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*the worldwide movement for children's rights*



## Joint written submission for the UN Committee on the Rights of the Child's Day of General Discussion 2018 "Protecting and empowering children human rights defenders".

### Paving the way for Girls Human Rights Defenders: Protection and Empowerment in Ghana



*Submitted by Defence for Children International-Ghana (DCI-Ghana), the Ghana NGO Coalition on the Rights of the Child (GNCRC), and Plan International-Ghana, with the technical support of Defence for Children International – International Secretariat (DCI-IS). This document is submitted as part of the Girls Advocacy Alliance programme*

#### **About Ghana NGO Coalition on the Rights of the Child (GNCRC) / [www.gncrc.net](http://www.gncrc.net)**

GNCRC was established in 1996, and is composed of 65 NGOs and community-based organisations spread in all 10 regions of Ghana. Recently, GNCRC coordinated submissions to the Committee on the Rights of the Child (2015) and the African Committee of Experts on the Rights and Welfare of the Child (2016). **Contact:** Mr. Barima Akwasi Amankwaah, National Coordinator, [barimaakwasi@hotmail.com](mailto:barimaakwasi@hotmail.com) / + 233 208170608 / 32 Troas Road, Osu-Accra, Ghana

#### **About Defence for Children International – Ghana (DCI-Ghana) / [www.dci-ghana.org](http://www.dci-ghana.org)**

Defence for Children International – Ghana (DCI-Ghana) was established in 1996 and contributed to the creation of the GNCRC. Its work focuses mainly on violence against children, juvenile justice and the empowerment of girls and young women. **Contact:** Mr. George Oppong Ampong, Director, [dcighana@yahoo.com](mailto:dcighana@yahoo.com) / +233 501341904 / Plot 56 Block A, Opposite Adansi Rural Bank, Atonsu-Agogo, Lake Road, Kumasi, Ghana

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*The above written submission is presented by the Girls Advocacy Alliance - GAA. The main goal of the GAA Programme is to ensure that by 2020, girls and young women in 10 countries in Asia and Africa will no longer face gender-based violence and economic exclusion. One of the GAA strategic goals is to increase influence of civil society organisations and networks (particularly girls' and young women's organisations) to play an active role in engaging and mobilising communities against gender-based violence and economic exclusion. This written submission is based on the experiences of the GAA's work with girls human rights defenders in Ghana.*

### **Who should be recognized as children human rights defenders?**

All children who act to promote and protect their own rights and the rights of others, including their peers, should be recognized as human rights defenders (HRD). In Ghana, children human rights defenders are referred as children human rights activists. The term “children human rights defender” (CHRD) has not yet been popularized at the national level.

### **How children of different ages, gender and backgrounds (like children with disabilities, in poverty, indigenous, minority, etc.) use their capacities, competencies and experiences to act as defenders?**

In Ghana, boys and girls of various backgrounds use their experience to speak up against children’s rights violations and to act as human rights defenders. These children range from 10 to 17 years of age, maybe be in or out of school, and may include those from poor homes, children in street situation, and children victims of trafficking. They usually participate in child rights clubs and civic educations clubs to build their capacity HRDs. In these clubs they learn about their rights and responsibilities, as well as advocacy strategies and campaigns to learn how to advocate for their causes. Furthermore, they receive trainings in laws, legislation and policies concerning children’s rights and other related issues that empower them to actively participate in decision making processes.

In the Ghanaian context, the most recurrent topics children engage in as HRDs include the fight for child protections, including against gender-based violence (GBV), child labour and for access to education. Most of the times, children who have received trainings and human rights education act as peer educators on human rights. Children use non-conventional communication channels such as drama and theatre to raise awareness in their community about human rights issues affecting them and their peers. Children who are part of these clubs also participate in national, regional, and international forums on human rights issues to bring forth the voices of children, including those survivors of abuse, violence, exploitation or neglect.

### **What’s the role that children play as human rights defenders in society?**

In Ghana, children play a key role as human rights defenders. They raise awareness on children’s rights in schools, at home and within their communities, including with out-of-school children and youth. They also lead in peer-to-peer education on human rights and participate in children’s advocacy campaign activities. This kind of activities promotes human rights principles and teaches children and communities to speak out. Hence, children’s human rights defenders’ awareness raising activities foster a culture of respect, empowerment and promotion of human rights.

### **What enables children to act as human rights defenders?**

Through the Girls Advocacy Alliance in Ghana, we have been able to identify certain enablers for children, especially girls, to act as human rights defenders. For example, child victims of abuse or at risk of abuse share their survival stories and act as HRDs to prevent other children from suffering the same. Also, the GAA programme identified that human rights education, both formal or informal, has proven to be a successful way to empower children to avert possible violations of their rights and that of their peers; as well as seeking redress for violations against them, their peers or in their families. Another enabler is the knowledge they gain from teacher mentors at club meetings and lessons on assertive communication.

### **What barriers children human rights defenders face at all levels (local, national, and regional, international)?**

In Ghana, cultural stereotypes favor adults over children, and boys over girls due to patriarchal social norms. In this regard, CHRDs face several barriers, especially girls. There is limited capacity in access to information, knowledge and resources; limited access to support systems - such as psycho-social support, counseling services, legal services and social protection support - that will enable children to speak up against human rights violations against them and of that of their peers and communities. We have also identified that the high cost of children's participation activities, the inadequate platforms for children to articulate their views and expressions and the inadequate legislation in place hinder the involvement of children in decision making processes, and thus their role and impact as CHRDs.

The situation is further strenuous for girls, as in the limited opportunities to participate in decision making and human rights processes, there is a partiality for boys.

### **How children want to be empowered and what support they want from adults and authorities?**

Through the GAA empowerment activities with children, most specifically with girls, we have identified the following ways through which children want to be empowered and supported as CHRDs:

- Children and youth advisory boards. These spaces enable boys and girls to participate equally in programmes and decisions of their concern. Girls should be as equally empowered as boys.
- Participation in child-led panels to interact with duty bearers on their experiences as CHRDs. These panels enable them to share lessons learned and advocate for their specific causes and push for actions by duty bearers.
- Provision of trainings, advocacy tools and materials and exposure to advocacy opportunities and platforms to share experiences and learn how to articulate human rights issues and cases. Most importantly, these materials must be available in child friendly versions, taking into account the specific needs of boys and girls.
- Sensitizing parents and caregivers on the importance of supporting children's education, including human rights education. Also, sensitization on the importance to empower and allow children to become part of children's groups and associations.
- Strengthening support and protection mechanisms. The Governments need to provide the necessary means to respond adequately and promptly to the needs of CHRDs in case they are victims of reprisals because of their role. CHRDs need to feel safe. The creation of an enabling environment for children's participation is paramount for their actions as HRDs.
- Ensuring that governments and stakeholders protect the children's privacy and identity, most specifically on critical/controversial issues.

### **How children human rights defenders can empower other children and receive support from them?**

As part of the GAA, we have identified that boys and girls human rights defenders can empower other children through peer-to-peer education on human rights promotion, protection and partnership. Also, the co-creation of awareness raising and campaign activities with peers on human rights issues have proven to be an effective way to bring

children together, share their experiences and increase their participation on national issues and issues affecting them. Moreover, through exchanges and interactive sessions on media engagement, community engagement and other participation platforms, CHRDs empower other children in the fight against human rights violations, such as gender-based violence.

### **What are the risks faced by children human rights defenders?**

Girls who became human rights defenders after being subjected to violence or abuse, are often accused and blamed for what happened to them. They are seen as victims instead of survivors, which impedes them to have an active role as CHRDs in society. Some girls have also suffered attacks from their families after speaking out and denounce their abuse. What is more, in some occasions these girls have been arrested or detained. In addition, due to stigmatization, girls often miss their academic sessions or are unable to participate in school/community activities. For example, in Islamic communities in Ghana, some girls' human rights defenders have reported being chastised and stigmatized for championing and advocating for child rights, especially for advocating against gender-based violence.

### **What safeguards are necessary to ensure the protection of children human rights defenders?**

Based on the work of the organizations implementing the GAA in Ghana, we have identified that the following safeguards are necessary to ensure the protection of CHRDs, specially of girls:

- Policies ensuring access to services and to protection mechanisms. Especially at community level where most abuses occur, particularly those related to GBV.
- Compensation (retributive justice): currently the juvenile justice systems in Ghana do not contribute on compensation for survivors and victims, including cases of child trafficking and abuse.
- Foster team or group campaigns to promote human rights awareness and a human rights culture at community level.
- Provide spaces for children's participation, always considering the different needs of boys and girls. Promotion of child-led campaigns is key to empower children as HRDs. Also, if adults participate in child-led campaigns, these are less likely to be minimized, however these should be led only by children.
- Put in place Privacy Policies within organizations and institutions working with and for CHRDs. This will allow CHRDs to feel safe.
- Ensure accountability systems in which children can participate, always considering the specific needs of boys and girls.

### **What mechanisms children rights defenders can use to claim their rights if violated?**

In Ghana, CHRD can appeal to formal and informal justice systems in case their rights are violated. However, it is important also to ensure that informal justice systems have a child rights-based approach. CHRD can also engage in advocacy campaigns to speak about their rights' violations and engage in litigation cases with proper support and advice from pro bono lawyers working for non-governmental organisations (NGOs). However, all these measures need to be properly assessed not to put children in further danger. It is crucial that organizations and institutions supporting children in their cases know the context in which they are working and undertake a security assessment on a case by case basis.

**How and to what extent do current legislations, policies, programmes and practices related to human rights defenders take into account the rights of children human rights defenders?**

In accordance with its legal obligation to protect the human rights of children, Ghana has adopted several legislative, policy and institutional measures. There is however a stark gap between these measures and practice as children continue to suffer violations of their rights, including children human rights defenders. This is attributable to the State Party's under-prioritization of children's issues, reflected in the consistently low national budget allocation and the absence of inter-ministerial coordination of child rights issues, inadequate human and institutional capacity, inadequate data which affects the design and implementation of targeted intervention programmes, weak knowledge and enforcement of laws and measures on children's rights especially in underserved communities.

National efforts to implement child rights include the promulgation of the Constitution 1992, the Children's Act 1998 (Act 560), Juvenile Justice Act 2003 (Act 653), Human Trafficking Act 2005 (Act 694) Domestic Violence Act 2007 (Act 732) and other policy development as well as improvement of service delivery on children's rights (SPR, paragraphs 7-13). The *Justice for Children Act* and the *Children's Act* provide legal possibilities to act on behalf of child victims, including CHRDs. The *amicus curie*, through which lawyers can act as friends of the court to defend parties in court, are ways that could be used to further protect CHRDs.

Although the State Party continues to strive to educate the citizenry on children's rights, there is limited coverage of the various steps adopted. Discussions in the media are often not accessible or not adequately tailored to the needs of underserved communities or vulnerable groups.

**Are the existing protection mechanisms for human rights defenders effective for children?**

Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed or gender are entitled to fundamental human rights and freedoms. The Children's Act 1998 supports children's participation in all issues affecting their lives. However, there is no clear provision in support children human rights activist or defenders.

**What are the international standards relevant to ensuring that children can exercise their rights while acting as human rights defenders? Are these standards clear enough to be effectively domesticated by States?**

The Universal Declaration of Human Rights, the UN Convention on the Rights of the Child., the International Covenant on Civil and Political Rights, and the Universal Declaration of Human Rights Defenders. These international standards are relevant to ensuring that children can exercise their rights. However, due to the diversity of context and the availability of resources its application varies depending in the country. In the Ghanaian context there is not adequate financial support towards child rights and protections activities, proving challenging in the application of these standards.

**Recommendations**

**I. The UN Committee on the Rights of the Child and other Treaty Bodies**

- The Committee on the Rights of the Child, The Africa Expert Committee on the Rights and Welfare of the Child and other Treaty Bodies should make it a prerequisite that reports have an element of children's participation, and therefore foster the protection and empowerment of CHRD. In order to be objective, the child participation component of these reports should be drafted by civil society organisations (CSOs) or commissioned to an independent body. Independence will ensure child participation is done in a meaningful way.

- Policy drafting should include the children’s voices. This involvement should not be tokenistic or “ceremonial” but participatory and inclusive in its nature. Child participation should be mainstreamed throughout the UN Human Rights Mechanisms, always ensuring equal participation of boys and girls.
- II. The UN Special Rapporteur on Human Rights Defenders and other Special Procedures/ Children’s Ombudspersons and NHRIs**
- Usually, country visits of Special Procedures are considered “diplomatic” at the national level, and thus their engagement with children is virtual if not existent. Therefore, children’s participation should be mainstreamed across the whole range of Special Mandates to ensure children’s views and opinions are heard during their country visits.
- III. States (governments, parliaments, judiciary)**
- The three (3) arms of government should ensure that adequate budget allocation is given to agencies responsible for child rights and welfare in the country, especially with regards to children’s participation programmes. This will ensure children’s participation is done in a meaningful and thorough context/way done in the right way, and therefore children human rights defenders will be empowered.
  - Governments should collaborate with CSOs and relevant stakeholders to ensure they collect adequate data for programme design and implementation, including programs to build capacity for CHRDs.
  - Parliament should institute a parliamentary “model” which will ensure that children participate in national issues, and more specifically, discuss issues which concern them periodically, always ensuring equal participation of boys and girls.
  - The judiciary should also ensure child friendly justice systems for easy reporting of child rights abuses.
  - Policies should be translated into child friendly versions
- IV. UNICEF and OHCHR, UN and regional human rights mechanisms**
- United Nations bodies should further support financially to CSOs to develop child rights and child protection programmes, including activities for the empowerment of CHRDs. Financial support should not only to governments, given that they have money allocations for children’s rights implementation.
  - UN bodies should collaborate with NGOs to conduct researches to support country programmes, including children’s participation and CHRDs’ empowerment as key areas of work.
  - Collaborate with NGOs and CSOs to support monitoring and evaluation initiatives of empowerment activities.
  - Facilitate access and information sharing on best practices models on children’s participation in other countries
  - Children’s participation should be a performance indicator expected from governments.
- V. Civil society organizations**
- Support public education in human rights and children’s empowerment as a strategy to ensure child protection.
  - Assist in testing policy preference and options in child participation and empowerment programmes
  - Keep the public informed about child protection and child rights priorities and best practices from various parts of the country, including children’s participation.

- Record and disseminate good practices and lessons learned in children's participation and empowerment activities.
- Highlight the challenges of implementation for concrete and responsive actions to be undertaken by relevant stakeholders.

#### **VI. Private sector**

- Integrate child protection and empowerment systems into their operations
- Institutionalize policy formulation on child protection policy to guide their operations on child protection issues
- Develop social corporate responsibility programmes to support child protection and empowerment activities.
- Draw up supply chain plans to ensure that the companies' activities do not impede on the development of children in the countries
- Have a media plan to talk about child protection and empowerment issues

#### **VII. Parents, teachers and guardians;**

- Be responsible towards the welfare of their children and empower them to participate in human rights education programmes and activities.
- Teachers should support extracurricular activities at school, such as children's clubs.
- Mentorship programmes on human rights should be institutionalized in schools, including a gender transformative curriculum.
- Institutionalize extra curricula on child rights protection, welfare, participation and empowerment.

#### **VIII. Children**

- Should be taught their rights and responsibilities, and should learn and be taught accountability process
- Engage with peers and be ready and available to participate, learn and share
- Develop sense of belongingness and contributing something of value to society allowing them to feel a sense of connectedness to others and to society
- Children should believe in their ability and belief that they have choices about their future
- Feeling of being positive and comfortable with their own identity
- Engage safely on social media campaign to promote their rights.
- Have access to simple to read and understandable information and educational materials on children's rights and protection