

Day of General Discussion: Protecting and empowering children as human rights defenders

Submission from the Children's Rights Alliance for England

About the Children's Rights Alliance for England (CRAE)

CRAE is part of the charity Just for Kids Law and works with over 100 organisational and individual members to promote children's rights. We fight for children rights by listening to what children say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

Who should be recognised as children human rights defenders?

All children aged 17 years and under who are working to defend their own rights or the rights of others – children or adults. Article 1 of the Declaration of Human Rights, which states *“everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”* is just as applicable to children as it is to those aged 18 years and over.

What's the role children play as human rights defenders?

Children play a crucial role as human rights defenders and are a powerful voice for change.

Children with experience of having their own rights infringed can offer personal testament which articulates the reality of children's everyday lives when their rights are being infringed. This can be much more effective in convincing others of the importance of realising children's rights than adults speaking on their behalf and brings to life the reality behind the statistics, highlighting the subtleties of children's experiences and dispelling assumptions made by adults.

Children can also be much more effective in galvanising other children to be human rights defenders and to speak up when their own rights have been violated. Some children will be more likely to respond positively to peers when speaking about difficult subjects. When CRAE supported children to submit their own report to the UN Committee on the Rights of the Child (the UN Committee) we found that a focus group was co-facilitated by our Participation Manager and a young child rights activist was an effective model of discussing with children how well they thought their rights were being respected.

Increasing children's knowledge of human rights and supporting them to be human rights defenders will also help to embed a cultural of human rights in society.

What enables children to act as human rights defenders?

Children need to have knowledge and understanding of human rights and the mechanisms that can be used to challenge violations.

Alongside this, children need training to ensure knowledge and skills to act as effective human rights defenders. Some groups of children, especially younger children and children from marginalised groups, will need additional support to access mechanisms which can be used to champion human rights and challenge violations alongside opportunities to engage with key influencers and those who hold the power to realise human rights.

Adequate financial support is crucial for children to be able to act as human rights defenders, especially when engaging in national and international mechanisms where travel and accommodation costs are incurred. This is especially important for children who do not live in the capital and come from marginalised backgrounds. Staffing, activity and overhead costs are also essential when an organisation is supporting children to be human rights defenders.

What barriers do child human rights defenders face at all levels?

Knowledge of rights

A key barrier to children in England being human rights defenders is a lack of knowledge about human rights.

As part of the UN Committee's examination of the UK in 2016, CRAE supported children to submit their own alternative report through the See it, Say it, Change it project. The project carried out research with children through a series of focus groups and an online survey. Whilst some children in focus groups and through our online survey had some awareness of rights, knowledge varied a lot.

Of 819 children who answered the question 'have you heard of the UN Convention on the Rights of the Child (UNCRC)?' 46% told us they had not heard of it and a further 10% were not sure. When asked 'how much do you know about the UNCRC?' only 1 in 5 said 'a lot'. The majority of children (56%) said they only knew 'a little'.

The picture was more mixed in the focus groups. Some children said they didn't know anything about children's rights and didn't think others did either. Even when children reported that they'd been taught about rights they were still unclear about what they mean: *"I'm unsure what they [children's rights] actually are."* Boy, 15

Human rights are part of the secondary school "citizenship curriculum". However, this only applies to some state funded schools. Private schools, free schools and academies are not obliged to teach pupils about the UNCRC, nor is it part of any primary schools' curriculum.

Following the 2008 Concluding Observations on the UK, Ministers from England, Wales Scotland and Northern Ireland made a commitment to raise awareness of the CRC in their jurisdictions¹, but following a change of government in 2010 there is little evidence this occurred in England and there is minimal information about the UNCRC on the official gov.uk website. Child-friendly versions of the CRC have generally been produced by civil society.

More positively, following the 2016 UK examination, the Department for Education (DfE) funded CRAE to produce two child-friendly versions of the Concluding Observations – one for seven-11 year olds and

¹ Department for Children, Schools and Families (2009) *Working Together Achieving More*

one for 12-17 year olds.² The Unicef UK rights respecting schools programme³ is also a good example of how a rights culture can be embedded in schools but currently only a minority of schools in England have been accredited as a 'rights respecting school'.

It is impossible for more children to be human rights defenders until there is a substantially greater knowledge of children's rights amongst children and the professionals who work with and for children alongside the concerns and recommendations made by the UN Committee in its concluding observations.

Low status of children in society

Despite some improvements in recent years, the pervasive view in English society is that adults know better than children and consequently children are often not taken seriously. In its 2008 Concluding Observations on the UK in 2008, the UN Committee raised concern about the intolerance and discrimination faced by children in the UK yet this concern is yet to be adequately addressed.

Many children continue to feel that they are not listened to by the adults in their lives including their parents and carers and professionals, furthermore negative stereotypes of older children often add to a mistrust of their voices and views by adults.⁴ Until children are viewed as equal members in society on a par with adults the environment will remain challenging for children to be human rights defenders.

Inaccessible mechanisms

Mechanisms that have been established to enable citizens and civil society to act as human rights defenders remain, on the whole, designed by adults for adults. More often than not, children are expected to slot into the adult way of working rather than a new system be designed to enable children to participate effectively.

UN periodic reporting

Positively, there have been some strides by the UN Committee to open up the UNCRC reporting process to children, for example, receiving children's alternative reports, UN Committee rapporteur visits to States where they can talk to a range of children, including those in institutions, and having a meeting between UN Committee members and children as part of the pre-sessional working group (the pre-session).

However, improvements can still be made to enable children to more easily participate in the reporting process, for example, it is not mandatory for all UN Committee members to attend the children's meeting. While we recognise the constraints on UN Committee members time, this sends out a message that child human rights defenders are not viewed as important as the adults representing NGOs or Children's Ombudspersons. In our experience, there has also been challenges in enabling a disabled child in a wheel chair to take part fully in the children's meeting. Emma, age 11 at the time, shares her experience below:

² Children's Rights Alliance for England (2017) *Child friendly version of the Concluding Observations of the UN Committee on the Rights of the Child 7-11 and 12-17*

³ <https://www.unicef.org.uk/rights-respecting-schools/>

⁴ Children's Rights Alliance for England (2015), *See it, Say it, Change it. Submission to the UN Committee on the Rights of the Child*

“We had to wear headsets to listen to what everyone else was saying and we had to press a button when we wanted to talk. Because I’m in a wheelchair every time I leaned forward to press the button my headphones fell off and I couldn’t put them on again.”

Better use of technology could also help to facilitate better engagement with larger numbers of children in a States examination by the UN, if used in combination with other mechanisms.

The formal pre-sessional meeting itself also remains extremely formal and will not be appropriate for many children, although we welcome the Chair of the UN Committee’s efforts to ensure that the children who were present for the UK examination were given time to make their key points by extending the session.

The guidance produced for children and those who work with children on how they can engage in UNCRC reporting produced by CRAE and Child Rights Connect is also badly in need in of updating but this is not possible without the necessary funds. Without up to date child-friendly material on UNCRC reporting it will make it harder for children to engage in the process.

The cost of engaging children in UNCRC reporting in England – both in terms of supporting children to submit their own report and attending the pre-session - is reliant on CRAE raising the necessary resources. There are no funds available from either the UN or the UK government for this purpose. This means that whether child human rights defenders can take part in the reporting process remains precarious. Likewise reporting schedules often clash with school term time making it harder for children to engage. Information for schools from the UN Committee would be useful to encourage schools to support children’s involvement.

In future it would also be helpful if there was a child-friendly version of the ‘list of issues’ produced by the UN Committee secretariat. This will be even more crucial in the simplified reporting procedure if children are to submit their own reports.

Reporting processes for the other core UN human rights treaties reporting process and Universal Periodic Review remain extremely inaccessible for most children.

Government and parliament

While there are some good examples of mechanisms that facilitate children’s engagement in parliamentary procedures and government decisions, for example, the UK Youth Parliament, democratic institutions are largely inaccessible to children, which makes it difficult for children to hold the government to account for its human rights obligations. Some parliamentary select committees, such as the Joint Committee on Human Rights, are starting to look at how they can engage children more in inquiries but this work is still at an early stage and children’s engagement is not consistent across all Committees. There have also been good examples of children playing an active role in All Party Parliamentary Group sessions.

Following the Concluding Observations on the UK children who were part of the See it, Say it, Change it project met with the then Children’s Minister to discuss the recommendations of the UN Committee. However, no children’s reference group has been set up to meet regularly with the Children’s Minister to discuss progress on addressing the UN Committee’s concerns. In contrast, the UNCRC Action Group -

co-chaired by CRAE and the DfE - has been established with representatives from children's organisation, the Children's Commissioner and the Equality and Human Rights Commission. Without government support it is impossible for CRAE to support an equivalent group made up of young child rights activists.

How can human rights defenders be at risk and what safeguards should be in place?

Child human rights defenders in England can be at risk when engaging in activism and/ or speaking out about rights violations especially where these are drawn from personal experiences or when the child is a vulnerable situation. For example, children speaking out about violence by the police or in the youth justice system may need to have their identities protected to ensure their personal safety. Safeguarding for children who are sharing sensitive information which might implicate professionals, members of their community or an institution in which they live is essential and needs to be considered in media coverage and how organisations work to support children. Likewise, emotional support is essential to ensure children are able to cope with any challenges associated with speaking out.

What legislation exists to support children as human rights defenders?

There is no legislation in England which specifically supports children as human rights defenders although there are participation rights enshrined in law for some children in some settings. Legislation which supports adults to be human rights defenders, for example, freedom of information laws can be utilised by children although knowledge of these will likely be low amongst most children.

Recommendations

- **States Parties must do considerably more to ensure children have sufficient knowledge of human rights. Human rights education, including children's rights should be mandatory for all schools and children's rights should be included in all professional training of those working for and with children. Governments should also produce more child friendly materials on human rights as well as accountability mechanisms.**
- **States Parties should do more to address discrimination faced by children and promote the fact that children are rights holders and can be rights defenders.**
- **The UN Committee should make recommendations which support children to be human rights defenders in its Concluding Observations.**
- **Further efforts should be made to ensure that the UNCRC reporting process is more accessible to children, including those from marginalised groups and those most likely to have experienced child rights violations.**
- **Up to date child friendly materials on the UNCRC reporting process should funded with urgency.**
- **States Parties should provide the lead children's rights NGO in a country with the necessary funds to ensure that children can actively take part in in the UNCRC reporting process, including through a children's alternative report, participation at the pre-session and attendance at the plenary hearing.**
- **States Parties should establish sustainable mechanisms to ensure children can be engaged on follow up to the UN Committee's Concluding Observations.**

- Parliament should undertake further efforts to ensure children can participate in its mechanisms that scrutinise and hold States to account on its human rights obligations, for example, select committee members could specifically engage with children as part of inquiries in ways which facilitate children's participation.
- Children's rights, human rights organisations, Children's Ombudspersons and Independent National Human Rights Institutions should ensure that better engaging children in both governance and campaigns is a key strategic priority.

Change it! Children as human rights defenders – a case study

Change it! Is a child-led campaign supported by CRAE, it has 22 members from across England. The group first came together in 2015 when they researched and wrote a children's alternative report as part of the UN Committee's examination of the UK.

CRAE supported members of the Steering Group to analyse the UN's recommendations and launch the Change It! Campaign focussed on temporary accommodation for homeless children in families, of which many of the group have lived experience. With support from CRAE they have articulated their experiences of living in dirty, overcrowded places with no space to play or do homework and the effects this has had on their lives including, being bullied, failing in their education and experiencing mental or physical health problems. The group have engaged over 300 children and young people in a network of young activists and co-produced a campaigning guide for children¹. They have worked to hold people in power to account through a lobbying event in parliament and meetings with decision makers including MPs. A meeting with the Housing Minister is taking place in July. They also co-produced a campaign film, ¹ featured in documentaries and news stories and published a powerful report¹ highlighting the experiences of homeless children. Many members of the group come from marginalised groups, yet the success of the Change It! Campaign gives testament to the way in which, with proper support, children from all backgrounds can act as human rights defenders.

"Getting involved in the Change it! campaign has given me the opportunity to be heard. I've spoken with MPs and decision makers and learnt new ways to take action. Change it! is unique to me because it is really unusual for us, young people, to be listened to and to have the opportunity to confront adults on such an important issue, the housing crisis in England. But we are experts too, and through Change It! we have been able to speak out!" Fowzia – Change It! steering group member

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