

**SUBMISSION TO THE DAY OF GENERAL DISCUSSION (2018)
ON CHILDREN AS HUMAN RIGHT DEFENDER**



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EXECUTIVE SUMMARY

There are ten schools working with Ekama Development Foundation, each school has one Student Club acting as emissaries of preventing VAC within the school and out of school. The total numbers of all clubs are 20 which contain 500 students.

The clubs were equipped with the knowledge of VAC including ability of identifying risk, circumstances that may cause abuse and how to report abuse. The clubs aimed at creating safe environment for all students including to ensure that all students are free from violence at school and home. These student clubs were created by Ekama Development Foundation to act as Human Rights Defenders (HRDs).

Human Right Defenders (HRDs) are people who take action to promote and protect their own rights or those of others. When defenders are 18 years old, they are Children Human Right Defender (CHRD) because they work for their own right or the right of others. CHRDs work for many issues like preventing harassments at school, protecting the environment or stopping child marriages.

However, 20 years ago the United Nations (UN) published an important document called “**the Declaration on Human Right Defenders**”. It advices the governments and other about the rights of those who promote and protect human rights including children and adults.

The committee on the rights of the child advises governments about children’s human rights in the United Nations Convention on the Right of the Child (**CRC**). It has decided to have the day of discussion. There is also a person called the **UN Special Rapporteur (SR)** on HRDs whose job it is to keep an eye on what is happening to HRDs across the world and to advise the governments.

Children Human Right Defender are encouraging everyone, including children, to be HRDs, also can stop governments from breaking their promises about human rights and help build societies that respect them. Although lots of children are acting as HRDs, often are not included in national and international documents on protections and support for HRDs.

INTRODUCTION

The UN Committee on the Rights of the Child (Committee) decided to devote its 2018 Day of General Discussion (DGD) to the theme “*Protecting and Empowering Children as Human Rights Defenders*”. The discussion will take place on Friday, 28 September 2018, during the 79th session of the committee at Palais des Nations, in Geneva.

In accordance with the rule 79 of its rules of procedures, the committee has devoted one day of its regular sessions to the general discussion on a specific article of the UN Convention on the rights of the child (CRC) or related subject. Since 2012, the DGD has been held every two years.

The purpose of the DGD is to foster a deeper an understanding of the contents and implications of the CRC as they relate to specific topics, to improve its implementation. The DGD is public one day meeting to which representatives of the states, United Nations and regional human rights bodies and agencies, national human rights institutions, civil society and human rights defenders, the business sectors, individual experts and not least children are invited to take part.

The committee, with the support of Children Rights Connect and its members, is seeking to actively engage with children across the world to get their views about the issues to be discussed at the DGD and how the best children might play a prominent role in the discussion. The committee welcomes the participation of all children, including those who are already acting as human rights defenders. The committee will take into account the views of children from Africa, Asia, Europe and Latin America who have been consulted by Child Right Connect and other stakeholders.

The DGD is more than a conference, because it is a long term project to promote a global movement for children human rights defenders. The movement will catalyze and strengthen existing initiatives to support children human rights defenders, by connecting them to broader initiatives. For example, the international coalition of human rights defender s that the UN (Special Rapporteur) has been creating around the 20th anniversary of the adoption of the UN Declaration on Human Rights Defenders.

Therefore, the committee calling for local, national, and regional debates to take place in the lead up to the DGD through the form of “DGD Hubs” All interested stakeholders can organize such discussion based on the guidelines for DGD Hubs. Also, can sent a written and other form of submission to the committee.

THE OBJECTIVE OF THE 2018 DGD

The DGD is an open and inclusive platform where all participants will work together toward the following objectives;

- (a) Collecting children's views about their experiences as human rights defenders;
- (b) Assess legislation, jurisprudence, policies and relevant measures aimed at protecting or empowering children human rights defender, by providing examples of good practices and challenges, including from children's perspectives;
- (c) Clarify the states' obligations applicable to children human right defenders under the CRC and existing standards on human rights defenders;
- (d) Identify key elements for an effective implementation of a child rights approach to the situation to the 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.

CHILDREN'S VIEWS ABOUT THEIR EXPERIENCES AS HUMAN RIGHTS DEFENDER

Children of **Temeke Primary School Student Club** described that on their role to prevent violence against children (VAC) drive their message through drama, play, dialogue, drawing and campaigning within the school intend to end certain kind of children abuse in schools.

A child of **Unubini Primary School Student Club** his views stated that, the human right education and training they acquired within clubs facilitated by Ekama Development Foundation legal officers enable them to act on many issues like prevention of corporal punishment within school and identify or reporting risks environment around the schools and home.

A child of **Kekomwanga Primary School Student Club** explains her concern that they want to be empowered on access to training and information, on the messaging facilities like print of stand Roll Up banners with campaign message on human right, print of large banners with message for public view, print of small message stickers, medium size messaged stickers for laptops, cars, doors, and visible places, printing of T-shirts with human right message. Also, to be sponsored to TV and Radio session to explain their views about prevention and protection of child abuse. Also, Protection by the law and courts in practice.

A child of **Mivinjeni primary school Student Club** on his views explain that the student's clubs demand from parents, teachers and authorities the support on taking action against the report they give them about risky environment impacting children; circumstantial environment which can influence Violence Against Children and to support on propose the alternative corporal punishment in schools and home.

A child of **Kizinga Primary School Student Club** stated on side of barriers which faced them on preventing Violence against children are threats, attacks and abuse. Moreover, they face lack of enough cooperation from the parents, government and society when they take action to report event of VAC due to children families are poor and most of their time use to find money and no time to cooperate with them if Violence against children occurs.

A child of **Mji Mpya primary school student club** said there are different risk in prevention child abuse like lack of security from local government, lack of cooperation from the society and poor support from parents and teachers. He proposed that student clubs need safeguard policy.

LEGISLATION, JURISPRUDENCE, POLICIES

International Level

UN Declaration on Human Rights Defenders under article 1 provide that everyone has right, individually and in association with others, to promote and strive for the protection of and realization of human rights and fundamental freedoms. The article 6 it expresses the right to seek, obtain, receive, and hold information relating to human rights and article 7 provide the right to develop and discuss new human right ideas and principles and to advocate for their acceptance.

The Convention on the Right of the Child of 1989 does not specifically mention the rights for Children Human Right Defenders but provide full rights needed for all children. The Convention protects children's rights by setting standards in health care; education; and legal, civil and social services. The CRC provided four general principles underpin it, which are: non-discrimination; the best interests of the child; the right to life, survival and development; and the right for children to have their views heard and given due weight in all decisions affecting them. (Article 3,5,7,8,13-17,19 and 37(a)).

Domestic level

The Law of the Child Act of 2009 adopted from the UN Convention on the Rights of the Child (CRC) of 1989. It provides that children should not be discriminated when act to defend their right or others rights, non-discrimination is expressed under article 5; defenders (CHRD) have right to opinion on the decision affecting them under article 11. In practice children are given special protection and empowerments because of their status.

The Constitution of United Republic of Tanzania of 1977, under article 12 right to personal freedom, article 18 freedom of expression, article 21 freedom to participate in in public affair. Therefore, children must be empowered and recognized to act as human rights defender when they act in that way.

The existing legislation, jurisprudence and measures are clear, but the picture continues to be unattractive for defenders who are children when it comes to its application due to lack of good cooperation from parents, authorities and society and lack of government security.

STATE'S OBLIGATIONS APPLICABLE TO CHRD UNDER CRC AND EXISTING STANDARDS ON HRD.

The primary responsibility for the protection of Children human rights defenders rests with states. States have both positive and negative obligations with regard to the rights of human rights defenders. In line with their duties under international law – according to which they must respect, protect and fulfil human rights – they have an obligation to:

- a) Refrain from any acts that violate the rights of Children human rights defenders because of their human rights work;
- b) Protect Children human rights defenders from abuses by third parties on account of their human rights work and to exercise due diligence in doing so; and
- c) Take proactive steps to promote the full realization of the rights of Children human rights defenders, including their right to defend human rights.

The Convention on the Rights of the Child is the first legally binding international instrument to incorporate the full range of human rights; including civil, cultural, economic, political and social rights. The CRC provided four general principles underpin it which are: non-discrimination; the best interests of the child; the right to life, survival and development; and the right for children to have their views heard and given due weight in all decisions affecting them. States' has a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled.

The obligation of States under UN Declaration on Human Rights Defenders

State have a responsibility to implement and respect all the provisions of the Declaration. However, articles 2, 9, 12, 14 and 15 make particular reference to the role of States and indicate that each State has a responsibility and duty:

- to protect, promote and implement all human rights;
- to ensure that all persons under its jurisdiction are able to enjoy all social, economic, political and other rights and freedoms in practice;
- To adopt such legislative, administrative and other steps as may be necessary to ensure effective implementation of rights and freedoms;

KEY ELEMENTS FOR AN EFFECTIVE IMPLEMENTATION OF A CHILD RIGHTS BASED APPROACH.

“Children Human rights defender” is a term used to describe children who, individually or with others, act to promote or protect human rights. Children Human rights defenders are identified all by what they do and it is through a description of their actions and of some of the contexts in which they work. Children Human rights defenders seek the promotion and protection of civil and political rights as well as the promotion, protection and realization of economic, social and cultural rights.

Children human rights defenders address any human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination.

Examples of acts committed against Children human rights defenders are Killings, kidnapped, death threats, beaten, torture, arbitrary arrest and detention. Children human rights defenders can be particularly vulnerable to beatings, ill-treatment and torture.

Recommendation to the duty bearer

- Create child assembly with structures and offer a mechanism for children to engage in policy-making.
- Putting in place and implement laws that guarantee the rights to freedom of association, peaceful assembly, expression and all access to information for children and adult.
- Abandoning practices that restrict children from fulfilling their legal purpose without state interference. States must allow children to secure funding from national resources and act to protect people from human rights abuses.
- Providing age-appropriate, gender-sensitive and timely information on laws, policies, budgets, services and other public processes in languages and formats that children can understand.

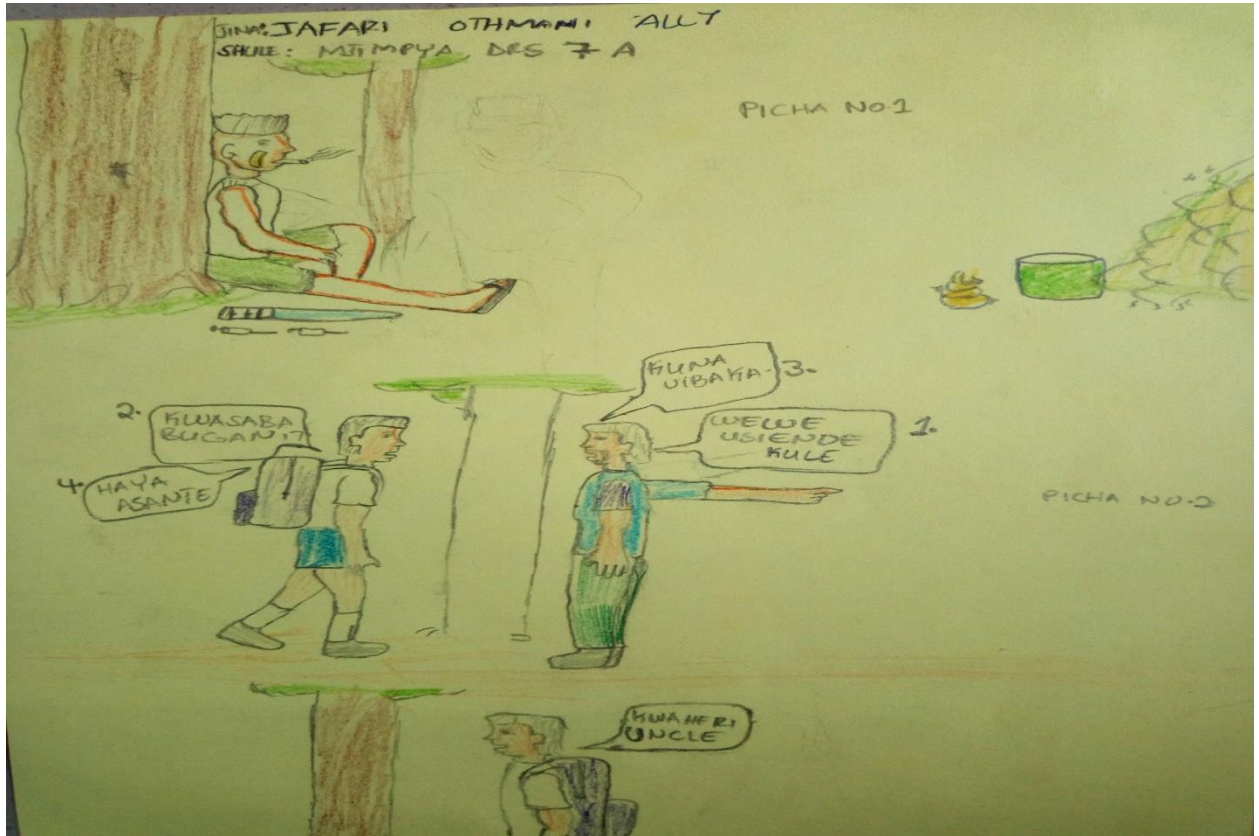
- Ensuring that accreditation processes for civil society are transparent, straightforward to use and implemented without delay
- Proactively promoting civic space and acknowledging children as key actors within civil society and taking urgent action when civic rights are being violated. Intergovernmental organizations could adopt specific standards on how to ensure children's safe, meaningful and inclusive participation in their work. An example of these kind of standards are the UN Committee on the Rights of the Child Working Methods for the Participation of Children in the Reporting Process of the Committee on the Rights of the Child

CONCLUSION

The Student club in order to succeed in preventing VAC (children human right defender) depends on a balance between government and society involvement in supporting them. Human rights defender are meaningless unless state obligation are full filled. On the other side of the balance is a different but equally obvious fact.

ATTACHMENTS







Children drawing for the purpose of promoting rights to participate



Child reacting against early pregnancies



Children Drama to advocate abolition of early marriage



Children Partition in Sports and Game