**Submission to OHCHR on draft guidelines on the effective implementation of the right to participate in public affairs**

**Plan International Inc.**

Plan International, Inc. is an independent non-governmental organisation with no religious, political, or governmental affiliations and isin Special Consultative Status with ECOSOC. Founded in 1937, Plan International is one of the oldest and largest child rights organisations in the world. We strive to advance children’s and youth rights and equality for girls in both development and humanitarian contexts. We work with children and young people, especially girls and young women in more than 70 countries around the world to tackle the root causes of inequality.

Plan International welcomes the opportunity to support the work of the Office of the High Commissioner for Human Rights on preparing draft guidelines for the effective implementation of the right to participate in public affairs. This submission focuses on a select number of issues which we would like the draft guidelines to reflect including key considerations that will ensure all citizens, regardless of age and gender can fulfil their right to participate in political and public affairs.

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| **Plan International’s key recommendations:**1. Recognise all children’s and young people’s full political and civil rights in all contexts. Promote action that will increase both their direct and indirect participation in political and public affairs including through formal modes in addition to investments in youth civil society. Ensure children and young people’s participation in political and public affairs is meaningful. Work with young people to create and co-design safe avenues to participate in policy development. Ensure they have timely information in a language and format that is accessible and their rights to freedom of association, assembly and expression are upheld.
2. Recognise the gender-based barriers to participation faced by girls and young women and take active steps to promote their leadership and political participation in decision-making and policy-making processes. Policy actors need to recognise and address patriarchy and gender bias at the outset of formal processes, and seek to create terms of engagement that are enabling for young women, for instance through quotas, debating rules about respect and active listening, allowing young women to speak first, and supporting women-only dialogue forums in advance of formal processes so that they can strengthen their agency and voice.
3. Promote a safe and enabling environment for young human rights defenders, particularly young women, by ensuring the attacks and threats of violence against young activists are monitored, investigated and prioritised by the HRC and UN Member States.
4. Identify ways to measure children’s and young people’s active political and civic engagement outside of the usual indicators of voter turnout and registration in recognition that these current measures fail to capture the full extent of and preferred avenues of participation.
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1. **Recognising children’s and young people’s right to meaningful participation in political and public affairs**

In accordance to Human Rights Council (HRC) resolution 33/22[[1]](#footnote-1), the right to equal participation in political and public affairs is rooted in the context of article 25 of the International Covenant on Civil and Political Rights which recognises the right of every citizen “[t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage”. The right guaranteed in article 25 covers both direct and indirect forms of political participation. Whilst direct participation includes casting a vote in a referendum or engaging as an elected representative, indirect participation extends to influencing decision-making through public debate, within civil society organisations or through dialogue with elected representatives.[[2]](#footnote-2) This right to participation is reiterated and reaffirmed in the Convention on the Rights of the Child, article 12, and the Convention on the Elimination of All Forms of Discrimination against Women, articles 7 and 8. Significantly the CRC has no limiting provisions and is non-derogable in humanitarian and emergency contexts.[[3]](#footnote-3) Further, the CEDAW Committee’s General Recommendations 30 and 28, reaffirm, respectively, that “States parties’ obligations continue to apply during conflict or states of emergency without discrimination between citizens and non-citizens within their territory or effective control…” and that “States parties continue to be responsible for all their actions affecting the human rights of citizens and non-citizens, internally displaced persons, refugees, asylum-seekers and stateless persons, within their territory or effective control….”

In most parts of the world, the participation of younger citizens in formal political processes and institutions is declining.[[4]](#footnote-4) This is not surprising given that those who decide on their behalf very often do not represent their interests. In a third of countries, eligibility for national parliament starts at 25 years or older.[[5]](#footnote-5) Since 2010 many countries have introduced youth policies[[6]](#footnote-6) that contribute theoretically to a better enabling environment for children and young people’s civil and political engagement.[[7]](#footnote-7) However, formal participation structures for young people often remain ineffective channels for their involvement in decision making. While globally 133 countries have national youth[[8]](#footnote-8) organisations, very few of these are consulted about policies affecting children and young people.[[9]](#footnote-9) Furthermore, youth parliaments tend to be politically weak, chronically underfunded and in reality, have limited direct access to decision-making processes.[[10]](#footnote-10)

At Plan International, we promote the right of all children and young people, particularly girls and young women to participate and influence the decisions that impact their lives. Realising their civil and political rights is a prerequisite for building sustainable and peaceful societies and an obligation for any government that believes in the concept of inclusive democracy. For example, the participation of children and youth in decision-making in humanitarian, emergency, and post-crisis contexts can have a marked impact at how effectively their concerns and experiences are integrated into response plans and transitional and recovery processes. Evidence shows that consulting and involving children in decision-making processes increases “the effectiveness and efficiency of humanitarian programming, the capacity to reduce vulnerability and manage risk, and the ability to innovate.”[[11]](#footnote-11) Children, who are empowered to participate in the humanitarian response, help build safer communities where vulnerability and risk are reduced. Ensuring that all children, especially girls, can and do participate in decision-making at all stages of a humanitarian response and recovery contributes to ensuring their long-term development outcomes, achievement of their guaranteed human rights, and promote sustainable peace. In addition, it will ensure that response and recovery interventions are more efficient and tailored to meet the specific age and gender related needs of girls and boys.

However, as yet, human rights instruments and guidance on participation in public affairs fail to fully recognise children and young people as rights holders in this context. This is largely due to the fact that in most contexts, there is little attention or investment paid towards the political empowerment of younger generations to encourage them to engage in political and public affairs; particularly those who fall below the age of majority and therefore are ineligible to vote. This is particularly the case in emergencies and humanitarian contexts, when practical (e.g. limited resources and time), organisational (e.g. no dedicated staff and lack of priority), cultural and ethical issues (e.g. fear, do no harm concerns, limited accountability) can create additional obstacles. The participation of girls, which is already problematic due to gender norms and restrictions is exacerbated in humanitarian contexts where insecurity concerns are even greater. It is important to note here that if participation is not embedded and promoted in stable times, it is unlikely that it will be done properly amidst the difficult circumstances of an emergency.

In absence of being eligible to vote, Member States should seek to promote children’s political participation in other ways through the establishment of shared spaces to influence decision-making. However, where Member States are seen to be increasing the space for children and young people to participate in some contexts, there remains a question on how truly meaningful the engagement is. Appearing to listen to younger citizens is relatively unchallenging but providing a child and youth-friendly space; giving due weight to their views and tracking their influence in policy processes requires additional effort.

The draft guidelines should encourage Member States to work with children and young people, including in humanitarian contexts and those who are forcibly displaced, to create and co-design safe avenues and mechanisms to participate in policy development. This will overcome current issues of children and young people feeling intimidated by adult-dominant platforms. Ensuring that they have access to timely information in a language and format they understand is also a fundamental precondition to children’s and young people’s political rights. On the other side, adults including civil society and decision-makers at all levels have a role to play in championing the right for children and youth to participate in public life. Adults need to be prepared to share their spaces and decision-makers must commit to recognising young people as civil society actors in their own right with their opinions considered on equal weighting.

At a minimum, Plan International recommends that the draft guidelines actively promote children’s and young people’s indirect political participation, through such provisions as establishing and strengthening of national child and youth parliaments and the establishment of youth policies that sees Member States regularly seeking the views of children through policy development, implementation and monitoring. Discrepancies in legislation between edibility to vote and to run for office should be reconciled and brought to the age of majority.

However, we would also recommend the draft guidelines to be used as an opportunity to recognise children and young people’s full political and civil rights and encourage Member States to explore avenues to increase their engagement in formal political processes including special temporary measures that ensure more young people have direct access to decision-making spaces. We would also want to see more Member States guaranteeing space and investment in supporting youth civil society as an alternate means of political participation in recognition that at present, more young people are choosing not to enter into or engage in formal modes and in line with their obligation to protect children’s and young people’s right of freedom of association.[[12]](#footnote-12) Where the guidelines do promote children’s and young people’s active political and public participation, we would strongly suggest they align to the nine basic requirements on what constitutes effective and ethical participation as outlined in UN Committee on the Rights of the Child’s General Comment No. 12.[[13]](#footnote-13)

1. **Promoting girls’ and young women’s political participation**

The barriers preventing women’s equal participation in political and public affairs is both well documented and recognised by international human rights bodies. The UN General Assembly 2011 resolution on women’s political participation[[14]](#footnote-14) is a clear indicator of this. UN HRC Resolution 33/22 too, acknowledges the particular discrimination faced by women, amongst other excluded groups and reminds States of their obligations to promote their active participation on equal terms with men at all levels of decision-making.

However, despite these advancements in promoting women’s participation and leadership in political and public life, the current rate of progress means we are far from achieving the ambitions of the Sustainable Development Goals, specifically target 5.5[[15]](#footnote-15). In fact, since 2015 and the adoption of the 2030 agenda, we have actually seen a stagnation in women’s representation in politics with the number of women as heads of state decrease between 2015 and 2017 with limited improvement elsewhere in the number of women entering into positions of power.[[16]](#footnote-16)

Without significant new commitment, investments and guidance in this area, we are at risk of failing to achieve the promises made in 2015. Plan International believes more emphasis should be focused in developing girls’ and young women’s leadership and political empowerment. Levels of engagement in party activism among young women throughout much of the world, for example, are about two times lower than young men’s[[17]](#footnote-17) and the existing frameworks on women’s political participation fall short of even mentioning girls in their texts, let alone actively encouraging Member States to invest in their political empowerment. Empowering girls and young women in childhood and as they transition to become adults; investing in their leadership potential and ensuring there are established pathways to positions of power is the key to ensuring a world where women can thrive as political leaders and decision makers, in economic spaces and across society as a whole.

Achieving young women’s meaningful participation in public life and decision-making processes necessitates a full and concerted effort to address gender-based barriers to their participation. For instance, efforts must be made to ensure that girls are able to attain a full 12 years of safe, quality, and inclusive education, including action to prevent child and early marriage and early pregnancy. Protection related concerns, including all forms of sexual and gender-based violence must be addressed, particularly as relates to contexts where they prevent or chill women’s participation in policy-making processes. Women and girls may feel unsafe in the policy-making spaces themselves, or in traveling to and from these spaces. Additionally, women and girls perform the vast majority of unpaid domestic labour and care work, including child-care responsibilities. Such a gender disparity in division of household labour and childcare impacts women’s ability to participate in public spaces, despite opportunities that may be available. All of these gender-based barriers to participation in political and policy-making processes are exacerbated in crisis contexts.

The draft guidelines should promote an increased interaction between the HRC, CRC and CEDAW Committees as well as increased recognition of the complementarity and intersections of international human rights and international humanitarian legal and policy frameworks, which would ensure that girls’ and young women’s political participation is actively monitored and promoted and would not fall through the existing gaps between children’s rights and women’s rights.

1. **Creating a safe and enabling environment for young human rights defenders**

Globally, CIVICUS reports the shrinking of civil society space and that at least one of the three core civic freedoms (freedom of association, assembly and expression) was threatened in 109 countries in 2016.[[18]](#footnote-18) Youth-led civil society groups and human rights defenders, routinely at the forefront of rights-based movements, remain particularly susceptible to these unlawful restrictions and persecutions.

When children and young people do decide to come together and speak out on human rights violations, they are often met with hostile reaction. Young human rights defenders are reporting their increasing fear and real experiences of threats and violence to their physical and mental wellbeing when participating in activism. In 2016, FRIDA reported that over half of the 1500 young women, girl and trans-led organisations who participated in their research regularly felt unsafe because of the work they do.[[19]](#footnote-19) Conditions are worsening with fundamental rights such as freedom of speech and assembly increasingly being restricted. Although the perpetrators of intimidation and violence may vary in different contexts; whether it’s the government, other groups with opposing views or disapproving families and community members, the result is the same. Children’s and young people’s voices are being silenced and their right to participate in public life is violated. Whilst the critical role of young human rights defenders and the reports of increased attacks, including gender-based violence targeted at young people have been raised at the international level,[[20]](#footnote-20) more concerted effort is needed to protect young human rights defenders against violence, abuse and discrimination. Plan International welcomes the forthcoming Day of General Discussion on children’s human rights defenders to be organised by the UN Committee on the Rights of the Child in September 2018 and hopes this day will be used to truly highlight both the empowerment and protection elements within the activism of the younger cohort of youth aged 15-18 and includes discussion of participation in both forced displacement and crisis contexts.

The production of the draft guidelines also provides a unique opportunity for the Human Rights Council and Member States to affirm their commitment to creating a safe and enabling environment for all human rights defenders and civil society organisations, regardless of age and gender, to participate in public life. Plan International would implore the Human Rights Committee to engage in the Day of General Discussion and integrate its recommendations into the Draft Guidelines.

1. **Monitoring and reporting on participation in political and public affairs**

One of the biggest challenges in assessing the current state of children’s and young people’s political participation is the lack of data available. Data that is captured is limited at electoral registration, voter turnout and membership in political parties. Therefore, data is focused on children’s and young people’s participation only once they become eligible to vote. Political participation and civic engagement are important domains of adolescent well-being, but data and indicators are not widely available.[[21]](#footnote-21) Reasons for this include a limited availability of population data and the fact that there is no universal agreement on what represents participation and engagement for those under the age of majority. The draft guidelines should address these gaps and provide direction on how to accurately measure the political participation of children and young people outside of the commonly used indicators.

1. UN HRC Resolution A/HRC/RES/33/22. 6 October 2016. It’s also enshrined in the Universal Declaration of Human Rights (1948), principally article 21. [↑](#footnote-ref-1)
2. UN HRC (2014) A/HRC/27/29 para 11. 30 June 2014. [↑](#footnote-ref-2)
3. Participation in decision-making and policy-making is also identified as a key principle in several humanitarian documents and standards, including 2014 Core Humanitarian Standards, IASC Commitments on Accountability to Affected Populations, the Minimum Standards for Child Protection in Humanitarian Action, and the Compact for Youth in Humanitarian Action. The right to participate in peace and security processes is further enshrined in the Security Council Resolutions 1325 (2000) & 2250 (2015). [↑](#footnote-ref-3)
4. The Commonwealth (2016) *Global Youth Development Index and Report.* Commonwealth Secretariat [↑](#footnote-ref-4)
5. UNDP (2012) *Enhancing Youth Political Participation throughout the Electoral Cycle* (online). [↑](#footnote-ref-5)
6. According to youthpolicy.org, of 198 countries, 127 countries (64 per cent) have a national youth policy, up from 99 (50 per cent) in January 2013 and 122 in April 2014. [↑](#footnote-ref-6)
7. The Commonwealth (2016) *Global Youth Development Index and Report.* Commonwealth Secretariat [↑](#footnote-ref-7)
8. While these include young people aged over 18, they defend the interests of an important part of the child population of a country, i.e. adolescents. [↑](#footnote-ref-8)
9. Statistics disaggregated by sex or age are unavailable. [↑](#footnote-ref-9)
10. Inter-Parliamentary Union (2016) *op. cit.* [↑](#footnote-ref-10)
11. The report is based on a review of children’s consultations in risk prone, fragile and emergency settings over the last ten years and represents the views of more than 6,000 children. Plan International, ChildFund Alliance, Save the Children, SOS Children’s Villages International, UNICEF, War Child Netherlands, War Child UK and World Vision International, *Putting Children at the Heart of the World Humanitarian Summit*, 2015. [↑](#footnote-ref-11)
12. UN CRC Article 15. 1989 [↑](#footnote-ref-12)
13. UN Committee on the Rights of the Child. General Comment No. 12. July 2009. [↑](#footnote-ref-13)
14. UN General Assembly resolution 66/130 Women and Political Participation. A/RES/66/130. 19 Mar 2012. [↑](#footnote-ref-14)
15. Sustainable Development Goal 5.5 “Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life. More information at <https://sustainabledevelopment.un.org/sdg5> [↑](#footnote-ref-15)
16. UN Women & IPU Women in Politics 2017 map [↑](#footnote-ref-16)
17. UN DESA (United Nations Department of Economic and Social Affairs) (2016) World Youth Report on Youth Civic Engagement (online) <https://www.un.org/development/desa/publications/world-youth-report-on-youth-civic-engagement.html> [↑](#footnote-ref-17)
18. CIVICUS 2016 State of Civil Society report <http://www.civicus.org/index.php/socs2016> [↑](#footnote-ref-18)
19. FRIDA (2016) Brave, creative, resilient: the global state of young feminist organising [↑](#footnote-ref-19)
20. Threats to young human rights defenders was raised as a key issue at the UN Forum on Human Rights, Democracy and the Rule of Law in November 2016 and highlighted in the Report of the Co-chairs to the Human Rights Council A/HRC/34/46, 31 January 2017 [↑](#footnote-ref-20)
21. UNICEF Innocenti (2017) Research brief: Data and indicators to measure adolescent health, social development and well-being (online) <https://www.unicef-irc.org/publications/pdf/IRB_2017_04_Adol02.pdf> [↑](#footnote-ref-21)