

# Guidance Note of the Secretary-General on Child Rights Mainstreaming

Draft – February 2022

## Introduction

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When adopted in 1989, the Convention on the Rights of the Child (CRC) enshrined, for the first time in international law, the recognition of children as subjects of the full scope of civil, political, economic, social and cultural rights<sup>1</sup>, a culmination in the evolution of the concept of childhood and a paradigm shift from the perception of children as the property of their parents. Since then, the Convention became the most ratified international human rights treaty in history and has prompted deep, transformative changes for children across the world, including with support from the UN. More children than ever before now have access to health, education, protection, and participation opportunities.

Yet, child rights today are often misunderstood, disregarded, or disputed.

Despite progress across all regions, children – i.e., all human beings under 18 – are still largely regarded as the objects of adults' goodwill; mere recipients of services; or solely as a 'vulnerable group', rather than individual subjects of rights and empowered agents in the exercise of their rights. A normative pushback against child rights is taking place globally, including in intergovernmental fora, threatening to undermine the integrity of international standards pertaining to children – for example in relation to gender or civil and political rights. Across the UN system, the rights of children – who make up 30% of humanity<sup>2</sup> – are not systematically considered in system-wide or entity-specific policies, strategies and approaches and are generally seen as the exclusive responsibility of a few entities.

Against this backdrop and with this guidance note, the Secretary-General of the United Nations mandates the mobilization of the UN system to collectively strengthen and elevate a shared UN child rights agenda. Systematic attention to child rights is necessary for the UN to be fully inclusive and able to deliver on its mandate across all pillars, including upholding 'all rights for all people'<sup>3</sup>, achieving the Sustainable Development Goals (SDGs) and ensuring peace and security. The multiplicity of crises facing children in the world today – armed conflicts, natural disasters, climate change, increased poverty, persisting inequalities and the impact of Covid-19 on social protection, education, health, mental health and psychosocial wellbeing, violence and exploitation – adds urgency to this necessity.

For the purpose of this guidance note, child rights mainstreaming is understood as a strategy for making children's rights, including their meaningful participation, an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes of the United Nations system, and for assessing the implications for children of any action taken by the UN<sup>4</sup>. It covers policies, programmes and actions that are both external and internal/operational. The Secretary-General's Call to Action for Human Rights and the UN Guidance Note on Protecting and Promoting Civic Space provide an overarching framework for participation of a diversity of actors in UN's work, including children.

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<sup>1</sup> Other international instruments, such as the ICCPR (1966), ICESCR (1966) and the ILO Convention 138 (1973) had previously recognized children as subjects of rights, although in a more limited manner.

<sup>2</sup> [UNICEF DATA - Child Statistics](#)

<sup>3</sup> The Highest Aspiration, SG Call to Action for Human Rights

<sup>4</sup> Inspired by [ECOSOC AC 1997,2.DOC \(un.org\)](#)

Child rights mainstreaming involves a recognition that: (1) children are full-fledged rights holders, with a distinct set of rights requiring distinct UN action; (2) children are experts in their own lives and their meaningful participation is necessary for the adequacy and efficiency of UN action; (3) children face specific obstacles in exercising and claiming their rights because of their status as children; (4) child rights are relevant to all advocacy, policies and programmes of the UN across all three pillars (peace and security, human rights, and development) of the UN Charter; and that (5) external and internal UN advocacy, policies and programmes can affect children differently than they affect adults. It also involves a combination of both integrated and targeted actions as follows: (1) making child rights an explicit, systematic and sustained consideration in established processes and procedures, both across the UN system and within entities; and (2) employing targeted interventions to address specific constraints and challenges faced by children.

## Guiding principles

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### 1. Child rights are human rights

As all human beings, children are subjects of rights. At the international level, child rights – a term designating the human rights of children – include the rights listed in the Convention on the Rights of the Child and its Optional Protocols; the rights enshrined in international human rights treaties applying to all human beings; and the rights put forth in other relevant international instruments such as the ILO Minimum Age Convention, the ILO Worst Forms of Child Labor Convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children<sup>5</sup>. Under these instruments, children are full-fledged rights holders, independently from their parents or guardians. The instruments establish a direct relationship between the child and the State that challenges the presumption that parents have rights of ownership over the child. As stated by the Committee on the Rights of the Child, ‘States must see their role as fulfilling clear legal obligations to each and every child. Implementation of the human rights of children must not be seen as a charitable process, bestowing favours on children’<sup>6</sup>.

### 2. Child rights are everybody’s business across all three pillars of the UN

‘Within the United Nations, human rights must be fully considered in all decision-making, operations and institutional commitments’<sup>7</sup>. As child rights are intrinsic to human rights, they are relevant to the work of all entities of the UN system and should constitute an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes across all three pillars of the Charter. All organizational policies, programmes and practices have a role in contributing to the realization of child rights and all entities must be mindful of the implications for children of any action taken under their respective mandates. Accordingly, each UN entity must build an understanding of how its mandate applies to children.

### 3. Children are distinct rights holders with specific set of rights

All persons under 18 years old are children. They constitute a group of distinct rights holders under international law<sup>8</sup>, whose physical, social, emotional, and cognitive development underpins their evolving

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<sup>5</sup> Supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> Committee on the Rights of the Child, General Comment 5, 2003, CRC/GC/2003/5, paragraph 11.

<sup>7</sup> SG Call to Action for Human Rights.

<sup>8</sup> Convention on the Rights of the Child, article 1: a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

capacities<sup>9</sup> -- i.e., the fact that they are gradually gaining maturity and the capacity to exercise their rights independently from adults. It is central and unique to the CRC to simultaneously recognize children as active agents in their own lives, entitled to be listened to, respected and granted increasing autonomy in the exercise of rights, while also granting them protection in accordance with their ongoing development. Each time that it is relevant, children should therefore be explicitly mentioned, and their specific rights expressly reflected, in all relevant UN strategies, plans, documents and communications, and not be subsumed in other, different groups such as 'youth' or 'young people'. These terms are not defined by international law and describe a separate demographic with different (sometimes overlapping) rights. Similarly, although girls are often grouped in a single category with women, they in fact should be recognized as a distinct group of rights holders. Persons under 18 should not be treated as adults under any circumstances.

#### **4. Child rights are indivisible, interdependent, and interconnected**

The Convention on the Rights of the Child sets forth the full scope of child rights: civil, political, economic, social and cultural; and child rights, as all human rights, are indivisible, interdependent and interconnected. Therefore, equal attention should be given to all categories of rights and to all rights, including civil and political rights that are particularly neglected but equally central to what it means for children to be rights holders. The UN system should pro-actively safeguard the indivisibility of child rights and promote the realisation of all rights. As with adults, children have the right to be human rights defenders and to be protected when exercising this right<sup>10</sup>. The UN system should empower and support the protection of child human rights defenders.

#### **5. All UN action should give primary consideration to the best interests of the child**

The CRC requires that the best interests of the child be a primary consideration in all decisions and actions likely to affect children. The UN system should therefore incorporate due consideration to the best interests of the child in all UN wide initiatives and entity-specific external action, as well as in its own internal operations. This requirement demands a continuous process of child rights impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child rights impact evaluation (evaluating the actual impact), built into all relevant processes (both external and internal) from the outset. It also requires that all due diligence processes include full consideration for child rights, as well as child safeguarding.

#### **6. All UN action should promote equality and non-discrimination**

Child rights should be upheld for all children independently of their status and without discrimination. Children do not constitute a homogenous group, or necessarily a 'vulnerable group' altogether, but must be considered in their full diversity<sup>11</sup>. In order to identify and address the violations affecting children in particular, all internal UN data management systems, as well as regional and global indicators, should

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<sup>9</sup> Pending: Add a reference scientific evidence that explains child development and brain development as an argument that corroborates the need for a different treatment – to be issued by UNODC at the end of March.

<sup>10</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, art. 1; General Assembly, March 1999.

<sup>11</sup> '82 percent of Common Country Analyses identify children as a group at risk of being left behind, they are often regarded as a homogenous group, ignoring the different intersecting grounds of discrimination, including on the basis of gender, sexual orientation, ethnicity, citizenship, and ability.' Review of New Generation Common Country Analyses and UN Sustainable Development Cooperation Frameworks; Inter-agency UNSDG Human Rights Focal Points Network; May 2022.

feature disaggregation by age (below/above 18), gender and grounds of discrimination in recognition that some groups face greater, sometimes intersecting, discrimination. Similar breakdowns should be promoted for national systems. Additionally, the UN system has a responsibility to draw particular attention and resources to the children who are the most discriminated against, as well as to actively combat the normative erosion of equality in and before the law.

## **7. UN action should promote and include meaningful child participation**

Children have the right to express their views freely and be heard in all matters affecting them, and to have their views given due weight, in accordance with the CRC. Child participation should be an integral and systematic consideration of all UN policies and programmes at both entity level and UN-wide, and adequate opportunities for children to be heard in UN processes and fora, including when designing, implementing, and evaluating UN strategies, plans and approaches, should be established, reaching out to diverse groups of children. To this end, collective capacities across the whole system should be enhanced to ensure that such participation is 'effective and meaningful', defined by the Committee on the Rights of the Child as: 'transparent and informative; voluntary; respectful; relevant; child-friendly; inclusive; supported by training; safe and sensitive to risk; and accountable'<sup>12</sup>. In order to promote meaningful participation, the UN should also ensure that information on children's rights is available for all children, including in child-friendly and accessible formats.

## **8. The UN should promote accountability and redress for child rights violations**

Accountability for rights violations, a core human rights principle, is core to child rights as well. Yet, while millions of children have their rights violated every day, only a fraction are able to come forward and seek redress, and even fewer obtain an effective remedy. Furthermore, children are rarely included in UN access to justice programming. The UN system should support children's access to justice and the exercise of their right to an effective remedy, as part of its broader rule of law initiatives, including during and after armed conflicts. UN entities should also ensure that child rights are fully integrated in the work of the human rights and accountability mechanisms. Finally, they should establish or strengthen internal accountability processes to prevent and address any administrative breach or rights violations affecting children as a result of their own operations.

## **Framework for UN action**

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The UN system should elevate child rights in both external advocacy, policies, and programmes, and internal operational policies and practices, as follows:

### **A. External UN policies, advocacy and programmes**

#### **UN external policies and strategic plans**

- All UN (both UN-wide and entity specific) policies, strategies, plans, and approaches across all pillars to consider child rights in an explicit, systematic, and sustained manner. This includes unpacking the implications for children of the SG Call to Action for Human Rights and of Our Common Agenda

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<sup>12</sup> Committee on the Rights of the Child, General Comment 12 on the right of the child to be heard (2009), CRC/C/GC/12, paragraph 134.

including the New Agenda for Peace; and integrating child rights in all human rights mainstreaming efforts across the UN.

- Each UN entity to develop an understanding of how its mandate relates to child rights and to articulate its commitment to child rights, as applied to its mandate, in its main strategic documents and resulting plans, targets, and indicators.
- All UN entities, as part of their human rights based approach, to systematically consider the Convention on the Rights of the Child, its Optional Protocols and the concluding observations and General Comments from the Committee on the Rights of the Child, as well as child-related recommendations from other treaty bodies, Special Procedures mandate holders, the Universal Periodic Review (UPR), the ILO supervisory bodies and relevant resolutions from the General Assembly, Human Rights Council and the Security Council, as part of their policy and programming framework.
- OHCHR, as the entity mandated to support human rights mainstreaming in the UN, to integrate the present guidance into its wider human rights mainstreaming, including efforts towards implementing the SG Call to Action for Human Rights and Our Common Agenda. This requires inter alia strengthening the Office's child rights mainstreaming capacity and integrating child rights in the Office's action at headquarters, regional and country levels, as well as through the various human rights mechanisms.

### **Advocacy and Communication**

- UN officials, including at the most senior level, to champion child rights and speak up for child rights, at country level and intergovernmental fora, including the General Assembly, the Human Rights Council, the Security Council and the Commission on Crime Prevention and Criminal Justice.
- UN internal and external communications to pro-actively promote child rights and use rights-based language and imagery that explicitly recognizes children as independent rights-holders and empowered, diverse agents in the exercise of their rights and in particular to refrain from referring to children as a homogenous vulnerable group or as a "threat to peace and security", as heard in contexts such as counter-terrorism. Messaging should aim at emphasizing that all individuals under the age of 18 years should be considered and treated as children, regardless of their alleged involvement in criminal offenses, including terrorism-related offenses. In this context, the principle that children associated with criminal and armed groups, including terrorist groups, should be considered and treated primarily as victims, should be particularly highlighted.
- UN entities to join efforts in designing and implementing UN-wide child rights campaigns targeting both children as rights holders and adults as duty bearers, including to disseminate key messages from the present Guidance Note of the Secretary-General.
- UN entities to reach out to children, with due regard to appropriate safeguarding considerations, including through social media and schools, to explain what they do to advance children's rights in a way that is accessible and child-friendly, and to consider translating relevant international human rights provisions into child-friendly and accessible language.
- UN entities to consider the appointment of children, including from discriminated groups, in external representation capacities, including for example through entity specific 'Ambassador' programmes, using peer selection processes.

### **Country programmes**

- UNCTs to incorporate the full spectrum of child rights as an integral part of all UNSDCF/Cooperation Frameworks in countries throughout the programming process, starting with the initial planning stages. This includes full consideration of the situation of children as defined by an in-depth situation

analysis and use of the recommendations from the Committee on the Rights of the Child and other mechanisms in the CCA and throughout the UNSDCF/Cooperation Framework planning, implementation, monitoring and evaluation.

- Humanitarian Country Teams to ensure that children are an integral part of the implementation of the Inter-agency Standing Committee (IASC) protection policy, in all aspects of humanitarian action and across the humanitarian programme cycle.
- UN entities to explicitly include a requirement and guidance on integrating child rights at all stages of the programme cycle in respective programming guidance, from the inclusion of child rights in situation analyses; breakdowns by age in data systems; integration of age dimension in existing programmes with linkages to intersecting forms of discrimination; identification of additional programmatic entry points/targeted action as needed; and child rights indicators in evaluation guidelines.
- UN entities to make child rights an integral component of Human Rights Based Approach to Programming (HRBAP) guidance and capacity building at both UN-wide and entity level, including by adding or strengthening aspects related to child participation, child safeguarding, consideration of children as a group of diverse rights holders with a distinct set of rights, respect for the best interests of the child and accountability for child rights violations.
- UNCTs to include child rights in broader programming interventions of particular relevance to children, such as human/child rights education; legislative reforms; promotion of civil and political rights, including participation in public affairs; promotion of access to justice; peacebuilding; civil-military coordination; civil society engagement; and the establishment of independent national human rights institutions. In doing so, UN entities must in particular focus on most vulnerable groups of children and consider gender differences amongst children.
- UN entities to systemically integrate child rights in all UN rule of law and access to justice initiatives, including justice sector wide approaches and transitional justice processes, as also recommended in the Guidance note of the Secretary General on a common approach to justice for children (2008), as well as when implementing SDG 16.3 on ensuring equal access to justice for all.
- UN entities to include child rights in aid modalities at national level, such as Poverty Reduction Strategies and other national development plans/strategies; budget support; public finance management reforms; and Sector-Wide Approaches to Development (SWAp).
- In their promotion of international cooperation and technical assistance, UN entities to be guided by the Convention on the Rights of the Child and to mainstream children's rights throughout their activities. Entities should seek to ensure that international cooperation is targeted at supporting States to fulfil their obligations under the Convention. Similarly, the World Bank Group, the International Monetary Fund and World Trade Organization should ensure that their activities related to international cooperation and economic development give primary consideration to the best interests of children and promote full implementation of the Convention<sup>13</sup>.
- UN entities to explore UN partnerships and joint programmes at global, regional and national levels in recognition of the interrelated and interdependent nature of child rights and intersections with the SDGs and between the different goals.
- UNCT and UN entities to support and partner with civil society organizations working on child rights, including child-led organizations, to deliberately counter the shrinking civic space for human rights, based on the recommendations of the UN Guidance Note on Protecting and Promoting Civic Space. In addition, the UN system to integrate child rights considerations in broader partnerships including with religious and traditional leaders, academia, and the private sector.

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<sup>13</sup> Committee on the Rights of the Child, General Comment 5 (CRC/GC/2003/5), paragraph 64.

- UNCT to consider including capacity building of and technical assistance to Governments and civil society on child rights in the UNSDCF/Cooperation Frameworks, including to identify and tackle the challenges that hinder the full recognition of children as rights holders.
- UNCT to reflect child rights priorities in the Funding Framework and Resources Mobilization Strategy, and to take collective responsibility for adequate budgetary allocation.

### **Data collection and management**

- UN entities and UNCT to systematically invest in and resource the safe and ethical collection, analysis, dissemination, and effective use of data disaggregated by age, as well as (within the age breakdown) by gender, SOGIESC<sup>14</sup>, ethnicity, citizenship, disability and other dimensions, across all UN data and monitoring systems and when supporting national data management systems, allowing for both the identification and analysis of child rights violations across all sectors and pillars, and for the full understanding of intersecting grounds of discrimination against children.

### **Child rights impact assessments and evaluations**

- The UN system to develop internal guidance on the conduct of child rights impact assessments (CRIA) and evaluations (CRIE), or the integration of child rights considerations in other relevant assessments and evaluations, in order to anticipate and evaluate the impact of any proposed law, policy or budgetary allocation or other action on children.
- UN entities and UNCT to systematically promote and support the conduct of child rights impact assessments, separate or as part of human rights or social impact assessments, before providing support to the development of national laws, policies and programmes susceptible to affect children, as well as the conduct of child rights impact evaluations to evaluate the actual impact afterwards. CRIA/CRIE should include an analysis of intersecting vulnerabilities affecting children.

### **UN human rights and accountability mechanisms**

- All UN human rights mechanisms – including the Human Rights Council, treaty bodies and Special Procedures – to systematically consider children in their work. This should include attention to children by treaty bodies other than the Committee on the Rights of the Child in their reviews of States implementation of the respective treaties; inclusion of child rights in Special Procedures mandate holders reports and country visits; as well as support to the meaningful participation of diverse groups of children in these mechanisms, including by providing child-friendly and accessible information.
- UNCT and UN entities to include information on the situation of children in relation to their mandate in their reports or submissions to the UPR, treaty bodies and Special Procedure mandate holders, and to pro-actively engage with the Committee on the Rights of the Child.
- Relevant entities to advocate and support mandating authorities to systematically include a focus on child rights in the mandates of commissions of inquiry, fact-finding missions and other investigative and accountability mechanisms, and to ensure the integration of child rights expertise throughout such mechanisms.
- UN entities to cooperate with UN investigative and accountability mechanisms, including by sharing information regarding alleged crimes against children to the maximum extent possible, subject to confidentiality, informed consent, and other relevant factors; and to develop protocols and safeguarding procedures to interview child victims and witnesses by these mechanisms.

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<sup>14</sup> Sexual orientation, gender identity, gender expression and sex characteristics.

- The UN system to provide human rights and accountability mechanisms with the necessary resources to carry out the above-mentioned tasks, as well as to enable timely responses to individual communications and the conduct of inquiries.

## B. Internal/operational policies and practices

### Child participation

- The UN system to develop a policy framework and guidance to support child participation across the system.
- Each time that it is possible, and applying child safeguarding policies and procedures at all times, UN entities to consult and actively involve children, including the most marginalized, in decision-making processes likely to impact children, including when developing policies and programmes. This could involve providing regular and accessible channels for inputs and feedback from children on UN work, in ways reflecting the diversity of children, and establishing regular online and offline engagements between children and UN senior officials, including the Secretary-General.
- UN entities and UNCT to consult with children throughout the programming cycle, including by possibly setting up a Children Advisory Team or other child participation platforms as relevant, while ensuring meaningful and safe participation of a diverse group of children, including children from marginalized groups, and applying child safeguarding policies and procedures at all times. At country level, Children Advisory Teams could be established, through a peer selection process, to advise the UNCT/National UN Joint Steering Committee (JSC) in the process of developing the UNSDCF.
- UN entities to ensure meaningful and safe child participation in all relevant fora, including the General Assembly and the Human Rights Council, and events on matters affecting children, including by lifting age limits where appropriate, establishing simplified accreditation requirements, providing child-friendly and accessible versions of material, putting child safeguarding policies and procedures in place including in relation to intimidation and reprisals linked to such participation, and supporting civil society and other organizations active in this respect. These opportunities and related procedures should be communicated to children in a child-friendly and accessible manner.
- Human rights mechanisms, including the UPR, treaty bodies, Special Procedures and the ILO supervisory system, to systematically integrate meaningful child participation in their processes and reports, applying child safeguarding policies and procedures at all times. Child-friendly and accessible information on these opportunities should be provided to children, including the most marginalized.

### Budgeting for child rights

- UN entities to make child rights a core consideration in their budgeting and fundraising exercises and to allocate the resources necessary to support the implementation of child rights under their respective mandates in their annual budgets and resource mobilization exercises; and resources for child rights to be systematically integrated in system-wide funding mechanisms.
- The UN system to consider tracking its child rights related expenditure and make this information accessible to the public.

### Capacity development

- The UN system to develop and implement an online training course on child rights, including mainstreaming, to be made available to all UN staff on respective learning platforms.



- UN entities to integrate child rights in existing training and capacity building programmes across the three pillars, or to develop new ones when relevant, and to develop and/or strengthen staff capacity and competence with regards to child rights as relevant to their mandate. Action should be taken to identify and assess capacity gaps upon which they should be addressed comprehensively and systematically.
- UN entities to provide child rights orientation to senior staff, including representatives/heads of offices, and other senior managers, as well as to Resident Coordinators, where relevant in cooperation with the Committee on the Rights of the Child.
- The UN system, including human rights and accountability mechanisms, to consider peer-to-peer and community of practice initiatives to enhance capacity development.

### **Internal accountability, due diligence and child safeguarding**

- Building on existing guidance where available, the UN system to develop an UN-wide child safeguarding policy – and related capacity building tools – to prevent and address any negative impact on children as a result of UN operations, interaction with UN personnel or organizations and personnel with which the UN collaborates, and during activities organized by the UN.
- UN entities to integrate child rights and child safeguarding in internal accountability mechanisms so that each entity can prevent and address any negative impact of their own operations on children and limit the direct and indirect risks which could affect children in their interaction with UN personnel, during the activities organized by the UN or by the organizations and personnel with which the UN collaborates.
- In particular, child rights and child safeguarding considerations should be included in all internal due diligence processes, including in relation to partnerships (with civil society, private sector and others), human resources and supply chains, and in the design of UN activities. Related UN processes – such as the Human Rights Due Diligence Policy and Accountability to Affected Populations – should also fully incorporate child rights.
- UN entities to put in place policies and procedures to prohibit, prevent and address child exploitation, abuse and other harm including zero-tolerance policies, accountability mechanisms, training courses and codes of conduct. Training and other communications should be employed to raise awareness of child safeguarding commitments and foster culture change. Progress and incidents should be monitored, and challenges transparently addressed. This applies to all engagement with children across the system, including interaction with human rights mechanisms.
- A high-level UN official to be designated as a focal point to receive complaints concerning child exploitation and abuse or other harm by UN personnel or organizations and personnel with which the UN collaborates, and during activities organized by the UN, and to refer the complaints to the relevant internal accountability mechanisms or take other necessary actions.

## **UN system arrangements for the coordination and implementation of the Guidance Note**

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[under discussion]