



Save the Children's submission for the OHCHR Forum on Human Rights, Democracy and Rule of Law on the theme: "Widening the Democratic Space: the role of youth in public decision-making"

July 2016

Introduction

The Forum on Human Rights, Democracy and Rule of Law on the theme: "Widening the Democratic Space: the role of youth in public decision-making" that will take place on 21-22 November 2016¹ is an opportunity to address the concerns and rights of children and youth in enjoying their civil rights and freedoms including by contributing to public decision-making. The UN definition of youth covers persons from 15-24 years, and the UN Convention on the Rights of the Child (UNCRC) covers all persons under 18 years unless majority is attained earlier. However, Human Rights Council (HRC) resolution 28/14, adopted in March 2015, calling for the establishment of the Forum and HRC resolution 32/1 on "Youth and Human Rights" adopted in June 2016, do not define youth. Therefore, we call for consideration of "children and youth" in these discussions as they are potentially overlapping categories.

Save the Children works in more than 120 countries. This submission builds on Save the Children's experience of creating and maintaining civil society space, including space where children and youth can participate in public decision-making.

Children, who constitute more than 30% of the world's population, have the right to be heard and participate in different spheres of society in accordance with Articles 12, 13 and 15 of the UNCRC. Our experience has shown that involving children and youth in public decision-making processes plays an important role in ensuring the realization of their rights. Children and youth can help governments to improve development outcomes, design more accurate and relevant interventions, implement more effective policies for and with children and allocate resources more effectively.

Recent research conducted by Save the Children establishes that children want to participate in public decision-making² and to engage in civil society. Their ability to do this depends a great deal on the extent to which their civil and political rights are fulfilled, including rights to information, freedom of opinion, expression, peaceful assembly and association, and the availability of safe formal spaces within decision-making processes for children to contribute. It also depends on the extent to which civil society more broadly has the freedom to operate within an "enabling environment", which refers to the institutional, legal, political and administrative conditions that underpin the existence and effectiveness of civil society.

We need children and youth to engage in public decision-making and it is not acceptable that children and youth's voices are often marginalized and civil society space is shrinking.

¹ <http://www.ohchr.org/EN/HRBodies/HRC/Democracy/Pages/ForumDemocracy.aspx>

² Centre for Children's Rights and Save the Children (2016), *Enabling the exercise of civil and political rights: The Views of Children*, and Centre for Children's Rights (2015), *Towards Better Investment in the Rights of the Child: The Views of the Children* <http://www.childrightsconnect.org/govtspendingsurvey/>

The role of children and youth in public decision-making

Children's civil rights and freedoms, including the right to participation

As Marvin Ramírez, 16, from Guatemala states, "I often hear that we as children and adolescents are the future of the nation, and we are, but we're also the present, and I want my rights to be fulfilled now."

A number of international human rights instruments establish civil rights for all individuals, including children. The 1948 Universal Declaration of Human Rights states that, "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." Under the UNCRC, children also have rights to appropriate information, freedom of opinion, expression, peaceful assembly and association. These rights must be guaranteed to all children, including stateless children, without discrimination.

The 2030 Agenda on Sustainable Development also provides us with an important opportunity to accelerate the realization of the rights of adults and children alike. Children and youth are one of the main beneficiaries of the 2030 Agenda and its success will depend on how commitments are delivered for, and with, them. Building on children's participation in the processes to develop the 2030 Agenda, the pledges to "leave no one behind" and "to reach the furthest behind first" must be considered guiding principles in the implementation of the Sustainable Development Goals and in accountability processes at all levels. Children and youth must be provided the opportunity to engage and contribute as active participants by freely providing their views as to whether government policies and actions are achieving their intended aims.³

The value of children and youth participation in public decision-making

Consultations with almost 2,700 children in 71 countries on investment to realize children's rights⁴ confirmed that children attach great importance to participating in public decision-making and accountability processes and have much to offer. They felt strongly that their insights could help governments to take better decisions. **A child from Eastern Europe Stated that "[There should be] stronger communication between those who make the decisions and those who 'get' the consequences of those decisions."**

Save the Children's work with children and youth has proven that children have a great deal to contribute, have different perspectives to adults and bring new insights about their situation and possible solutions. **As a 15 year old girl from Latin America and the Caribbean explains, "Adults need our help when it comes to public policies. Otherwise they can only think of their own priorities and not ours."** Children show a high degree of responsibility in the way they use opportunities to engage and are as concerned as adults about making a difference.

Save the Children's experience working with children and youth across different regions has generated a number of good practices and lessons learnt that should be considered in ensuring children's meaningful, inclusive and safe participation in accountability processes.⁵

It is unrealistic to expect children to grow into responsible, participating adults if the skills involved in a democratic process have not been introduced to them at an earlier stage. Individuals need to practice to

³ Save the Children (2016), *Towards a New Accountability Paradigm: An Accountability Framework for the 2030 Agenda for Sustainable Development*: http://www.savethechildren.org.uk/sites/default/files/images/New_Accountability_Paradigm.pdf

⁴ Centre for Children's Rights (2015), *Towards Better Investment in the Rights of the Child: The Views of the Children* <http://www.childrightsconnect.org/govtspendingsurvey/>

⁵ Save the Children (2015), *Submission to the UN Office of the High Commissioner for Human Rights for its follow-up report on Investment in Children's Rights*. <http://www.ohchr.org/EN/Issues/Children/ThematicReports/Pages/Followupreportoninvestment.aspx>

understand the nature of democracy and develop the competence and confidence needed to participate. This ultimately plays an important part in establishing and maintaining a healthy democracy.

Obstacles to children and youth participation

The capacity of children and youth to influence public decision-making on their own terms is largely dependent on the extent to which their civil rights and freedoms are met. In many countries, children and youth voices continue to be marginalized in decision-making processes on issues concerning them and their opinions are less valued than those of adults.

Children face many obstacles in realizing their right to participation in civil society because of their status. In many countries children are seen as vulnerable, with limited capacities, dependent, and in need of protection. The civil rights of children have been ignored by governments, caregivers and civil society in part because to grant them would be to challenge a status quo that privileges adults over children. While millions of children around the world contribute to their own survival and development as well as that of their households, many are still expected to be silent and obedient in front of adults.

Appearing to listen to children is relatively unchallenging, but giving due weight to their views requires real change. It is therefore important to ensure that adults, including actors in civil society and decision-makers, are sensitized, prepared, trained and supported about children's rights, including their right to participate in decision-making. It is sometimes effective when the government appoints 'child-friendly' focal persons at municipal and national levels with the capacity to support children's engagement and represent the concept at different levels of government.

There are still huge gaps between child right commitments and law and practice. While there is close to universal ratification of the UNCRC, national law does not always reflect this and can even contradict it. Where children's civil rights are embedded in laws, this is not necessarily translated into practice or becomes a tokenistic compliance exercise. **As a child, from a children and youth organization in the Asian region explains, "We have comprehensive rules and regulations for child participation in [my country], but inside the government these platforms are violated, and we have no assurance of real participation."**

Moreover, in many countries the right to information is a constitutional right, but in practice the information might be hard or costly to access, presented in a way that is difficult for children to understand, out of date or inaccurate. It is particularly important to ensure that children have access to timely, age appropriate and child-friendly information, as without this they cannot express informed opinions, meaningfully participate in change, claim their rights and access the services they are entitled to. Save the Children's experience working on programmes involving children in governance is that children often appreciate information produced by their peers that is presented through peer learning.

Children's right to association might be hampered because they are not considered competent or experienced enough to legally establish their own organizations, to receive or manage funds, or to engage in contractual partnerships with other agencies or organizations. In a number of countries children's organisations are not allowed to receive and manage funding or open a bank account, which might be needed to for them to receive funding. Children's associations thereby risk co-option by adult-led organizations.

A related issue is that in recent years, many governments have limited the space in which civil society operates through increased State regulation, intervention and scrutiny of civil society activities⁶. In order to work with

⁶ These restrictions have been well documented including in the following reports: CIVICUS (2010) *Civil Society: The Clampdown is Real Global Trends 2009-2010*, available at: http://www.civicus.org/content/CIVICUS-Global_trends_in_Civil_Society_Space_2009-2010.pdf; InterAction (2013) *Policy Brief: Safeguarding Civil Society*, available at: http://www.interaction.org/files/FABB%202013_Sec5_CivilSociety.pdf; and ICNL (2012) *Defending Civil Society Report* Second Edition available at: http://www.defendingcivilsociety.org/dl/reports/DCS_Report_Second_Edition_English.pdf

and for children, civil society must have the freedom to operate within an enabling environment. This means that the institutional, legal, political and administrative conditions and practices that are in place underpin the existence and effectiveness of civil society. There is a core of rights that act as the bedrock of an enabling environment for civil society. These include the rights to access information and to freedom of peaceful assembly, association, opinion and expression - online and offline - which are contained in a vast body of international law and inter-governmental commitments.

Fear is finally a very real obstacle. Children, just like adults, are putting themselves at risk when exercising their legal civil rights. In its recent research, Save the Children found that 38 per cent of children consulted felt unable to attend a public protest due to fear of reprisals.

Conclusion

While the civil rights and freedoms of children and youth are clearly articulated in international law, the reality is that due to age discrimination, negative perceptions of children and youth and poor domestication in law and practice, they have been widely ignored by governments and communities. To enable children and youth to participate in governance and decision-making, governments should institutionalize child-friendly, age-appropriate and safe processes and mechanisms where children and youth can articulate their views whilst taking into account their evolving capacities and influence decision-making and accountability. It is also important to ensure that adults, including actors in civil society and decision-makers, are sensitized about children's rights, including their right to exercise their civil rights and freedoms and participate in governance. Governments also need to promote and protect rights that enable civil society to operate. This means that they should put in place robust legislative and administrative frameworks that protect and promote rights to freedom of peaceful assembly, association, opinion, expression and access to information without discrimination.

Children and youth want to engage in changing their societies for the better. Indeed, they are currently doing so and we need to enable them to engage more if we are to create a world fit for children and a world with active, democratic citizens.

Recommendations:

States:

- **States should ensure that all the rights contained in the UNCRC are guaranteed in national legislation and translated into laws, policies, budgets and practice, remove all reservations to the UNCRC and ratify the UNCRC's optional protocols.**
- **Put in place and fully implement legal frameworks that guarantee all children's rights to freedom of expression, association, peaceful assembly and access to information without discrimination in line with the UNCRC.**
- **Create public and political environments where children's and youth's voices are valued by adults, their participation encouraged and their recommendations given due weight. Political leaders at the highest level need to support children as civic actors.**
- **Governments should create avenues for children and youth to participate in policy development, planning and decision-making, including through the establishment and resourcing of child-friendly, age-appropriate and safe formal mechanisms and spaces where they can engage with decision-makers at all levels. Children should be provided with feedbacks on their inputs.**
- **States should ensure that children and youth have access to age-appropriate and timely and accurate information in a language they understand.**

- Governments should provide long-term support and resources for an independent civil society, including children's and youth's own organizations and create spaces within decision-making processes for these associations.
- Human rights and civic education should be integrated into curricula and training programmes.
- States should repeal laws and abandon practices that restrict: the rights of individuals to form and join civil society organizations; the right of civil society organizations to fulfill their legal purposes without state interference, to seek and secure resources including across borders and to communicate with national and international partners adhering to international standards, including the Busan Partnership Agreement.

UN and other international and regional multilateral institutions

- UN and regional human rights mechanisms and treaty bodies should make recommendations on and follow up measures taken by states to create a safe and enabling environment for civil society, including the realization of adults' and children's civil rights and freedoms.
- The UN Human Rights Council, through its special procedures, should develop and adopt guiding principles on creating a safe and enabling environment for civil society, including for children
- The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association as well as the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression should continue to examine and make recommendations related to the realization of children's and youth's civil rights and freedoms.
- The UN and other international and regional multilateral institutions should adhere to principles of transparency, participation and accountability in all its work. They should commit to an enabling environment for civil society and meaningful, inclusive and transparent participation of civil society in all their processes based on access to timely and easy access to all information and documents. This means that accreditation procedures are straightforward to use and multiple platforms and opportunities are created for input and feedback.

Donors

- Donors should have a clear policy on collaborating with civil society that complies with the Busan commitments. They should recognize CSOs as development actors in their own right; promote an enabling environment (including effective donor support); and encourage CSOs to implement practices that strengthen their accountability and contribution to development effectiveness.
- In bilateral and multilateral discussions and partnership agreements with states, donors should actively promote the rights to information, freedom of expression, association and peaceful assembly, including for children.
- Donors should promote an enabling environment for civil society including through direct funding to children's rights organizations and coalitions and child-led initiatives. Funding should also be provided to organizations working explicitly to protect civil society space.
- It is important to create roles for CSOs within aid policy development, monitoring and evaluation at all levels.

Civil society organisations

- International NGOs should use their position and reputation to push the agenda on issues that are difficult for local organisations to pursue. They should also facilitate the engagement of civil society, including children, with international and regional human rights mechanisms.

- **International NGOs should seek to protect peaceful and democratic local organizations from persecution and provide them with support in pursuing legitimate claims to the civil rights necessary for an open and pluralistic civil society.**
- **Civil society should create strategies to directly influence policies and policy implementation of laws and regulations affecting civil society space and to increase national and international pressure for improved civil society space.**
- **They should strengthen their own capacity to demand and protect civil society space and strengthen coordination and collaboration of actors demanding improved civil society space - including using their constituency bases to support their demands for improved civil society space.**