

Proposal for the UN Committee on the Rights of the Child's Day of General Discussion 2018

Protecting and empowering children human rights defenders

Submitted by

Child Rights Connect

This proposal is the result of strategic and thematic discussions within Child Rights Connect network and it has been prepared with the contribution of the following Child Rights Connect's members:

Children's Rights Alliance for England (CRAE)
CRC Asia
Defence for Children International (DCI)
National Coalition Germany
Plan International Sweden
Save the Children

And with the support of:

UN Special Rapporteur for Human Rights Defenders, Mr. Michel Forst
International Service for Human Rights (ISHR)

Child Rights Connect

Child Rights Connect is the largest global network working for the realisation of children's rights. Through more than 80 member organisations we reach out to every country in the world.

Our Vision is a world, in which all children enjoy their rights as defined in the UN Convention on the Rights of the Child. Child Rights Connect works towards this vision by:

- empowering children's rights defenders to influence and use the UN human rights system for change at national level;
- working with the UN human right system to strengthen a children's rights-based approach to progress positive change in children's rights practices.

We are recognized as key player in the advancement of the full implementation of the UNCRC by advocating for a holistic understanding of the Convention, as well as for the respect and consideration of overarching principles and crosscutting children's rights issues.

Contact address: Beatrice Schulter, Director, Child Rights Connect, schulter@childrightsconnect.org

Rationale

Whilst the United Nations Convention on the Rights of the Child (UNCRC) is the most widely ratified UN treaty and notable progress has been achieved in areas such as the right to health or the right to education, the reality is that children's rights continue to be violated, especially those of the most vulnerable and marginalized groups of children. Children all over the world are advocating for the realisation of their rights, their peers' rights and the human rights of all, by acting as human rights defenders at local, national, regional and international levels. As individuals, or in a group, as part of an NGO, child-led forum or association, children are exercising their right to be heard and their civil rights and freedoms to advance and safeguard human rights and fundamental freedoms.

There are numerous examples across the world of children acting as human rights defenders at local, national and international level. Members of Child Rights Connect are continuously supporting children from across regions to promote, monitor and defend human rights¹. The UN Committee on the Rights of the Child (Committee) is directly witnessing those examples when children human rights defenders engage in its work, particularly in the CRC reporting process. The children who participated in the 2016 Day of General Discussion (DGD) on the right of the child to a healthy environment is also a good example of children engaging as human rights defenders, with the associated risks involved.

The holistic definition of human rights defenders as outlined in the UN Declaration on Human Rights Defenders² provides that any person or group of persons working to promote human rights, ranging from intergovernmental organizations to individuals working within their local communities, can be considered a defender. Defenders can be of any gender, age, from any part of the world and from all sorts of professional or other backgrounds. They can work through professional or non-professional activities and can act to address any human right on behalf of individuals or groups, be it civil and political rights or economic, social and cultural rights³.

Indeed, children are human rights defenders by legal definition as well as by a matter of fact.

Nevertheless, there are many instances of children acting, but not recognized, protected and empowered, as human rights defenders. Often, children are not defined as human rights defenders, by themselves or by others. The term "human rights defender" is commonly used when referring to adults or specific groups, such as women. Whilst there are examples of high profile child and youth

¹ Save the Children (2012), *Children in Politics - A collection of 11 inspiring, motivating and suggestive case studies on children's engagement in governance*: Youth without Borders (Jugendliche ohne Grenzen) <http://jogspace.net/> is a group of young people in Germany that came as refugees and are now defending peers that risk repatriation. Youth without Borders is supported by the Association of Unaccompanied Minors, a member of the German National Coalition. <http://www.faz.net/aktuell/gesellschaft/menschen/nach-abschiebung-schuelerin-aus-nepal-darf-zurueck-nach-deutschland-15121591.html>

² "...the valuable work of individuals, groups and associations in contributing to, the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals... UN General Assembly (1999). [A/RES/53/144](#)

³ See [Commentary to the UN Declaration on Human Rights defenders](#)

advocates, such as Malala Yousafzai, who are internationally recognized as human rights defenders,⁴ the most common terminology used for children is “actors” or “agents of change”, “active citizens” and “civic actors”.

The Committee’s Concluding Observations regularly raise the issue of the negative consequences that children are subjected to, due to their parents’ or other family members’ human rights activism. However, the Committee has yet to provide clear recommendations related to children as human rights defenders in their own right⁵.

Similarly, children human rights defenders are invisible within the normative interpretation of the UN Declaration on human rights defenders. In particular, the Commentary to the Declaration and the model law for the recognition and protection of human rights defenders⁶ do not explicitly mention persons under 18 years old as a particular vulnerable group and as such tend to focus only on students’ movements and a limited set of children’s rights (civil rights and freedoms), rather than on the UNCRC as a whole. Moreover, children have not been considered in the mandate of the UN Special Rapporteur on human rights defenders. While the mandate holder integrates a gender perspective throughout his work⁷, this does not extend to a child rights based approach.

Indeed, there is a disconnect between children’s rights and the human rights defenders’ framework that needs to be investigated and clarified, including the consequences on the ground. For instance, the lack of special protection measures for children in national and regional policies⁸ on the protection of human rights defenders could be linked to the gaps in the interpretation of international standards.

Even if the UNCRC does not specifically mention children human rights defenders, it does however recognize that children are entitled to special protection and empowerment measures, based on their right to be heard, participate in decision-making and exercising their civil rights and freedoms. These rights need to be central within the human rights strategies of States, the work of the United Nations and of civil society as a whole, in order to make sure that children who act as human rights defenders, or want to become human rights defenders, can do so based on their human rights as defined by the UNCRC.

The Committee has noted⁹ that children face additional challenges and risks in pursuing remedies for breaches of their rights as well as in promoting and defending their human rights, due to their special and dependent status. Furthermore, children can be affected differently than adults by the same violations. This must be taken into account when affording protection and support to children human rights defenders.

⁴ See [Winners of the United Nations Human Rights Prize for 2013](#)

⁵ Keyword research “defender” within CRC documents through the [Human Rights Index](#)

⁶ See the [Declaration Commentary](#) and the [model law for the recognition and protection of human rights defenders](#)

⁷ <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx>

⁸ See for example the [Swiss Guidelines on the protection of children’s rights defenders](#), the [Law on the Promotion and Protection of Human Rights Defenders of Cote D’Ivoire](#) and the [EU Guidelines on human rights defenders](#).

⁹ [General Comment 5 on General Measures of implementation](#)

The current efforts to undermine children as rights holders within the discourse about the protection of the family constitutes only one of the additional and unique challenges faced by children human rights defenders. The manipulation of the best interests of the child, the barriers in accessing appropriate and relevant information, the legal and administrative hurdles faced by children wanting to establish their own organizations and groups, the tokenistic implementation of the right to be heard and adults' lack of respect of children's views, the lack of child rights-based approaches and procedures within the UN human rights system, the increasing concerns that children are marginalized from civil society spaces and decision-making; all these are additional contextual issues that require special attention. They hamper children's abilities to be human rights defenders and increase the vulnerability of children human rights defenders, including the most excluded groups of children.

In its General Comment 20 on the implementation of the rights of the child during adolescence, the Committee stated the need to protect "adolescent human rights defenders, particularly girls who often face gender-specific threats and violence".¹⁰ This, together with the acknowledgement of the role of children as "promoters and defenders of children's rights in their daily lives" by the Committee's General Comment 1 on the aims of education¹¹, provides an excellent basis and starting point to further explore what it means for a child to be a human rights defender, to deepen the discussion on the key role that children human rights defenders play in society, the causes and consequences of the lack of recognition of children as human rights defenders, and the adults' responsibilities towards them.

2018: 20th Anniversary of the UN Declaration on human rights defenders – a great window of opportunity

In 2018 the UN Declaration on Human Rights Defenders celebrates its 20th Anniversary, which will draw global interest and attention to this theme. By dedicating the 2018 Day of General Discussion (DGD) to children human rights defenders, the Committee will contribute to this global discussion and use the opportunity to foster a deeper understanding of the UNCRC as it relates to the normative framework and realities of human rights defenders, and to set the ground for States, the UN, National Human Rights Institutions and civil society to ensure better protection and empowerment of children human rights defenders.

Within the Treaty Body System (TBS) there are ongoing reflections on this topic, as can be seen for example with a recent statement on human rights defenders by the Committee on Social, Economic and Cultural Rights¹². There is momentum for the Committee to start its own discussion, building on the other Treaty Bodies' work and with a view of strengthening the other Treaty Bodies' awareness of children human rights defenders.

As documented by the Special Rapporteur on human rights defenders in the past years, there have been increasing reprisals, attacks and criminalization of human rights defenders. The term "human rights defender" itself, has become a very sensitive word, with some States questioning the legitimacy

¹⁰ [General Comment 20 on the rights of the child during adolescence](#)

¹¹ [General Comment 1 on the aims of education](#)

¹²

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2016%2f2&Lang=en

of the term and with that, the work of human rights defenders. This at a time when space for civil society is also shrinking. Today, just three per cent of the world's population live in countries where civic space is open. Of 195 countries covered by the CIVICUS Monitor, civic space is rated as closed in 20, repressed in 35, obstructed in 51, narrowed in 63 and open in only 26. Each region of the world contains countries in the most serious categories of restriction¹³. Any restriction of civil society space affects children as much as adults or often more.

Child Rights Connect and its partners suggest that in the current political context, it will be strategic for the Committee to approach the topic through a participatory awareness-raising process such as the DGD, and by putting the focus on the promotion of the societal value of children human rights defenders' work and at the same time discussing challenges and clarifying the duty bearers' obligations.

Objectives and scope

Overall objective

The overall objective of the DGD is to increase general awareness and understanding about the situation of children human rights defenders as well as the adults' responsibilities and the States' obligations related to the protection and empowerment of children who act as, or want to become, human rights defenders.

Specific objectives

1. For States and other stakeholders to hear from children themselves about their experiences as human rights defenders, to better understand:
 - The essential and valuable role that children can and do play as human rights defenders for improving society and the environment.
 - What helps children to exercise their human rights to act as human rights defenders.
 - What are the barriers and the risks children human rights defenders face at all levels (local, national, regional, international).
 - What safeguards must be in place to ensure the protection of children human rights defenders.
 - How children want to be empowered by adults and what is the right support and information they need and want to receive to be human rights defenders.
2. Assess legislation, policies and other relevant aspects aimed at protecting or empowering children human rights defenders, by providing examples of good practices and challenges from children's and adults' perspectives;

¹³ Based on CIVICUS Monitor data as of May 2017, <https://monitor.civicus.org/>

3. Provide substantive information to facilitate a greater understanding at all levels of the child rights obligations relating to the topic, as well as the gaps, of the international framework by clarifying the relation between the UNCRC and existing standards on human rights defenders;
4. Identify key elements for an effective implementation of a child rights-based approach to the situation of children who are, or want to become, human rights defenders, including specific recommendations for duty bearers that can help the Committee's dialogues with States.

Scope

The DGD shall help to clarify contents and implications of the UNCRC as a whole as it relates to children human rights defenders, with a view of looking at both civil and political as well as social, economic and cultural rights, including:

- Article 2: non-discrimination
- Article 3: best interests
- Article 4: protection of rights
- Article 5: parental guidance
- Article 6: right to life, survival and development
- Articles 7-8: right to name, nationality and identity
- Article 12: right to be heard
- Article 13-14-15: freedom of expression, thought and assembly
- Article 16: protection of privacy
- Article 17: access to information
- Article 19: protection from all forms of violence
- Article 22: rights of refugee children
- Article 23: right of children with disabilities
- Article 37a: right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- Articles 28: right to education
- Article 29: human rights education
- Article 37: children deprived of their liberty

A particular focus shall be put on the UNCRC guiding principle of the right to be heard and its link to adults' responsibilities and children's evolving capacities (Article 5), human rights education (Article 29), freedom of expression, association, peaceful assembly (Articles 13-14-15) and the right to access information (Article 17), in order to elaborate on the critical link between child participation and children human rights defenders.

We suggest for the DGD to include both the protection and empowerment angles, and to highlight the links between the two. It is important to clarify how children can be empowered without putting them at risk, in their best interests and taking into account different contexts.

Outcomes, outputs and follow-up

Outcomes

The DGD will contribute to:

- Building adults' and children's awareness of children's role as human rights defenders and the related opportunities (i.e. cooperation with National Human Rights Institutions, engagement with the broader UN system beyond the UNCRC) and risks (i.e. reprisals) on different levels (local, national, regional and international);
- Advancing international standards and States' understanding of their corresponding obligations, including in relation to the SDGs 16 and 17 with their targets on fundamental freedoms, participatory decision-making, access to information and strengthened civil society partnerships;
- Increasing general understanding and awareness of how putting children at the core of the human rights work at local, national, regional and international levels is key for advancing the effective realization of human rights;
- Emphasizing the importance of human rights education as a means to building democracy, involving all members of society;
- Connecting human rights and children's rights constituencies on different levels (UN actors, civil society, etc.) and specifically fostering collaboration between the Committee, the Special Rapporteur on human rights defenders, other relevant Special Procedures mandate holders and Treaty Bodies so that children's rights are mainstreamed;
- Initiating data collection about children human rights defenders across the world;
- Identifying good practices to improve implementation on national level;
- Informing the UN Global Study on children deprived of their liberty¹⁴ by providing information on children detained as a consequence of their human rights work.

Outputs

The following outputs will be produced for awareness raising purposes:

- A cross-regional and inclusive consultation with children human rights defenders (see page 8, section "methodology and format");
- A final report summarizing the DGD discussions and recommendations;
- Video of the DGD process (before and during the Day);
- Online version of the exhibition (see page 8, section "methodology and format");

Possible follow-up actions

- The Committee could produce, in close collaboration with other Treaty Bodies, a children's rights-based follow-up to the statement recently made by CESCR to remind State parties of their responsibilities;

¹⁴ A/Res/169/57 para.52.d

- The Committee, in close collaboration with the Special Rapporteur on human rights defenders, could jointly develop a General Comment or other interpretative documents on children human rights defenders which would serve as a commentary to the Declaration and the model law on the protection of human rights defenders;
- The Committee, in close collaboration with the Special Rapporteur on human rights defenders and other relevant experts (the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on freedom of association and peaceful assembly) could revise its General Comment 12 on the right to be heard to strengthen its language related to child participation in public decision-making and linked to civil rights and freedoms through the human rights defenders' standards;
- The Committee, the Special Rapporteur on human rights defenders and Child Rights Connect could systematize exchange of information and contacts for work at national level;
- The Special Rapporteur on human rights defenders could develop a thematic report on children human rights defenders to present to the Human Rights Council;
- The Special Rapporteur, with the support of the Committee and Child Rights Connect, could develop a child-friendly complaint system to facilitate submission of urgent appeals and allegation letters by children.

Methodology and format

DGD Coordination Group

The preparations, implementation and follow-up of the DGD will be coordinated by the DGD Coordination Group, consisting of representatives from the Committee, Child Rights Connect and its members. The Coordination Group will be supported by an Advisory Group to be consulted on substantive issues composed of the UN Special Rapporteur on human rights defenders, International Service for Human Rights (ISHR) and other relevant experts.

Children's Advisory Group

In order to ensure that children are at the heart of the DGD and play a central role during each stage of the process, a DGD Children's Advisory Group will be created in collaboration with the Child Rights Connect global network at the initial phase of the planning process. A child participation consultant, recruited by the DGD coordination group, will lead this process. Broad and inclusive representation of children, as well as full compliance with the UN Committee's standards on child participation will be ensured.

The Children's Advisory Group will help to determine the format and specificities of the DGD, the implementation itself and the follow-up processes.

Format

The exact format of the DGD will be developed in cooperation with the Children's Advisory Group. We aim to develop a mix of formal and informal settings, with various methodologies, ensuring lively interaction between varying groups of participants.

International reach and consultations with children

Child Rights Connect network provides a unique global reach for this DGD and could create “DGD hubs” at regional, national and local levels where parallel processes and discussions could take place in order to facilitate the broad participation of children and the connection of the Geneva-based event to the ground.

A worldwide consultation with children on local, national, regional and international levels will be conducted building on the existing good practices, in particular the process undertaken by Child Rights Connect’s working Group on Investment in children for the development of the General Comment 19 on public spending.

Communication and online participation

The significant communications expertise within the Child Rights Connect network could be utilised to develop and implement communication projects, together with the children’s advisory group. An online campaign could help to raise awareness and mobilise national actors in taking the recommendations from the DGD forward.

Exhibition

An exhibition including photographs and stories from children about their experiences as human rights defenders will be organized at the DGD venue. This exhibition will be made accessible online as well, in order to ensure global outreach and accessibility.

Broad representation of stakeholders

A wide variety of stakeholders will participate in the DGD, both in person and online:

- Children human rights defenders;
- The UN Special Rapporteur on Human Rights Defenders and other Special procedures mandate holders;
- Treaty Bodies members;
- OHCHR and other relevant UN agencies including UNICEF;
- GANHRI and the representation of national human rights institutions;
- Children’s rights NGOs and coalitions;
- NGOs working to support human rights defenders, including the women’s and youth human rights defender movements;
- Experts and academics in the field of children’s participation and other relevant issues.

Resources

Child Rights Connect will fulfill the role of principal NGO partner to support the Committee on the Rights of the Child and OHCHR, in line with the Committee’s guiding parameters for the DGD, including by securing the necessary funds and providing the necessary human resources.

Child Rights Connect and its members are committed to supporting the planning, coordination, implementation and follow-up to a DGD on the protection and promotion of children human rights

defenders. We will commit capacity in this work for 2017 and 2018, and ensure the creation and coordination of the DGD Coordination Group and the Children's Advisory Group.