

Children as Human Rights Defenders Inputs from Asia-Pacific Child Rights Coalitions and Networks

Submitted by Child Rights Coalition Asia (CRC Asia)
With inputs from the participants of the
*2018 Asia-Pacific Partnership Meeting of Child Rights Coalitions and Networks*¹

Background

This report is the output of the Day of General Discussion (DGD) Hub organized by CRC Asia. With technical support from Child Rights Connect and United Nations (UN) Committee on the Rights of the Child Member Mikiko Otani, the DGD Hub was attended by representatives of 30 child rights organizations, coalitions, and networks from 18 countries and territories,² as well as by representatives from two intergovernmental bodies in Asia.

The goal of this DGD Hub is to gather inputs and recommendations from civil society organizations in Asia-Pacific that will contribute to the objectives³ of the DGD. The discussions on the DGD Hub revolved around the themes of empowerment of children; support from adults, enabling mechanisms and State obligations; the term “children as human rights defenders;” children as rights-holders; the non-discrimination principle; the impact of the national human rights situation; and sub-regional contexts.

Empowering children as human rights defenders

Stories of successes and positive experiences on children’s involvement in addressing child rights issues provide the rationale that children can be human rights defenders. They can be empowered to take action to promote their human rights and the rights of their peers and other people. A significant component of empowerment lies on making the children fully understand their rights and the rights of others. Children should be provided with child rights and human rights education that is integrated into their daily activities and school education curriculum, in line with UN Convention on the Rights of the Child (UN CRC) Article 29 which states that children’s education shall be directed to the “development of respect for human rights and fundamental freedoms.” To enable them to defend their rights as well as to dissuade them from becoming human rights violators, children should be informed about social issues and be taught to recognize when human rights are being violated. These knowledge and information should be imparted to children in a child-friendly manner, and could be through an effective and accessible information sharing platform.

Empowering children to be human rights defenders means inspiring and motivating them to uphold human rights. Becoming a human rights defender should not be forced on them, but should be a personal choice. The children’s views must not be manipulated by adults and the children’s motivations and actions must be protected from being taken advantage of. Along with this, there should be a recognition that children are different from one another and that they can decide whether they want to participate or not. Children have evolving capacities, which could be shaped by their environment and experiences. There are children who, at a young age, are exposed to the concept of social responsibility through their families, schools, and peers. If they become sensitive to the human rights situation around

¹ Held on 19-22 June 2018 in Manila, Philippines, with financial support from Save the Children and Plan International.

² See annex for complete list of participating organizations.

³ Specifically, to (1) Clarify the States’ obligations applicable to children human rights defenders under the CRC and existing standards on human rights defenders, and (2) Identify key elements for an effective implementation of child rights-based approach to the situation of children who are, or want to become, human rights defenders, including specific recommendations for duty bearers that can inform the Committee’s recommendations to States.

them and decide to do something about it, children should be given proper support and protection. Correspondingly, children must be assisted on handling the outcomes of their human rights work – on developing their resilience and perseverance – whether or not they achieved the desired results.

Children need space to freely express their views. They need venues that would facilitate the discussions among themselves. Children can be mobilized as networks to make a collective and stronger voice. These networks, which should be supported by training and other capacity building efforts, could also be a source of peer support that would further encourage them to talk about their rights. Children also need platforms that would allow them to be heard by the public without putting themselves and their peers in danger. These platforms should uphold the meaningful participation of children, giving due weight to their views and opinions.

Support from adults, enabling mechanisms, and State obligations

Adults should be ready to provide support to children as human rights defenders. They should have the capacity to identify and attend to children's needs. They should have adequate knowledge not only on child rights, but also on social issues and human rights. They should be able to provide long-term and sustainable technical assistance – including legal support and counseling – as well as mentoring services and learning platforms for children. These knowledge and skills must be acquired not only by the parents, but also by social workers, counselors, lawyers, teachers, legislators, and all other professionals working for and with children. Their capacity building on these should start during their formal education or professional training.

Moreover, adults should have a positive attitude and behavior towards listening and giving due weight to the views of children, and towards upholding the children's civil and political rights. Adults must acknowledge that children can be human rights defenders and, to support the children, they should establish and set up platforms for children to take action. There should be national guidelines that include provisions on child participation criteria, monitoring mechanisms, follow up actions, and documentation and sharing of good practices. Government officials, policymakers, and other decision-makers must uphold the child participation principle, fulfilling the basic requirements for the implementation of the right of the child to be heard.⁴

In empowering children as human rights defenders, child protection mechanisms must be in place. The principles of informed consent, privacy, and confidentiality must be fulfilled. Since being a human rights defender always entails risks, there should be risk assessment and management all the time. Reporting mechanisms, such as helplines, online reporting platforms, and child help desks should be functional and accessible. Children human rights defenders must have proper psychosocial support.

These child protection mechanisms must be established and supported by the State through its laws, policies, structures, and mechanisms. Having a clear government focal point for children's rights could strengthen the protection of children as human rights defenders. Furthermore, there should be a functional independent monitoring body that especially caters to child rights, such as a Commission on Children or Ombudsperson for Children. There should also be funds for these child protection mechanisms and for the empowerment

⁴ According to the United Nations Convention on the Rights of the Child (UN CRC) General Comment No. 12, all processes in which a child or children are heard and participate must be transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, safe and sensitive to risk, and accountable.

of children as human rights defenders in line with the principles of budgeting for the realization of children's rights.⁵

As children seek to protect and realize human rights, the State must support these actions by fulfilling its duties and responsibilities enshrined in the UN Declaration on Human Rights Defenders.⁶ The State must also ensure safe space for civil society participation and collaboration. It must acknowledge the role of civil society organizations and non-government organizations in upholding the rights of the child. Adult-led organizations and groups must be allowed to set up and function in order to provide support to children human rights defenders.

Empowering children as human rights defenders must be anchored on the principles of the UN CRC and its Optional Protocols. As such, States must take all appropriate measures to implement these international obligations. States must also move towards the withdrawal of their reservations to UN CRC articles, and towards the ratification of all the Optional Protocols, including the Optional Protocol on a Communications Procedure.

Another key element to support children as human rights defenders is the empowerment of the family and community that will lead to better understanding and appreciation of human rights and active citizenship. Concurrent to this, the families and communities of children human rights defenders must also be able to access support, such as legal assistance and psychosocial interventions.

Views on the term “Children as Human Rights Defenders”

The concept of children as human rights defenders still needs to be mainstreamed in order to gather positive acceptance. Different stakeholders have yet to understand the importance of and rationale behind the involvement of children in human rights work.

Some representatives of child rights coalitions and networks have reluctance to the use of the term “children as human rights defenders.” These reservations mainly stem from the risk associated with the term from a political perspective. In some countries and sub-regions in Asia, the phrase “human rights defender” elicits opposing points of view. On one hand, a human rights defender is recognized as a champion of human rights. On the other hand – mostly from the standpoint of government representatives and sometimes from the viewpoint of the community as well – a human rights defender is someone who opposes and causes trouble to the State. As such, labeling the children as human rights defenders might subject them to attacks or negative treatment. In addition, since the term is relatively new and has negative connotations, parents and guardians who have not fully understood the concept might be scared to support their children who are, or want to become, human rights defenders. They might also think that labeling children as human rights defenders could put too much pressure or responsibility on the children.

In some countries in Asia, the concept of children being advocates of children's rights is garnering acceptance, but children being advocates of human rights in general is another matter. Consequently, some representatives of child rights coalitions and networks are concerned about the possible impacts of the term “children as human rights defenders” on the progress in the child rights advocacy. Due to the negative views associated with the term, child rights advocates have to assess whether using the term creates another obstacle in advancing children's rights or facilitates a strategic approach in upholding the UN CRC. In

⁵ According to the UN CRC General Comment No. 19, budgeting for children's rights should take into consideration the general principles of the UN CRC, and the budget principles of effectiveness, efficiency, equity, transparency and sustainability.

⁶ Articles 2, 9, 12, 14, and 15

any case, there is a challenge to facilitate the transition – or complementation – of the discourse from “children as rights-holders” to “children as human rights defenders.”

Children as “Rights-Holders” first

A challenge in the protection and empowerment of children as human rights defenders relates to the norms and understanding on the role of children in the family and in society at large. Some parents and members of the community, including those in schools and in governments, still view children as “property.” There are also adults who still believe that children are beneficiaries of rights and are not active citizens. Overcoming these views is crucial in enabling children to be human rights defenders.

Another challenge is making sure that children’s actions as human rights defenders would not hinder the realization of their other rights, such as their right to education. Some representatives of child rights coalitions and networks raised that defending human rights should not be at the expense of children’s academic attendance and performance. If the children missed classes or failed to go to school as they perform their role as human rights defenders, they should get adequate support to catch up with the lessons. Similarly, children should be aware of their responsibilities as rights-holders; they should be mindful not to violate the rights of others as they take action as human rights defenders.

Non-discrimination of children as human rights defenders

Inclusivity is a key element in implementing a child rights approach to the situation of children who want to become human rights defenders. Some children may not be able to become a defender of human rights due to their socio-economic situation, culture, or gender. Children living in poverty may want to promote human rights but could not do so because this would take away their time to earn money for their daily survival. Those living in a culture where children are not allowed to speak out or are not treated as rights-holders also have limited opportunities to be a human rights defender. In some countries in Asia, girls do not receive the same encouragement as boys to participate in civil and political activities. Other marginalized groups of children – such as those who identify themselves as lesbian, gay, bisexual, or other gender; children with disabilities; children from indigenous communities; children on the move; children in street situations; and children in early pregnancy – may not be reached or empowered to become a human rights defender. Furthermore, some children may be hindered from participating in human rights work due to language barriers or their limited capacity to express themselves.

Being a human rights defender could pave the way for children’s inclusion in society. At the same time, however, children who are already human rights defenders might experience discrimination. If the State, community, parents, or other adults view human rights work as an inappropriate endeavor for children, being a human rights defender could heighten the vulnerabilities of children.

The impact of the national human rights situation

The socio-political environment affects the children’s participation as human rights defenders. Children’s empowerment will be restricted and their safety and security will be at risk if adults who speak out against human rights violations could be arrested; if being a human rights defender is seen as an “enemy” of the State; if parents, teachers, and members of the community do not know about their own human rights and the rights of children; and if States refuse to accept that children can form their own independent views. These barriers must be addressed in order to have an effective child rights approach to the situation of children as human rights defenders.

Moreover, the local, national, regional, and international communities must have a wider view of human rights work. They must understand that defending human rights does not only equate to conducting public demonstrations, mass rallies, or street protests. A human rights defender could also collect signatures to support a bill for online protection, create a musical theater play to raise awareness on human rights violations, or participate in a civic consultation to uphold public budgeting for children's rights. Adults must recognize that human rights work come in many forms, especially with the creativity and imagination of children.

Sub-regional contexts

The effective implementation of a child rights approach to the situation of children who are, or want to become, human rights defenders in Asia could vary depending on the sub-regional contexts. In East Asia, for example, children usually do not feel safe to talk in public because cultural practice encourages them to just listen and keep their opinions to themselves. The parents' expectations for their children to have outstanding academic performance also prevent the children from doing extracurricular activities. As such, incorporating child rights and human rights education into the existing education curriculum is important in this sub-region. This may be difficult, however, in countries that have negative views on human rights and resort to arrests of those who conduct public demonstrations against human rights violations. Nonetheless, there are some opportunities for child participation in social events. This could be further improved though by challenging the common practice that only the children who perform well or have good grades are selected by the schools to participate in these events. Furthermore, the sub-region lacks mechanisms to reflect the views of children in the governments' decision-making processes.

In Southeast Asia, culture and tradition also hinder the effective implementation of a child rights approach to children as human rights defenders. In some societies or communities in the sub-region, children are regarded as "properties" of parents, restricting the recognition that children are rights-holders and can participate actively in civil and political discussions. Gender, depending on the culture, also has an impact on the children's involvement in civil and political activities. In some countries in the sub-region, girls are outspoken but in other areas in Southeast Asia, girls still have difficulty being included in public discourses.

In South Asia, children proved to be effective advocates against child marriage and other child rights issues. However, involving them in human rights work in general – outside children's rights – might pose risks to their safety and security, especially if they are labeled as "human rights defenders." The representatives from South Asian child rights coalitions and networks felt that labeling children as "human rights defenders" might cause a detrimental impact in the child rights advocacy in their sub-region where the concept of child protection that is in line with the UN CRC standards took years to be accepted and is still taking time to be complied to through the national laws and policies. In this regard, there should be further discourses on the concept of "children as human rights defenders" and then an assessment on the impact of the term in upholding child rights.

Annex: List of organizations that participated in the Day of General Discussion Hub organized by Child Rights Coalition Asia during the 2018 Asia-Pacific Partnership Meeting of Child Rights Coalitions and Networks held on 19-22 June 2018 in Manila, Philippines

	Country	Coalition/Network/Organization
1	Brunei Darussalam	Majlis Kesejahteraan Masyarakat (MKM Brunei)
2	Cambodia	Child Rights Coalition Cambodia (CRC Cambodia)
3	Cambodia	ChildFund Cambodia
4	Hong Kong	Hong Kong Committee on Children's Rights (HKCCR)
5	Indonesia	Sahabat Perempuan dan Anak Indonesia (SAPA Indonesia)
6	Indonesia	Yayasan KKSP Education and Information Center for Child Rights
7	Indonesia	Yayasan Semai Jiwa Amini (Yayasan SEJIWA)
8	Japan	Japan International Center for the Rights of the Child (C-Rights)
9	Japan	General Research Institute on the Convention on the Rights of the Child
10	Lao PDR	Village Focus International (VFI)
11	Malaysia	Protect and Save the Children (PS the Children)
12	Mongolia	Beautiful Hearts against Sexual Violence
13	Myanmar	Equality Myanmar
14	Myanmar	NGO Child Rights Working Group
15	Nepal	Child Workers in Nepal Concerned Center (CWIN Nepal)
16	Pakistan	Group Development Pakistan
17	Philippines	Civil Society Coalition on the Convention on the Rights of the Child (Philippine CRC Coalition)
18	Philippines	Mindanao Action Group for Children's Rights and Protection (MAGCRP)
19	Philippines	Plan International Philippines
20	Philippines	Save the Children Philippines
21	Philippines	Ateneo Human Rights Center
22	Republic of Korea	ChildFund Korea
23	Singapore	Singapore Children's Society
24	Sri Lanka	National Action and Coordinating Group against Violence against Women and Children Sri Lanka (NACG Sri Lanka)
25	Taiwan	Taiwan NGOs for the CRC
26	Thailand	The Life Skills Development Foundation (TLSDF)
27	Thailand	Childline Thailand Foundation
28	Thailand	Save the Children International
29	Vietnam	Vietnam Association for the Protection of Children's Rights (VACR)
30	Vietnam	Save the Children International

About Child Rights Coalition Asia (CRC Asia)

CRC Asia is a network of child rights organizations working together to be a strong voice for child rights in the region by leading in strengthening child rights movements, promoting innovative programs, and advocating better policies for and with the children.

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