

**Submission by Save the Children to inform the UN Committee on the Rights of the Child Day of General Discussion on 28 September, 2018, on 'Protecting and Empowering Children as Human Rights Defenders'**

**1 July 2018**

Save the Children works in more than 120 countries to ensure that every child attains the right to survival, protection, development and participation. In the majority of countries, we support children to promote, monitor and defend children's rights and to hold duty bearers to account.

This submission builds on evidence, learning and good practices from Save the Children's programmes across regions as well as studies on children's rights to take civic action, promote and defend their rights and participate in public decision-making, including consultations with children.

**Children want to take action**

Save the Children agrees with the UN Committee on the Rights of the Child's definition of children human rights defenders in the Concept Note for the 2018 Day of General Discussion.<sup>1</sup>

A majority of the children that Save the Children engages with are clear that they want to promote, monitor and defend child rights, influence decision-making and contribute positively to the development of their societies. Eighty-one per cent of children consulted by Save the Children and the Centre for Children's Rights through an online consultation tool report that they are interested in 'decisions made by government and other people in positions of authority about issues and things happening in their community, country or the world.'<sup>2</sup>

**What do children say?**

*'The children doesn't need anybody to transfer their problems and voice. The children can do it themselves.'*  
Child from the Middle East

*'We decided to take action on different topics such as obligatory classes/courses from different school teachers, the improvement of the quality of education and the un-free charge on medical care for children.'*  
Child from Eastern Europe'

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)  
Consultation with children in Yemen by Save the Children, May 2018

We know that children from all contexts, including fragile, conflict-affected and humanitarian contexts are also keen to engage. In Yemen, for example, Save the Children and partners support children's participation in child parliament structures to promote, monitor and defend their rights and to influence policy-makers. Through these structures, children have contributed to decreasing of corporal punishment in schools and child marriage.

<sup>1</sup> UN Committee on the Rights of the Child (2018), [Concept Note for the 2018 day of General Discussion on 'Protecting and Empowering Children as Human Rights Defenders'](#) - Children who take action to promote their human rights, the rights of their peers or the rights of others (including adults) are human rights defenders, even if they do not consider themselves or are not considered and called as such by others. Those children are human rights defenders no matter whether they focus their actions at local, national, regional or international level, and no matter whether they act in their own countries or in other countries, like in the case of migrant and refugee children, for example. Children human rights defenders do not defend human rights solely by reacting to violations of human rights but also by proactively promoting human rights, by raising awareness and knowledge of the CRC for example. They are human rights defenders if they do specific actions, such as events or campaigns, or if they undertake on-going advocacy. Children human rights defenders form and speak their own views.

<sup>2</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

## **Barriers and solutions to protecting and empowering children as human rights defenders**

### **i. Children's civil rights and freedoms**

Children's ability to be active human rights defenders depends on the extent to which their rights to take **civic action are realized**, i.e. their right to be heard (UNCRC Article 12), their right to freedom of expression and their right to access information (UNCRC Articles 13 and 17) as well as their rights to freedom of association and peaceful assembly (UNCRC Article 15). However, these essential rights are generally less respected than their rights to survival, development and protection.

Only 34 per cent of children participating in the Save the Children and the Centre for Children's Rights online survey felt safe expressing their views in public. Only 38 per cent felt safe joining a public protest or demonstration. A number of children engaged in civic action to defend human rights had also received threats from those who are the focus of their actions.<sup>3</sup> According to the Nicaraguan Center for Human Rights (CENIDH) from mid-April to mid-June, socio-political conflict in Nicaragua has seen 14 children killed and many injured by police and pro-government forces (age range from 5 months to 17 years of age).<sup>4</sup>

Children struggle to access information.<sup>5</sup> Public information is often difficult to obtain, inaccurate, out of date, or presented in a way that is difficult for children to understand. The lack of reliable internet connection also hampers children's access to information. Some children do not feel safe when accessing information.

Children need their own spaces and organisations – online and offline – where they can come together, discuss and take joint action. However, children face a number of legal and administrative challenges in trying to establish their own organisations, including in relation to registration and opening of bank accounts. In Pakistan, for example, founding members need a national identity card to register an organisation, which are only issued to citizens above 18 years of age.

Children are challenged when engaging with the UN and other international intergovernmental organisations. Many of their meetings, processes and negotiations lack child-friendly platforms where children can engage with decision-makers in ways that work for them, and accreditation processes are often a challenge for children.

To address these barriers, Save the Children recommends the following:

- **States** must put in place and implement laws that guarantee children's rights to take civic action, including the rights to freedom of association, peaceful assembly, expression and access to information – online and offline - for all children. Legal and administrative obstacles against children establishing their own organisations must be removed, including in registration and opening bank accounts. Where children's rights to act as human rights defenders have been violated, states must ensure that children have access to effective remedies.
- **States** must provide age-appropriate, gender-sensitive, and timely public information in languages and formats that children understand.
- **States providing Official Development Assistance** should ensure that these resources directly benefit children human rights defenders and adult civil society organisations supporting these children. Donor states can support children human rights defenders by highlighting any violations of their rights in bilateral discussions and partnership agreements with other states.
- **Independent National Human Rights Institutions** must promote and monitor the realization of children's rights to act as human rights defenders, including by ensuring that children have access to individual complaint mechanisms. These institutions need to take concrete actions to hold perpetrators to account.

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<sup>3</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

<sup>4</sup> CENIDH- Comunicado #6 (16 Junio 2018) <https://www.cenidh.org/noticias/1071/>

<sup>5</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

- **UN and other international and regional inter-governmental institutions** must put in place child-friendly platforms, processes and accreditation to facilitate children’s engagement – in-person or remotely through virtual engagement - and provide children with access to age-appropriate and timely information in a language and format they can understand.
- The **private sector** should promote and respect all children’s rights and their right to act as human rights defenders applying the Children’s Rights and Business Principles<sup>6</sup> to help improve the contribution of business to the rights and well-being of children.

### **What do children say?**

*“If adults and we move together then we feel safer and in this way our organisation will also sustain its work.”*  
Child from Asia-Pacific

*‘Having access to and getting to know what’s going on is a problem even for an elderly person, leave alone children’.*  
Child from Africa

Centre for Children’s Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)

#### **ii. Children’s rights to participate in public decision-making**

**Children need formal opportunities to participate in local, national and international public decision-making, governance and accountability processes** in meaningful and safe ways (UNCRC Article 12).

Many countries have not yet institutionalised mechanisms to facilitate children’s engagement with local and national government officials and processes, for example through Children’s Assemblies or Parliaments. Emerging evidence points to the importance of states embedding children’s right to participation in legislation to ensure sustainable and predictable opportunities for children to engage with government structures and to move away from a situation where children’s right to participation is reliant on the goodwill of adults. Legislation needs to be specific on how children’s participation should be guaranteed in practice.<sup>7</sup>

It is more the exception than the rule that decision-makers provide feedback to children on how their recommendations have been considered.

To embed children’s rights and a better understanding of child participation within government structures, governments can appoint ‘child-friendly’ focal persons at municipal and national levels with the capacity to support accountability to children, children’s engagement and promote child rights at different levels of government.

To address these barriers, Save the Children recommends the following:

- **States** should secure children’s participation in law detailing how this right will be translated into practice at different levels, including the institutionalisation of inclusive child-friendly engagement mechanisms. They should implement and strengthen the systems, laws and policies that enable meaningful participation and improve reach, accessibility and sustainability.
- **States** putting in place specific laws on human rights defenders should ensure that these laws include a clear focus on and address the specific challenges faced by children.
- **States** should appoint child rights focal persons at different levels of government to promote child rights and support children’s engagement with the government.
- **States** need to put in place procedures to ensure systematic feedback to children on how their views and recommendations have, or have not, been taken forward.

<sup>6</sup> UNICEF, UN Global Compact and Save the Children, [Children’s Rights and Business Principles](#)

<sup>7</sup> Draft study by University College Cork, Centre for Children’s Rights at Queen’s University and Save the Children

### **What do children say?**

*'We need political leaders who are intelligent and well informed of matters that affect children. After all, they have signed international documents on our rights and they do know that children are most affected by the decisions they make. They should involve us in political issues and allow us to bring out our views by making a children's platform where we tell them what we want done for us.....'*

Child from Africa

*'The government should be aware that it is the right for the children to participate.'*

Child from the Middle East

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)  
Consultation with children in Yemen by Save the Children, May 2018

### **iii. Children's agency, knowledge and self-esteem**

To act as human rights defenders, children need support to build their **agency, knowledge and self-esteem** to speak out.

Children identify their lack of confidence as a barrier, which is often overcome with experience and support from adults and other children. Children are also hesitant to engage when they do not know how to get involved, they lack resources, they are afraid or told not to get involved, and feel like taking action would not result in change.<sup>8</sup>

Children from the most deprived and marginalised groups tend to struggle more than other children to have their voices heard and act as human rights defenders. Some of the challenges they experience arise because they are working, living in remote areas, or information and spaces to engage are not tailored to their needs.

To address these barriers, Save the Children recommends the following:

- **States** need to ensure that the education system provides opportunities for children to learn about their rights, how to think critically, how to access information as well as to strengthen their communication skills and confidence to speak out.
- **Civil society** can play an important role in building children's knowledge and capacity to engage as human rights defenders, support them to engage with different actors and claim their rights. Civil society can raise awareness of children's rights and the role of children human rights defenders among the public.
- **States, international institutions, civil society and all other actors supporting children human rights defenders** should develop specific strategies to ensure that children from deprived and marginalised groups have equal opportunities to act as human rights defenders.

### **What do children say?**

*'I have conquered insecurities and emotions; I have made new acquaintances; I learned how to work in a group and how crucial this was and I have had fun. I think all of us have taken away something.'*

Child from Eastern Europe

*'If the children were not active positive leaders and know that they have to demand their rights while they are young, they will not be active and innovators when they become adults'*

Child from the Middle East

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)  
Consultation with children in Yemen by Save the Children, May 2018

<sup>8</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

#### iv. **The role of adults**

Another barrier to children human rights defenders is the adults' lack of respect for children's right to speak out, engage and defend human rights.<sup>9</sup>

Out of concern for their children's safety and reputation, parents can be gatekeepers to their children as human rights defenders. Adults can also be resistant to sharing power and decision making with children, often not convinced that children have the required competencies or insight.

With increased opportunities for children to become human rights defenders and participate in public processes, there is a need to guard against adults attempting to control and manipulate children, use children's voices to advance political agendas and to hear only those messages from children that resonate with the agenda of adults.

To address these barriers, Save the Children recommends the following:

- **States** should recognise children as human rights defenders. They should systematically promote the rights of children to be human rights defenders, take civic action and influence public processes. They should address negative attitudes and build the capacity of state actors to engage meaningfully with children.
- **Civil society** can serve as a bridge and help build capacity, broker and facilitate opportunities for children to be human rights defenders. Civil society (along with states) can also engage and prepare adults to listen to and share power with children.
- **States, international organisations, civil society, the private sector and other actors engaging with children** should, at all times, adhere to the nine basic requirements for effective and ethical child participation.<sup>10</sup>

#### **What do children say?**

*'We would mainly like to change people's mentalities. Change their prejudices, the myths and the sexism. Women and children have not been supported to raise their voices and participate.'*

Child from Latin America and the Caribbean

*'Since the CG [children's group] has been formed, people in village have started listening to us and they consider our views. Otherwise they never listen to us.'*

Child from Asia-Pacific

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)

Save the Children (2012), [Children in Politics - A collection of 11 inspiring, motivating and suggestive case studies on children's engagement in governance](#)

#### **The safety and security of children human rights defenders**

Children face a number of risks in promoting and defending human rights.<sup>11</sup> Adults supporting children to act have the responsibility to ensure children's safety and security at all times and to address threats. At the same time, it is important that safety concerns do not become an excuse to restrict children's rights to defend human rights. Based on clear child-protection strategies and the UNCRC principle on the best interest of the child (UNCRC Article 3), adults should work closely with children to help them analyse and mitigate risks and take informed decision on how to move forward. Children also feel that some risks could be reduced, including when participating in public demonstrations, through the

<sup>9</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

<sup>10</sup> UN Committee on the Rights of the Child, [General Comment No. 12 \(2009\) on the right of the child to be heard](#). The basic standards require all child participation to be 1) transparent and informative, 2) voluntary, 3) respectful, 4) relevant, 5) child-friendly, 6) inclusive, 7) supported by training for adults, 8) safe and sensitive to risk, and 9) accountable

<sup>11</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

presence of their parents, or supportive adults from civil society.<sup>12</sup> Civil society can also mitigate risks by raising awareness and building support for children's rights among adults.

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<sup>12</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)