environment needs to be created. This means that the right spaces and processes must be in place. Governments should actively work to create these spaces so that children (including those from marginalised and disadvantaged groups) can make their voices heard.

In addition, it is important to recognise the many challenges and gaps we face in giving a voice to children advocating for human rights and to ensure that these voices are heard by relevant institutions, individuals and diplomats. Young people should continue to participate in public life. The more stakeholders and agencies are aware of the existing human rights framework and the legal and practical challenges children face when advocating for human rights, the more traction and acceptance there will eventually be. Ms Lawlor will continue to raise awareness of children as human rights defenders wherever and whenever she can.

From her discussions with government agencies, representatives of the UN, civil society and other stakeholders, it is clear that there is very little awareness of the fact that the UN Declaration on Human Rights Defenders also applies to child rights defenders. More needs to be done to ensure that awareness is raised and to develop the right materials for governments and children themselves. The UPR is one of the mechanisms that can be used strategically to consistently recognise children as human rights defenders and promote their protection and empowerment. It is important to involve children themselves in the review and to ensure that proposed recommendations take into account the challenges children face as human rights defenders and the environment in which they work. It is also important to systematically advocate for the concerns of human rights defenders in the countries under review, and to provide input on child rights defenders whenever available. The recommendations are not sufficient when it comes to child rights defenders, because even if they are formulated in a general and all-encompassing way, they usually have adult human rights defenders in mind, not children. They also do not reflect the concerns and circumstances of child rights defenders. The mechanisms, including those for special procedures and mandate holders, do not receive information or input on child rights defenders, which is because children, parents and other stakeholders are not aware that such mechanisms exist. In addition, it is often very difficult to obtain the consent of parents or other legal representatives. In addition, the names of minors listed in communications to governments may not be made public, even in cases that are widely known and reported.

In addition, stakeholders and networks dealing with children's human rights defenders need to make more efforts to ensure that cases are referred to the appropriate mechanism so that communications can be issued and specific recommendations made. All mechanisms established for human rights defenders should be known and accessible to children. However, children are often unaware that they are human rights defenders and often do not identify themselves as such, especially when they are children and communities or their parents oppose their efforts to defend themselves. There is also considerable resistance to children's activism in society. Ms Lawlor concludes that existing protection mechanisms should raise awareness and ensure that children who advocate for human rights can use these mechanisms on an equal basis.

* Ms Mikiko Otani, Chairperson of the UN Committee on the Rights of the Child

Ms Mikiko Otani reflected on the need for greater and stronger UN recommendations to the UN Member States focusing on the rights of CHRDs, and how the Committee sets an example in this regard. He said that there is resistance to the concept of children as human rights defenders. However, it is necessary to use the term "child human rights defenders" because children work to protect their own rights and the human rights of others. They have the same rights as human rights defenders and the importance of their role needs to be highlighted. They have the right to protection and the corresponding obligation of the state to respect and protect them. Therefore, their protection will ultimately be enhanced if we are open enough to reflect the reality of their existence and actions. Children are inherently rights-bearers; we must therefore put them on an equal footing with adult human rights defenders. Stronger recommendations need to be made to States focusing on the rights of child defenders and how the Committee has worked in this regard. States and governments have a duty to protect children because they are denied the exercise of their rights. Last but not least, he emphasised that the CRC action is country-specific and that the dynamics of the UPR require the commitment and thus awareness of all UN Member States.

* Eamonn Mac Aodha, Chargé d’Affaires, Permanent Mission of Ireland

Eamonn Mac Aodha reiterated his support and commitment to children's participation in the UPR and more broadly on CHRDs. He said Ireland was very impressed with the work and commitment of child rights defenders to protect and promote human rights in Ireland and around the world. He added that CHRDs not only engaged in issues that directly affect them, such as the right to be heard and the right to education, but also in broader areas such as the promotion of racial justice, climate justice, which is very important in the context of human rights defenders and gender equality. Recognising individuals as human rights defenders of children is crucial to ensure that they are protected under the law.

In addition, Ms Mac Aodha stated that the Prime Minister has reported on the work and experiences of child rights defenders advocating for GBTI+ rights at international forums in 2021. In April 2021, Ireland introduced a national framework for the participation of children and young people in decision-making. This national framework aims to ensure that children are provided with safe and inclusive opportunities to form and express their views, that the expression of their views is facilitated and that their views are heard and taken into account. In this regard, CHRDs can play a key role in the UPR process. Mac Aodha emphasised that children who speak up for human rights are both the present and the future. He reminded us of the importance of creating platforms that provide safe and inclusive opportunities to form and express opinions, and to ensure that these opinions are heard and followed. He hoped that the national framework will further empower CHRDs in all areas of public decision-making and that it will also serve as an example of good practise. Ireland recognised this when it produced its national report last year and conducted consultations with over 1100 children. The way Ireland is implementing its international obligations and the fourth cycle of the UPR provide us all with a moment of reflection and an opportunity to be courageous. Last but not least, Ms Mac Aodha says that Ireland will call on other Member States to champion child rights defenders by making specific recommendations on child rights defenders and their important role in the civil society space - not just as tomorrow's adults, but as today's citizens who effect change.

* Ambassador Fernando Espinosa, Deputy Permanent Representative, Permanent Mission of Mexico

Fernando Espinosa advocates for children's rights, especially the rights of girls and in the context of girls' activism. Mr Espinosa says that in Mexico more children are participating in public life, both online and offline, to protect the environment and some other issues. Mexico has a general law, the General Law on the Rights of Children and Adolescents, which recognises them as rights-bearers and refers very specifically to the right to access information and to participate, including in the exercise of their human rights, and to freedom of expression. Mexico has a law on the promotion and defence of their rights, which includes the term human rights defenders, including children. The promotion of human rights, especially the human rights of children and human rights defenders, is one of Mexico's main foreign policy priorities in the field of human rights. For this reason, Mexico has sought to advance standards in the Human Rights Council in Geneva. Together with Argentina and Chile, Mexico has presented a resolution on the elimination of all forms of discrimination against women and girls, especially in public. This resolution calls on all States to develop, support and protect an enabling environment for the full, effective, meaningful and equal participation of civil society, including women human rights defenders, in the creation, design, implementation and monitoring of all laws and policies relevant to the achievement of effective gender equality. In the context of the UPR, Mexico usually makes some recommendations on the protection of children's rights.

Mr Espinosa also stressed the importance of a comprehensive law on human rights defenders, which must be adopted through a perceived participatory and inclusive process. Mexico is very supportive of the UPR process and advocates for greater participation of children to better protect and promote human rights globally and to address their very specific situation and needs. Mr Espinosa stressed the importance of a broad national definition of human rights defenders that can be addressed inclusively. It is beneficial for Mexico to implement this comprehensively to enable full, effective and meaningful participation of human rights defenders in different contexts. Last but not least, he highlighted the importance of the UPR recommendations that aim at inclusive participatory processes.

* Petcharat Saksirivetkul, Campaign Manager, Amnesty Thailand

Petcharat Saksirivetkul has recently received the UPR recommendations, many of which focus on CHRDs, but children have not yet been mentioned - only young people. A bigger step needs to be taken and attention drawn to the recognition and uniqueness of the child. Recognition is important for civil society like Amnesty and other local organisations to translate the country's promises into action. Ms Saksirivetkul added that students protest and participate in a larger movement at school, university, in the community and on the streets. They can question the government about human rights violations in the country and in the world. More and more students and child rights defenders are being harassed psychologically, physically and legally. A child can be imprisoned for up to 15 years, which means that the right to life and future cannot be protected and fulfilled from the actions of their own state. He also explained that the Thai judiciary uses the UPR as a friendly mechanism. By adopting this terminology, it will assess the national level in lobbying and campaigning to create local mechanisms to protect and promote human rights. Last but not least, he stressed that the UPR recommendations must be specific. He learned that specific reference to children and CHRDs is essential, as in practise often only persons aged 18 and over are covered, thus excluding children and CHRDs. Otherwise, national efforts to implement the UPR recommendations in an inclusive manner will be undermined.

* Closing remarks: Laura Sinner, Programme officer, UPR info

Laura Sinner has worked to improve children's knowledge of the UPR, but also to strengthen children's participation in the EU. She explained that a child-friendly guide to the UPR was developed in December 2020. It is called "UPR and Me", The Guide to Participating in the UPR and is available in four languages: English, French, Spanish and Portuguese. The importance of this guide is more to raise children's awareness of the mechanism and how they can participate in it at all stages, not just as advocates. The reason for developing the guide was also that there is a great lack of child-friendly information about human rights mechanisms in general, and the UPR is no exception, and also about how they can participate in the mechanism. The UPR is the only mechanism that covers all human rights and therefore offers the possibility to raise new issues. On the part of UPR Info and in collaboration with Child Rights Connect, work is being done to facilitate the participation of children as spokespersons in UPR proceedings. Finally, she reminded us that the UPR process is an international advocacy platform for civil society organisations and national human rights institutions to raise their human rights concerns with all permanent missions in Geneva and propose recommendations that they would like to see included in their countries' review.

1. You can find the briefing we launched during the event here: <https://childrightsconnect.org/wp-content/uploads/2022/06/upr-brief-chrds-v3-2.pdf> [↑](#footnote-ref-2)