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***Save the Children’s submission for the UN Office of the High Commissioner for Human Rights' report to the Human Rights Council on the theme:
“*How to create and maintain civil society space? What works?*”***

***Introduction***

An active and independent civil society[[1]](#footnote-1) plays an important role in ensuring that a responsive and accountable State can deliver for all of its children and realise their rights. States, in accordance with their international human rights obligations, need to promote and protect the rights that enable civil society to operate.

Civil society can hold States to account for realising children’s rights and can advocate for positive change for children in policies, laws and budgets. It can promote, raise awareness of and strengthen capacity on children’s rights. In many countries, civil society supports the State in fulfilling its obligations to deliver basic services for children and often also plays a watchdog role to ensure equal access to services that are of an adequate standard. Civil society has an important role to play in emergency preparedness, recovery, reconstruction and resilience-building. This role is emphasised in the global Sendai Framework for Disaster Risk Reduction and includes identifying and supporting the most marginalised children and their families.

Civil society is also a space *for* children. Their ability to use that space depends 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 formal spaces within decision-making processes for children to contribute. Children have the right to be heard, they want to be heard, and we need them to speak out to better understand and respond to their specific situation.

Save the Children works in more than 120 countries. This submission builds on Save the Children's decades of experience of creating and maintaining civil society space, including space where children can participate. Our experience has shown us that a strong, diverse and independent civil society can play a vitally important role in ensur­ing the realisation of children’s rights.

***Creating and maintaining space for civil society to promote and monitor children’s rights***

*Challenges*

In recent years, many governments have limited the space in which civil society operates through increased State regulation, intervention and scrutiny of civil society activities[[2]](#footnote-2). Access to information is also a challenge. For example, according to the Open Budget Survey 2012, only 23 of the 100 countries surveyed could be characterized as providing their citizens with significant information or better[[3]](#footnote-3). Access to timely and accurate data is a precondition for civil society to be able to hold governments to account for their child and human rights obligations, hence the control of information can be very powerful.

When relations between State and civil society deteriorate, this can manifest itself in attacks ranging from political rhetoric against civil society to harassment and in its most extreme form assassinations of human rights and child rights defenders. It can also lead to civil society itself restricting and censoring its own activities. Although there is some global research and data on the impact these restrictions have upon space for civil society generally, more needs to be done to integrate a focus on children as active actors in civil society in research and data collection, including by children themselves.

*An enabling environment for civil society*

In order to work with 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.

The importance of creating an enabling environment within which civil society can operate freely has been empha­sised by the UN Committee on the Rights of the Child. In General Comment No. 5, the Committee states: "*The State needs to work closely with NGOs in the widest sense, while respecting their autonomy....NGOs played a crucial part in the drafting of the Convention and their involvement in the process of implementation is vital..... The Committee welcomes the development of NGO coalitions and alliances committed to promoting, protecting and monitoring children’s human rights and urges Governments to give them non-directive support and to develop positive formal as well as informal relationships with them*"[[4]](#footnote-4). The Committee also supports the direct involvement of child-led groups in its work, including through the submission of supplementary reports, participation in Days of General Discussion and submissions for General Comments.

To ensure an enabling environment for civil society in law and practice, States should put in place robust legislative and administrative frameworks that protect and promote rights to the freedom of peaceful assembly, association, opinion, expression and access to information without discrimination and in line with international standards. States should repeal laws and abandon practices that restrict the right of individuals to form and join civil society organizations that respect the rule of law. They should also permit and encourage civil society organizations to: fulfil their legal purposes without State interfer­ence; seek and secure resources for promoting children's rights including across borders; and to communicate with national and international partners adhering to international standards, including the Busan Partnership Agreement.

A pre-condition for exercising one’s civil rights and freedoms is birth registration, which is the official record of a person’s existence. Birth registration is often also necessary to guarantee access to essential services and to protect children from early marriage or recruitment by armed forces, and is therefore essential for the realisation of children's rights. Despite this, 230 million children still lack birth registration[[5]](#footnote-5). States should strengthen civil registration systems to ensure free birth registration with a civic institution of all children irrespective of their status and without discrimination of any kind immediately after birth, through universal, accessible, simple, expeditious and effective registration procedures.

An enabling environment for civil society goes beyond the simple absence of restrictions and encompasses a set of conditions that actively help civil society to function, thrive and contribute to the improved realisation of children’s rights. This is a recognition of the fact that there must be physical and digital spaces and places where people can come together and opportunities to facilitate adults’ and children’s engagement in governance and decision-making. This is essential in creating opportunities for coordination and channels through which individu­als and groups – particularly those who are excluded and discriminated against – can make their voices heard and influence the development of society. This includes reconstruction or peace processes following a humanitarian crisis. The purpose of and opportunities for public engagement in governance should be publicised in advance and the public should be provided with feedback on their inputs. The right to access information must be embedded in law and practice and States should make comprehensive, disaggregated and user-friendly information available to the public in a timely and accessible manner.

Creation of these spaces can enable civil society to collaborate and be bolder and less fearful of raising violations of children's rights when engaged in advocacy and other activities viewed as politically relevant and potentially threatening. Facilitating the work of child-focused civil society coalitions and child-led groups has therefore always been an important part of Save the Children's approach to strengthening civil society. In Bangladesh, for example, the Child Rights Advocacy Coalition has developed a common child rights monitoring framework and indicators and tools that can be used to collect both qualitative and quantitative data on children’s rights. This framework has resulted in free information flows among civil society actors and enabled the coalition to better hold government accountable to meet its national and international child rights commitments. In Somaliland, Save the Children has supported an umbrella Child Rights Forum for 25 civil society organisations who advocate for increased resource allocations for children in rural and pastoralist areas as well as monitoring child rights violations.

Work by civil society and others to protect and enhance civil society space can be sensitive and bring risks, which need to be anticipated, assessed and mitigated. At the same time, non-engagement is also a risk, as it may weaken civil society's credibility as a defender of children’s rights and limit what can be sustainably achieved for children. International NGOs should seek to protect peaceful and democratic civil society by:

* Directly influencing policies and policy implementation of laws and regulations affecting civil society space
* Increasing international pressure for an improved enabling environment for civil society
* Shaping public opinion and gaining public support for an enabling environment for civil society
* Strengthening national civil society's ability to demand and protect civil society space
* Strengthening coordination and collaboration between actors demanding an improved enabling environment for civil society.

*"We demand coherence from donors and international organizations. We also demand a dialogue. National NGOs cannot be seen only as providers of services, but we also have to be seen as advocacy agents. So, our advocacy capacity has to be strengthened*."

CODENI, Coordinating Body of NGOs working for Children’s Rights, Nicaragua

National accountability institutions, including independent national human rights institutions and legislatures, can also play a role in promoting and monitoring an enabling environment for civil society and ensure that States guarantee adults’ and children’s civil and political rights in law and practice.

*New and emerging challenges and opportunities*

The advent of new technology enables different kinds of civic action to take place. Internet-based social media allows information to propagate rapidly, thus enabling quick and effective mobilisation, online or offline, and it is harder to censor and control the information. It also provides a virtual meeting place for people to share ideas and plan activities. In some countries, though clearly not all, the technology is widely accessible which means that people who wouldn’t normally involve themselves in such activities can be reached and participate. This can help to create highly responsive, less hierarchically governed and sometimes ad hoc civil society action. While there are examples of government attempts to curb technology, there is no doubt that the internet has significantly changed the way citizens are obtaining information and expressing their views. Civil society now means much more than its traditionally organised forms, and this new ‘space/place’ could open up even more opportunities for children. The challenge for both civil society and for governments is how to support children’s safe and meaningful participation in virtual spaces and in these social movements whilst taking into account that States have an obligation to guarantee rights to freedom of expression, association, peaceful assembly and access to information both online and offline.

***Creating and maintaining space for children as actors in civil society to promote and monitor their rights***

"*In the past culture of our country, listening to children was not common for adults. Children’s views were not taken into consideration and children were not always allowed to speak before the adults*...*as organized children with knowledge, skills and techniques in whatever we are doing, we have been able to convince the adults that we can do something they never imagined*."

Girl, aged 16 years, from Children’s Voice Today (CVT) child-led groups, previously known as Association des Enfants et Jeunes Travailleurs (AEJT) in Rwanda

*Children as actors in civil society*

In many countries, children’s voices continue to be marginalised in decision-making processes on issues concerning them and their opinions are less valued than those of adults. They are not considered competent or experienced enough to legally establish their own organisations, to receive or manage funds, or to engage in contractual partnerships with other agencies or organisations. In line with Article 12 of the UN Convention on the Rights of the Child, children have the right to participate as important actors in civil society and in public decision-making. In addition, involving children in governance and decision-making at all levels, supports children’s civic engagement and understanding of democratic processes. It can help governments to improve development outcomes, design more accurate and relevant interventions for and with children and allocate resources more effectively.

Consultations with almost 2,700 children in 71 countries on investment to realize children’s rights also confirmed that children attach great importance to participating in public decision-making and accountability processes. They felt strongly that their insights could help governments to take better decisions. A child from Africa mentioned **‘***There should always be a space for children’s voices to be heard***’**, while 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.*’ [[6]](#footnote-6)

Children’s associations are a vital part of civil society in many countries; sometimes they take the form of working children's coalitions, for example in Bolivia and West Africa. Through these associations, children have opportunities to meet, to share their experiences and to take joint action on issues affecting them. They also have greater power to defend and negotiate their rights through their collective strength, which is especially relevant for the most deprived children. In reality, children often encounter obstacles when forming their own organisations - it is often necessary to be an adult in order to register an organisation as a legal entity or to open a bank account and children's associations thereby risk co-option by adult-led organisations.

*An enabling environment for children in civil society*

States should take proactive measures, including the adoption of laws and policies and the allocation of budgets, to realize children’s rights to freedom of expression, association and peaceful assembly and the right to access information. As part of these efforts, States should ensure that the legal framework is conducive to the establish­ment of child-led organizations. States should also institutionalise child-friendly, age-appropriate, non-tokenistic and safe processes and mechanisms where children and their associations can influence decision-making and accountability.

It is imperative that children have access to child-friendly, age-appropriate and timely public information. Without timely information that makes sense to children, they will struggle to engage meaningfully in civil society and to influence public decision-making. For example, research on budget transparency and participation in relation to key child nutrition interventions in five African countries found very limited opportunities for the public to participate in these budget processes with even fewer opportunities for children to engage in these processes and to access information in a format appropriate for children to understand[[7]](#footnote-7).

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. It is also important to ensure that adults, including actors in civil society and decision-makers, are sensitised about children’s rights, including their right to exercise their civil rights and freedoms and participate in governance. Adults need, above all, to be ready to listen to children. 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.

Civil society can support government-led child participation processes. In Bangladesh, for example, Save the Children has supported a Child Friendly Local Governance (CFLG) programme, which enables children to form child forums. These forums become directly involved in local government planning and budgeting processes, engage municipal authorities in dialogue on the needs of children in the community and monitor the expenditure of budgets against allocation using social accountability tools. As a result of CFLG interventions, local government institutions are explicitly considering and budgeting for children who live in their communities for the first time. Child-focused plans have also been developed and increased resources have been allocated for children’s development.

In Kenya too, Save the Children, working in close cooperation with the Kenyan Government and civil society has supported the Children’s Assembly. This Assembly has structures in all counties and is a mechanism for girls and boys aged from 7 to 17 years old to engage in policy-making. Save the Children contributes to this partnership by educating local civil society and Assembly members on the structures and principles of the assembly and on child participation and decision-making processes in general.

***Role of intergovernmental organizations and donors to ensure civil society space***

Intergovernmental organisations and donors can help ensure civil society space in myriad ways. For example, UN and regional human rights mechanisms and treaty bodies can make recommendations on and follow up on measures taken by States to create a safe and enabling environment for civil society, including the realisation of adults’ and children’s civil and political 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 realisation of children’s civil and political rights.

An enabling environment for civil society should not only exist at the national level, but should also be in place in relation to the work of international and regional multilateral institutions. They should ensure that civil society, including marginalised organisations, can take active part and influence the work of these institutions without fear of reprisals, in a meaningful, inclusive and transparent manner. This means that accreditation procedures need to be straight­forward and transparent and multiple platforms and opportunities are created for input and feedback.

Children and their organisations should have meaningful and safe spaces to engage with intergovernmental organisations. For example, Save the Children and World Vision International supported children in Albania to put their recommendations on how to improve children’s rights before the second Universal Periodic Review (UPR) of Albania in 2014. Children interviewed their peers and structured the findings and recommendations into a UPR submission. They conducted advocacy with embassies at national level and presented their recommendations to Permanent Missions to the UN in Geneva. All their recommendations were addressed in the UPR recommendations made to and accepted by Albania. Following the UPR session, the National Agency for Protection of Child Rights in Albania organized a hearing in the Parliament. The children involved in the UPR-process were invited to discuss the issues that they raised in the UPR and to give their recommendations on how to improve the child rights situation in Albania. As a result of this process, the space for children to express their views and recommendations in public processes has improved in Albania.

For their part, donors should take every opportunity to promote the rights to information, freedom of expression, association and peaceful assembly, including for children, during bilateral and multilateral discussions and partnership agreements with States. They should also provide direct, predictable and long-term funding to child rights organisations and coalitions and child-led initiatives and to organisations working explicitly to protect civil society space. It is important to create roles for civil society within aid policy development, monitoring and evaluation at all levels.

***Useful resources on civil society space and children's rights***

* Save the Children policy brief on Speaking Out: Safeguarding civil society space for children (http://resourcecentre.savethechildren.se/library/speaking-out-safeguarding-civil-society-space-children-policy-brief)
* Save the Children publication on Pushing the Boundaries: A guide to realizing children’s civil and political rights (http://resourcecentre.savethechildren.se/library/pushing-boundaries-guide-increasing-realisation-childrens-civil-rights-and-freedoms)
1. For the purposes of this submission, Save the Children relies on the definition of civil society agreed by CIVICUS (World Alliance for Citizen Participation) as: “The arena – outside of the family, the State, and the market – which is created by individuals, collective actions, organisations and institutions to advance shared interest. Civil society therefore encompasses civil society organisations (CSOs), social movements, and the actions of less formalised groups and individuals.” CIVICUS (2011) *State of Civil Society Report* [↑](#footnote-ref-1)
2. 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) D*efending Civil Society Report* Second Edition available at: http://www.defendingcivilsociety.org/dl/reports/DCS\_Report\_Second\_Edition\_English.pdf [↑](#footnote-ref-2)
3. International Budget Partnership (2013), *Open Budget Survey 2012,* available at:[*http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf*](http://internationalbudget.org/wp-content/uploads/OBI2012-Report-English.pdf) [↑](#footnote-ref-3)
4. UN Committee on the Rights of the Child *General comment no. 5 (2003): General measures of implementation of the Convention on the Rights of the Child*, CRC/GC/2003/5 paras 58 and 59, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en> [↑](#footnote-ref-4)
5. United Nations Children’s Fund (2013), *Every Child’s Birth Right: Inequities and trends in birth registration,* available at: http://www.unicef.org/mena/MENA-Birth\_Registration\_report\_low\_res-01.pdf [↑](#footnote-ref-5)
6. 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/> [↑](#footnote-ref-6)
7. Accountability and Transparency for Human Rights Foundation (2013), *Budget Transparency and Child Nutrition – Research findings from Kenya, South Africa, Uganda, Zambia and Zimbabwe*, <http://at4hr.org/BTCN_Study.html> [↑](#footnote-ref-7)