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**WBU-ICEVI Submission to the United Nations**

**Committee on the Rights of the Child on**

**the 2018 Day of General Discussion**

Date: July 1st 2018

**The World Blind Union (WBU) and the International Council for Education of People with Visual Impairment** (**ICEVI)** are global organisations with members in more than 190 countries working to make a significant difference in the lives of 253 million blind and partially sighted children and adults. WBU, an active founding member of the International Disability Alliance, works to provide blind and partially sighted persons representation, capacity building, resource sharing, and accessibility in all areas and to influence policies at the national and international levels. ICEVI promotes equal access to education for all visually impaired children and youth so that they may achieve their full potential. Both have consultative status with several United Nations (UN) and other international agencies.

WBU and ICEVI wholeheartedly welcome the initiative of the CRC Day of General Discussion (DGD) to initiate and sustain a global movement for children Human Rights Defenders. We are particularly hopeful that you will recognize the unintended barriers that sometimes prevent children with visual impairment from becoming Human Rights Defenders, not for lack of desire, but for lack of access to the resources that can empower, protect, and embolden their service.

**Introduction.** *“Human Rights Defenders (HRDs) are people who take action to promote and protect their own rights or those of others.”* They do this in consultation and collaboration with others, or they act on their own. They are found in all walks of society in all nations, regardless of gender, abilities, education, ethnicity, or economic status.

Of the 7.3 billion persons alive in 2015 (Bourne et al., 2017),

* 253 million people in the world were visually impaired;
* 36 million (13%) of this population were blind (a 17.6% increase since 1990)
* 217 million had moderate to severe visual impairment (a 35.5% increase since 1990);
* An additional 188.5 million had mild visual impairment that night be correctable with appropriate diagnosis and treatment.

The World Health Organization (2017) estimates that:

* 19 million children under the age of 15 have a visual impairment;
* 7 million (almost 37%) of the 19 million children with visual impairment experience a severe visual loss that impacts their ability to learn; and
* 12 million (63%) of these 19 million children are believed to have easily-correctable refractive errors that go uncorrected, but impact learning nevertheless.

But this is only the tip of the iceberg. Given today’s population, the number of children with visual impairment is conservatively estimated to be closer to 23 million. Yet they are often undiagnosed, unnoticed, and unable to become the Human Rights Defenders that they need and deserve to be.

Still, it is likely that a substantial proportion of children with visual impairments are already Human Rights Defenders. They undoubtedly play a significant role in building the future of their countries by defending the rights of others, even as they advocate for their own rights. They are key in shaping the future of any country, but their evolving capacities are often not recognized in key decision-making processes and, because their numbers are relatively small, their issues and needs are not given adequate attention. This is the right time for the UN Committee on the Rights of the Child to capitalize the potential of children Human Rights Defenders, including those with visual impairments, in the development process. They need to be empowered in order to protect, promote, and prioritize basic human rights.

We have organized our comments below based on the four objectives of the 2018 Day of General Discussion.

1. **Children’s views about their experiences as Human Rights Defenders**

Article 1 of the UN Convention on the Rights of the Child defines a child as one who is below the age of 18 years. Article 7 of the Convention on the Rights of Persons with Disabilities recognizes the rights of children with disabilities as equal to those of children without disabilities and requires States Parties to “ensure that children with disabilities have the right to express their views freely on all matters affecting them, . . . and to be provided with disability and age-appropriate assistance to realize that right.” “Human Rights Defender” is a term used to describe people who, individually or with others, act peacefully to promote or protect human rights. However, the term “Human Rights Defender” has emerged as a more relevant and useful term since the adoption of the UN Declaration on Human Rights Defenders. Article 1 of this Declaration states that “**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.”

Children with visual impairments, because of their age and their disability, face double discrimination when it comes to advancing their rights. They are often sidelined, neglected, stigmatized, and excluded from the mainstream community, in developing as well as developed countries. They are marginalized, stereotyped, and hidden away from the public eye because they are presumed to be incapable of learning or because some fear being associated with blindness. However, they can play a significant role in ensuring that their rights and the rights of others are respected, protected, and upheld by various governments. 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 are active in support of human rights as diverse as the right 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. They do this in various ways.

*For example,* Huzaifa Bukenya, a ten year old blind boy, presented a petition at the children’s parliamentary forum asking his government to promote the rights of blind children in Uganda, including their right to inclusive education with access to the curriculum through braille and large print learning materials, as well as properly trained teachers to address the education of children with visual impairments. This has resulted in the formation of an inclusive and special needs education policy to guide the implementation of the education system for blind and partially sighted children in Uganda.

Human Rights Defenders are active in every part of the world: in States that are divided by internal armed conflict as well as States that are stable; in States that are non-democratic as well as those that have a strong democratic practice; in States that are developing economically as well as those that are classified as developed. They seek to promote and protect human rights in the context of a variety of challenges, including HIV/AIDS, internally-displaced persons, refugees, development, migration, structural adjustment policies, and political transition. Children with visual impairments also face extreme violence and extra-judicial killings during conflicts.

*For example,* during the Rwenzori conflicts of 2016 in Kasese, a 13-year-old boy was shot in broad daylight when he was going to the market. Blind children from Rukoki Model Primary School formed peace clubs to preach peace and defend the rights of other children.

They also provide information to empower or train others. They actively participate in the provision of the material means necessary to make human rights a reality – building shelters, providing food, strengthening development, enrolling children in school. They work on democratic transformation in order to increase the participation of people in the decision-making that shapes their lives and to strengthen good governance. They also contribute to the improvement of social, political, and economic conditions, the reduction of social and political tensions, the building of peace, domestically and internationally, and the nurturing of national and international awareness of human rights. Children with visual impairments do a lot of rights advocacy and awareness raising during international and national celebrations.

*For example,* on the Day of the African child, children with visual impairment presented poems and memoranda to members of parliament, asking them to consider their issues during legislative debates and budget discussions, such as access to information in accessible formats of braille and large print (a necessity for their education), purchase of learning equipment (such as braillewriters, assistive technology, electronic braille notetakers, and audio books) to promote their education, and access to eye care services to enable those with uncorrected refractive errors to obtain the appropriate screening, treatment, and prescription lenses.

Others have formed child rights clubs to advocate for their rights and essential needs. They carry out this advocacy through singing and debates, this has increased their visibility, and they are now highly regarded by the public.

**Challenges Faced by Children Human Rights Defenders with Visual Impairments.** The largest challenge faced by children with visual impairments is access to information. The Sustainable Development Goals reaffirm the responsibilities of all States to “respect, protect and promote human rights, without distinction of any kind as to race, colour, sex, language, religion, political or other opinions, national and social origin, property, birth, disability or other status.” Goal 16, in particular, calls on States Parties to “promote peaceful and inclusive societies for sustainable development, . . . and build effective, accountable and inclusive institutions at all levels,” building the kind of society where child Human Rights Defenders can participate and help to build a better nation.

Target 16.10 ensures “**public access to information**” to “protect fundamental freedoms.” Yet, this is extremely difficult to accomplish if information is only available in print, or websites cannot be accessed, or when only mainstream technology is available without adaptations for children with visual impairments. It is even more difficult if you are not permitted to attend school, or your visual impairment is not acknowledged, or others avoid interaction with you because of myths and misperceptions about blindness.

Most of the information regarding human rights, including the roles and obligations of Human Rights Defenders, is in print text that is not accessible to blind and partially sighted Human Rights Defenders. Information is needed in audio, braille, electronic, and large print formats, if children or adults with visual impairment can be in a position to participate on an equal basis with others to respect, promote, and protect human rights. Furthermore, there are no reporting procedures available for children with visual impairments to report cases of human rights violations. There is not even a standard hotline that children Human Rights Defenders can use to report instances of human rights violations. It is equally important for development partners to invest in assistive technology that can empower children Human Rights Defenders with visual impairment to participate on an equal basis with others.

**Financial support.** The work of children Human Rights Defenders is not resourced and this, too, makes the role challenging. They often lack the public transportation to reach out to victims of human rights violations in remote villages, or they must rely on others to drive or walk with them. They lack basic equipment such as voice recorders to document testimonies. Governments and development partners must provide adequate resources to promote the work of children Human Rights Defenders with visual impairments. Inclusive education starts children on the road to full participation, but these types of resources can sustain it.

1. **Legislation, policies and practices aimed at protecting or empowering children Human Rights Defenders, by providing examples of good practices and challenges, including from children’s perspectives**

At the national, regional, and international level, governments have ratified treaties that empower and protect the rights of children Human Rights Defenders. The UN Convention on the Rights of the Child (CRC) has been ratified and domesticated by many states parties, and its rationale is to protect, respect and fulfill the rights of children. Even though the Convention does not specifically mention Human Rights Defenders, it seeks to empower all children including those with visual impairments by ensuring that their right to education is guaranteed and that they maximize their physical and mental potential. The CRC also calls for children’s views to be heard, and this enables them to defend their rights. Following the ratification of the CRC, a number of general comments have been developed to interpret the positive obligations stipulated by each Article of the CRC. This strengthens the work of children Human Rights Defenders.

Article 7 of the Convention on the Rights of Persons with Disabilities (CRPD) protects the rights of children with disabilities. It calls upon states to guarantee the rights of children with disabilities, respect their views according to their age and maturity, and to be sensitive towards the issues of gender. This is in line with legislations and policies towards the protection of the rights of children Human Rights Defenders.

At the regional level, the African Protocol on the Rights and Welfare of the Child. This protocol stipulates the rights of an African child and obliges states to respect, protect and fulfill these rights.

At the national level, children’s legislation has been enacted to domesticate the CRC into individual countries’s legal framework and to operationalize the CRC. These statutes guarantee the right of children to a name and family, parental care, education, and health among others. Although these legislations do not mention children as Human Rights Defenders, they are avenues and policy frameworks through which children Human Rights Defenders can defend the rights of others.

1. **States’ obligations applicable to children Human Rights Defenders under the CRC and existing standards on Human Rights Defenders**

States’ obligations to protect and preserve Human Rights Defenders, including children, when they are in danger by virtue of their activities has been recognized at the global level in the **United Nations Declaration on Human Rights Defenders** and at the regional level, for example, within the inter-American system by both the **Inter-American Commission on Human Rights** (IACHR) and the **Inter-American Court of Human Rights** (IAC).

The defense of human rights can be exercised freely only when the persons engaged in it are not victims of threats or of any type of physical, psychological, moral aggression or other forms of harassment.

The rights of children are protected by the **CRC**. The Convention requires States Parties to take “appropriate measures to ensure” implementation of the rights recognized in the convention. Article 4 of the CRC states that Governments must respond appropriately to fulfil the rights of every child including protecting and preserving children’s rights defenders with visual impairment who face the challenges, including harassment, discussed above.

In Article 5 of the **CRC**, governments must respect the rights and responsibilities of parents to guide and advise children so that as they grow, they learn to apply their rights properly and defend those rights that have been abused by adults and fellow children. Parent’s guidance and care is quite vital for the child. Without the guidance, direction and care of parents, children are more likely to indulge in detrimental practices, such as drug addiction, theft, and other illegal actions.

According to article 12 of the **CRC**, every child has the right to say what he or she thinks in all matters affecting them and to have their views taken seriously. States need to preserve and protect this inherent right to open the way to children Human Rights Defenders. In addition, Article 13 emphasizes that every child must be free to say what he or she thinks and to seek and receive information of any kind as long as it is within the law. This includes information concerning children’s rights violations and the freedom of children to talk about and fight those violations.

The right of association by every child is very important. Children with visual impairment have the right to meet with other children and young people and to join groups and organizations; this enables them to learn how their fellow children are doing, what violations they are facing, and devise means of ending their suffering. The active implementation of human rights helps in national integration, international peace, and understanding. It can be done by class debates, seminars, and discussions on human rights, issue dramatization, poetry and songs depicting human rights, and by celebrating human rights days, the International Day of Persons with Disabilities, International Day of the Girl Child, United Nations Day, Universal Children’s Day, and Human Rights Day.

In the case of the inter-American system, the right to defend human rights has been recognized by both the **IACHR** and the **Inter-American Court of Human Rights**. The IACHR understands that the exercise of the right to defend human rights cannot be subject to geographical restrictions and that it implies the possibility of freely and effectively promoting and defending any right whose acceptance is unquestioned, including the rights and freedoms contained in the **Declaration on Human Rights Defenders** itself as well as components of rights whose formulation is still a matter of debate. The Inter-American Court, for its part, has pointed out that, in accordance with the principles of indivisibility and interdependence of human rights, the defense of human rights "is not limited to civil and political rights, but necessarily involves economic, social and cultural rights.” It has also stated that the fear caused to defenders by the murder of another defender in retaliation for his or her work can directly reduce the possibility of Human Rights Defenders exercising their right to perform their work by means of denunciations.

The member States’ implementation of a global policy of protection for Human Rights Defenders is a function of their obligation to ensure the exercise and enjoyment of human rights, an obligation undertaken in articles 1 and 2 of the **American Convention on Human Rights**. States are to allow Human Rights Defenders to perform their work without fear of reprisals. As for the obligations to respect and ensure, undertaken in Article 1 of the American Convention, the Court has written that it is not sufficient that States merely refrain from violating rights; instead, they must also take positive measures dictated by the subject’s particular protection needs, either because of his or her personal circumstance or the specific situation in which he or she finds himself, to ensure observance of rights. As for the obligation to adopt measures, contained in Article 2 of the Convention, the Inter-American Court has written that each State Party has an obligation to adjust its domestic law to the provisions thereof to guarantee the rights enshrined in the Convention.

All these of these documents play an important role in promoting and protecting children Human Rights Defenders.

1. **Key elements for an effective implementation of a 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**

One of the elements of a child rights approach is the political commitment to support children’s Human Rights Defenders. This commitment involves the establishment of policies to guide the implementation of children’s rights. These policies must be transposed into local realities to suit the situation of children Human Rights Defenders with visual impairments. During the establishment of policies, children Human Rights Defenders with visual impairments must be involved from the beginning to enable them to participate in the decision making processes and to air their views. This approach further involves the inclusion of children Human Rights Defenders at the level of planning, programming, and implementation, since they have a clear understanding of their own views. In addition, the approach allows for consideration of the allocation of resources to account for the implementation of children’s rights.

As indicated above, simplified reporting mechanisms to enable children Human Rights Defenders with visual impairments to report issues of human rights violations to the concerned duty bearers must be created. This involves putting in place free hotlines, equipment for recording testimonies, and availability of transport to reach out to at risk communities.

Information is key in the implementation of children’s rights. However, it must be accessible to those Human Rights Defenders with visual impairments in audio, braille, digital, and large print, formats to enable them to participate effectively on an equal basis with others. Assistive technology in the form of screen readers, electronic note takers, screen enhancement software and other accommodations are helpful, but not as critical as the information itself when it is available in accessible formats.

There is a need for support from the parents and duty bearers to promote and empower children Human Rights Defenders by according them respect and deconstructing the myths surrounding disability and age related discrimination. This can be done through awareness raising and establishment of children Human Rights Defenders groups to continue their advocacy.

Finally, there is a need to establish an appropriate monitoring mechanism, where children Human Rights Defenders share their experiences in defending rights in order to track the progress of the implementation of children’s rights. The Committee on the Rights of the Child should consider this monitoring mechanism as a way of ensuring that states provide accountability to the implementation of children’s rights.

The World Blind Union and the International Council on Education of People with Visual Impairments appreciate this opportunity to discuss the role and responsibility of children with visual impairments as Human Rights Defenders and trust that these comments will be helpful in meeting the objectives of the 2018 Day of General Discussion.

Bourne, R. R. A., Flaxman, S. R., Braithwaite, T., Cicinelli, M. V., Das, A., Jonas, J. B., et al.; Vision Loss Expert Group. (2017). Magnitude, temporal trends, and projections of the global prevalence of blindness and distance and near vision impairment: A systematic review and meta-analysis. *Lancet Global Healtj, 5*, e888-897. DOI: 10.1016/S2214-109X(17)30293-0

World Health Organization (WHO). (2017, October). *Fact sheet*, *Blindness and* *visual impairment*. Retrieved from <http://www.who.int/en/news-room/fact-sheets/detail/blindness-and-visual-impairment>)