

# UN Human Rights Office Report on Child Rights & SDGs: “Sustainable and resilient recovery from the COVID-19 pandemic”

## Child Rights Connect Submission

December 2020

### 1. Introduction

As expressed by the United Nations Secretary-General, the COVID-19 pandemic is far more than a health crisis, it is also an economic, social, and human rights crisis.<sup>1</sup>

The pandemic and the measures taken by governments to prevent, contain and treat the disease, have had and are having an effect on all children and on the full range of child rights as set out in the Convention on the Rights of the Child (CRC). In the same way, the pandemic is also having a major impact in the global progress towards the Sustainable Development Goals (SDGs), exacerbating existing inequalities and barriers, and disproportionately affecting those children left furthest behind.

In providing an urgent response to the pandemic, the initial focus of many was to prioritize basic needs, at the expense of children’s civil and political rights, as it has been highlighted by UNICEF.<sup>2</sup> Many governments around the world enacted legislation limiting civil and political rights such as those relating to freedom of association and peaceful assembly, privacy, and freedom of movement without ensuring compliance with the CRC.

The impact of the pandemic on children’s civil and political rights remains overlooked, as is the way in which the exercise of these rights should be facilitated in the recovery phase. As emphasized by the Committee on the Rights of the Child, the UN Special Representative of the Secretary-General on Violence Against Children, UNICEF and other UN actors, it is critical to ensure that children participate in decision-making processes around the pandemic so that they can contribute towards shaping the post-COVID-19 world. Consulting children is not enough; now, more than ever, there is a need to uphold children’s civil and political rights in order to ensure that their needs and perspectives are taken into account in response and recovery efforts.

With the understanding that all rights under the CRC are indivisible, interconnected and interdependent and that the realisation of all rights is of the utmost importance for the achievement of the SDGs, this submission aims to highlight the critical importance of strengthening national legal and policy frameworks for the full exercise by children of their civil and political rights as a means to enabling the realisation of children’s other rights and the SDGs.

---

<sup>1</sup> Statement United Nations Secretary-General (23 April 2020): <https://www.un.org/en/un-coronavirus-communications-team/we-are-all-together-human-rights-and-covid-19-response-and>

<sup>2</sup> UNICEF Programme Division - Human Rights Unit, *COVID-19 and the impact on children’s rights: the imperative for a human rights-based approach* (April 2020): [https://aa9276f9-f487-45a2-a3e7-8f4a61a0745d.usrfiles.com/ugd/aa9276\\_936b87ab482b4070aaa8e0987e06983a.pdf](https://aa9276f9-f487-45a2-a3e7-8f4a61a0745d.usrfiles.com/ugd/aa9276_936b87ab482b4070aaa8e0987e06983a.pdf)

## 2. Children’s civil and political rights: the necessary framework for building back better

Children worldwide are speaking up on many human rights issues and by doing so, they promote and contribute to the implementation of the 2030 Agenda. Children are at the forefront of the climate change movement (Goal 13), they are calling for democracy (Goal 16), social justice (Goal 10) and better education (Goal 4). Children are acting as human rights defenders, challenging existing norms and practices and claiming their rights to be heard and participate in public affairs.

The 2018 Day of General Discussion of the Committee on the Rights of the Child on “Protecting and empowering children as human rights defenders” shed light on the generalized lack of recognition and understanding of child human rights defenders (CHRDs) and their rights, and identified major gaps in the protection of CHRDs’ rights at all levels, such as for example the lack of clarity of States’ obligations with regard to the link between the right to be heard and civil and political rights.

Much of the identified challenges and gaps persist and have been highlighted in the *Implementation Guide on the rights of child human rights defenders*.<sup>3</sup> Children continue to face many limitations to the exercise of their civil and political rights due to social norms, traditional values, legal barriers and adult-centered policies and programmes. For instance, children often face:

- a lack of recognition, protection and empowerment as equal rights holders and an on-going resistance to the idea that children can or should defend human rights and speak up against adults’ authority;
- generalised scepticism about children’s perceived capacity and ability to understand and claim human rights;
- stigmatisation when defending human rights as they are perceived by some to be breaking social and cultural traditions that expect them to be passive players;
- minimum age restrictions to participate in peaceful assemblies or to form associations; and
- a lack of awareness of, or access to, mechanisms for participation in decision-making, support, information, and/or redress.

Along these lines, the Special Rapporteur on freedom of expression has observed that ‘Children face particular hurdles to the realization of their right to freedom of expression as a result of entrenched paternalistic attitudes that often overstate the risks of allowing children to communicate freely and underestimate their agency. In addition, the rights of children are also affected by all the barriers hampering the freedom of expression of adults.’<sup>4</sup>

The COVID-19 pandemic has shown the weakness of the existing legal and policy frameworks that should guarantee children’s entitlement to civil and political rights. State responses to the pandemic have exacerbated the existing protection gap by imposing additional limitations to the exercise of children’s civil and political rights. For instance, some States’ emergency measures have further restricted children’s already limited access to civil society spaces and public policy processes at

---

<sup>3</sup> Child Rights Connect, *The Rights of Child Human Rights Defenders: Implementation Guide* (December 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>

<sup>4</sup> United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Report of the Special Rapporteur on the right of the child to freedom of expression*, A/69/335, para. 34 (2014): <https://undocs.org/A/69/335>.

different levels. In addition, due to the rapid shift to the digital space, the digital divide has worsened, especially to the detriment of children in vulnerable situations.<sup>5</sup> Children are nonetheless finding innovative ways to support each other, assemble online, exchange information, identify gaps and suggest solutions.

The CRC obliges States to ensure the effective enjoyment of children’s civil and political rights. States have a positive obligation to foster a safe and enabling environment for children to exercise these rights effectively, whether at a school, a public setting or some other context, including by removing age-based discriminatory practices that restrict participation of children in public decision-making, as well as by providing resources for CHRDs and child-led organisations.<sup>6</sup> At the same time, if justifiable restrictions are imposed on a child’s civil and political rights, the process, outcome and reasons for such a decision must be transparent and communicated to children. Children are entitled to have their views sought and taken seriously and should be provided with accessible and age-appropriate information at all stages of the decision-making process.<sup>7</sup>

### 3. Recommendations

In response to the *UN Secretary-General’s Policy Brief on the impact of COVID-19 on children*, a large number of States committed to partner with children now and in the future to ease the lasting impact of COVID-19.<sup>8</sup> For this to become a reality, States must take immediate steps to ensure that children’s civil and political rights are protected and fulfilled, and that child participation in decision making is proactively supported and encouraged at all levels, in all sectors and at all phases. Only this will ensure that we build back better and achieve the SDGs.

States should:

- recognise that a child’s engagement in public affairs is a matter affecting the child and should seek the views of CHRDs and take them seriously on issues that are of public interest and may not affect the child directly, bearing in mind that there are very few, if any, child-neutral policies or programmes;
- adopt and implement legal and policy frameworks guaranteeing all children’s civil and political rights enshrined in the CRC, building upon and including the views of children;
- ensure that any restrictions on the exercise of these rights by children are lawful, necessary, proportionate and non-discriminatory;
- ensure that children enjoy access, without discrimination, to information online and offline, and that they are able to access information in an accessible and child-friendly manner on the

<sup>5</sup> Save the children, SOS Children’s Villages International and Child Rights Connect, *Joint submission for the consultation on the HRC resolution on civil society space (ahead of 44th session)*, (May 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/07/joint-submission-hrc-resolution-on-civil-society-space.pdf>

<sup>6</sup> Child Rights Connect, *The Rights of Child Human Rights Defenders: Implementation Guide*, p.52 (December 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>

<sup>7</sup> *Id.* at p.53

<sup>8</sup> “Protect our Children” - *Response to the UN Secretary-General’s Call on Countries to Prioritize Children’s Education, Food, Health and Safety amid the COVID-19 Pandemic* (April 2020): [https://eeas.europa.eu/delegations/un-new-york/78224/%E2%80%9Cprotect-our-children%E2%80%9D-response-un-secretary-general%E2%80%99s-call-countries-prioritize-children%E2%80%99s\\_enhttps://eeas.europa.eu/delegations/un-new-york/78224/%E2%80%9Cprotect-our-children%E2%80%9D-response-un-secretary-general%E2%80%99s-call-countries-prioritize-children%E2%80%99s\\_en](https://eeas.europa.eu/delegations/un-new-york/78224/%E2%80%9Cprotect-our-children%E2%80%9D-response-un-secretary-general%E2%80%99s-call-countries-prioritize-children%E2%80%99s_enhttps://eeas.europa.eu/delegations/un-new-york/78224/%E2%80%9Cprotect-our-children%E2%80%9D-response-un-secretary-general%E2%80%99s-call-countries-prioritize-children%E2%80%99s_en)

potential risks involved in acting as CHRDs so they can make informed choices and navigate in the balancing of rights;

- create safe and child-friendly online and off-line spaces for CHRDs, where they can safely organise, assemble, and engage with decision makers, while ensuring that children enjoy their right to privacy and protection from attacks on their reputation;
- seize the accelerated digital shift to enhance inclusivity of children in vulnerable situations by bridging the digital divide;
- provide police forces, educators and other professionals that work with children training on children’s rights, and develop policies and practices for these professionals that enable children to exercise their civil and political rights safely;
- ensure an enabling civic space that supports child-led groups, with flexible and sustainable funding and non-financial support as well as the activities of civil society organisations that support children to exercise their civil and political rights; and
- ensure that children have access to multiple, safe, child-appropriate mechanisms to report reprisals, violence and abuse, seek redress for violations and receive support and care for physical and psychological abuse.<sup>9</sup>

The 2020 *United Nations Guidance Note on Protection and Promotion of Civic Space* (Guidance Note) makes clear that civic space should be a priority in times of crisis and that “[e]nsuring the participation of communities most affected by COVID-19 in national response and recovery plans is the cornerstone to fostering stronger, more resilient societies that leave no one behind”.<sup>10</sup> It also clearly links efforts to defend, consolidate and expand civic space with the participation of children as civil society actors: “diversity ... is a critical component of participation, which may require special efforts to reach out to people and groups whose voices may otherwise not be heard, especially ... children”.<sup>11</sup> Thus, civic space is fundamental to a sustainable recovery and advancing the realisation of the SDGs; likewise, proactively promoting child participation in public affairs is critical to strengthen and expand civic space.

The Guidance Note also reaffirms that “the United Nations system, in line with human rights principles and standards and the commitment of the SDGs to ‘leave no one behind’, has a role in supporting inclusive, effective, well-coordinated and sustainable civil society participation in intergovernmental forums and channels”.<sup>12</sup> International and regional human rights institutions and mechanisms have a unique role to play in 1) supporting States in safeguarding civic space and developing and implementing national laws and policies guaranteeing all children’s civil and political rights enshrined in the CRC; and 2) ensuring that children’s civil and political rights are a key priority at the regional and international levels, through the mainstreaming of children’s rights and the development of child-friendly and safeguarding procedures for participation in intergovernmental forums and channels.

Progressing in the implementation of the 2030 Agenda, in particular goals 16 and 17 with their targets on fundamental freedoms, participatory decision-making, access to information and strengthened civil society partnerships, will be possible only with a sustainable recovery that safeguards and expands civic space. This should be done through the empowerment of children to contribute to decision-making by ensuring they can exercise their right to be heard and other civil and political rights.

---

<sup>9</sup> Child Rights Connect, *The Rights of Child Human Rights Defenders: Implementation Guide*, p.75-76 (December 2020): <https://www.childrightsconnect.org/wp-content/uploads/2020/12/final-implementation-guide-the-rights-of-child-human-rights-defenders-forweb.pdf>

<sup>10</sup> United Nations, *United Nations Guidance Note on Protection and Promotion of Civic Space*, p.4 (November 2020): [https://www.ohchr.org/Documents/Issues/CivicSpace/UN\\_Guidance\\_Note.pdf](https://www.ohchr.org/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf)

<sup>11</sup> *Id.* at p.5

<sup>12</sup> *Id.* at p.8