



***Submission by CIVICUS and Save the Children to inform drafting of the OHCHR guidelines for States on the effective implementation of the right to participate in public affairs***

***10 February 2018***

***Background***

In 2017, CIVICUS and Save the Children published the joint paper 'Peers and Partners: Empowering Children To Take Civic Action'.<sup>1</sup> This joint paper builds on Save the Children's track record of programming, research and engagement with children and CIVICUS' analysis and tracking of global civic space trends. It presents findings from a study conducted in 2016 by Save the Children and the Centre for Children's Rights at Queen's University, Belfast, UK, combining online consultations and face-to-face group discussions with a total of 1,606 children, aged between eight and 17, from 60 countries<sup>2</sup>, and from an online survey carried out by CIVICUS and Save the Children with 488 respondents from adult-led civil society from 98 countries.

This submission builds on the findings and recommendations outlined in this joint paper.

***Children's right to participate in public affairs***

Children, who constitutes more than 30 per cent of the world's population, are agents of change in their own right. In accordance with Articles 12, 13, 14, 15, 16 and 17 of the UN Convention on the Rights of the Child (UNCRC), children have the right to participate in public affairs and exercise their rights to expression, association, peaceful assembly and access to information. These latter rights to take civic action are a pre-requisite for children to engage meaningfully in public affairs. SDGs 16 and 17 commit states to protect fundamental freedoms, provide access to public information, ensure participatory decision-making and strengthen civil society partnerships. The SDGs provide a powerful framework to accelerate implementation of the UNCRC. The right to participate in public affairs apply to all children without discrimination, including children most deprived of their rights, taking into account and accommodating children's development, ability and evolving capacities.

The UN Committee on the Rights of the Child has elaborated on UNCRC Article 12 and children's right to participate in public affairs in different General Comments. According to its General Comment No. 12 on the right of the child to be heard, for example, UNCRC Article 12 imposes an obligation on states to introduce the legal frameworks and mechanisms necessary to facilitate active involvement of the child in all actions affecting the child and in decision-making.<sup>3</sup> In its General Comment No. 20 on children's rights during adolescence, the Committee emphasises the importance of participation as a means of political and civil engagement, through which adolescents can negotiate and advocate for the realization of their rights, and hold States accountable. States should ensure that adolescents are involved in the development, implementation and monitoring of all relevant legislation, policies, services and programmes affecting their lives, at schools and at the community, local, national and international levels.<sup>4</sup> In General Comment No. 19 on public budgeting for the realisation of children's rights, the Committee points to the responsibility of states to ensure that there is funding to achieve the meaningful participation of children in all decision affecting them and the need for states to budget for

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<sup>1</sup> CIVICUS and Save the Children (2017), [\*Peers and Partners: Empowering Children to Take Civic Action\*](#)

<sup>2</sup> Centre for Children's Rights & Save the Children (2016), [\*Enabling the exercise of civil and political rights: The views of children\*](#)

<sup>3</sup> UN Committee on the Rights of the Child (2009), [\*General Comment No. 12 on the right of the child to be heard\*](#)

<sup>4</sup> UN Committee on the Rights of the Child (2016), [\*General Comment No. 20 on the implementation of the right of the child during adolescence\*](#)

and provide contextually appropriate materials, mechanisms and institutions to enable meaningful participation.<sup>5</sup>

In addition to being a right, children's participation in public affairs can help bring new insights about their situation and provide creative solutions to different circumstances. And importantly, it also helps children to understand democratic processes and develop their capacity and willingness to participate in democracy and advance a culture of human rights.

### **What are the challenges?**

A majority of children that Save the Children engages with from different regions, backgrounds, genders and age groups are clear that they want to be involved in public affairs and influence decision-making on issues that affect them and contribute positively to the development of their societies. Eighty-one per cent of children consulted by Save the Children and the Centre for Children's Rights through an online consultation tool report that they are interested in "decisions made by government and other people in positions of authority about issues and things happening in their community, country or the world." Almost two-thirds, 63 per cent, say they had faced an issue that made them feel they should do something, and 74 per cent of these children report that they had acted in response.<sup>6</sup>

#### **What do children say?**

*'We would mainly like to change people's mentalities. Change their prejudices, the myths and the sexism. Women and children have not been supported to raise their voices and participate.'*

Child from Latin America and the Caribbean

*'We decided to take action on different topics such as obligatory classes/courses from different school teachers, the improvement of the quality of education and the un-free charge on medication care for children.'*

Child from Eastern Europe

*'Talking to adults is something new, and other children are surprised. But I think we have to inspire other children and help others gain strength and make them understand that it is possible. We have to fight for children and the welfare of children. We have to be role models. This will change society.'*

Child from Asia

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)

Save the Children (2012), [Children in Politics - A collection of 11 inspiring, motivating and suggestive case studies on children's engagement in governance](#)

Yet, children face considerable challenges when exercising their rights to take civic action and participate in public affairs due to their legal or cultural status as children. In many countries children are at best seen as vulnerable and in need of protection and at worst as the property of adults.

Children often identify adults as a key barrier. Adults do not take children seriously when they engage in civic action and public affairs. However, when children have the support of adults, for example through adult-led child rights organisation, they are better able to act and be heard.<sup>7</sup> A Community Conversation Facilitator working with Save the Children in Africa sets out the social challenges, but also the potential to change attitudes: 'Traditionally, children could not speak out. Before, we did not even eat with our children, and they had to leave the house if visitors came. Gradually people realise that children raise critical issues concerning everyone.'<sup>8</sup>

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<sup>5</sup> UN Committee on the Rights of the Child (2016), [General Comment No. 19 on Public Budgeting for the Realisation of Children's Rights](#)

<sup>6</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

<sup>7</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

<sup>8</sup> Save the Children (2012), [Children in Politics - A collection of 11 inspiring, motivating and suggestive case studies on children's engagement in governance](#)

To be able to engage meaningfully in public affairs, children need access to information about laws, policies, budgets, service delivery as well as international human rights obligations, in formats they can access and understand. However, for many children access to information is restricted. Public information is often hard to access, inaccurate, out of date, or presented in a way that is difficult for children to understand. In addition, some children do not feel safe when accessing information.<sup>9</sup>

### **What do children say?**

*'We are children and if a child gets to the point where it's not expected of them by the authorities and even the community, people can consider you a misbehaving child.'*

*Child from Africa*

*'If adults and we move together then we feel safer and in this way our organisation will also sustain its work.'*

*Child from Asia-Pacific*

*'Having access to and getting to know what's going on is a problem even for an elderly person, leave alone children.'*

*Child from Africa*

*'Since the CG [children's group] has been formed, people in village have started listening to us and they consider our views. Otherwise they never listen to us.'*

*Child from Asia-Pacific*

*'I have conquered insecurities and emotions; I have made new acquaintances; I learned how to work in a group and how crucial this was and I have had fun. I think all of us have taken away something.'*

*Child from Eastern Europe*

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)

Children also need a wide range of opportunities - online and offline - to come together, learn about their rights, share experiences and take joint actions. In Bangladesh, for example, the child-led National Children's Task Force, with 40,000 members, is providing children with opportunities to engage in a range of activities, including monitoring service delivery to children. However, children face a number of legal and administrative hurdles in trying to establish their own organisations, including in relation to registration and opening of bank accounts.

Children also face risks to their personal safety when exercising their right to take civic action. For example, only 34 per cent of children participating in the Save the Children and the Centre for Children's Rights online survey felt safe expressing their views in public, compared to 81 per cent who felt they could do so in private. Only 38 per cent felt safe joining a public protest or demonstration. A number of children engaged in civic action had also received threats from those who are the focus of their actions. Children indicated that their safety concerns when participating in public demonstrations could to a certain extent be reduced through the presence of their parents or supportive adults from civil society.<sup>10</sup>

Children want closer connection between children's groups and governance structures, particularly at local levels, to enable them to participate in public affairs and provide their views and recommendations. They want more to be done to teach local stakeholders to consider children's groups as institutional

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<sup>9</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

<sup>10</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

partners and how to involve children in decision-making processes. They also want opportunities to engage with public institutions and governments at national level.<sup>11</sup>

### **What do children say?**

*'There needs to be some way that young people can get involved with government and talk to our leaders about the issues that are important for us. Schools should get involved and maybe ask students what issues are important to them and send them on to the government so they can look at issues that affect young people of all ages, religions and backgrounds.'*

Child from Western Europe and Other Groups

*'I would like to be a part of an official children or youth parliament that can represent the needs of the children, this way we can make the possibility of an effective changes increase if the parliament was supported by international organisations, by that we could create a platform that can represent the children's requires and need for change safely and by the children themselves.'*

Child from Asia-Pacific

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)

### **Recommendations**

To support states to translate their legal obligation to ensure that children have meaningful and safe opportunities to engage in public affairs, the OHCHR guidelines must include clear guidance to states related to children, including that States should:

- Put in place and implement laws that guarantee the rights to the freedoms of association, peaceful assembly, expression and access to information – online and offline - for children as well as adults. Legal and administrative obstacles against children establishing their own organisations must be removed, including in registration and opening bank accounts.
- Provide age-appropriate gender-sensitive and timely public information in languages and formats that children understand.
- Establish and resource child-friendly, age-appropriate, inclusive and safe permanent mechanisms and spaces where children, including children most deprived of their rights, can engage meaningfully with decision-makers and make recommendations on laws, policies, budgets and service provision without coercion, and where government officials can provide feedback to children on how their recommendations have been taken forward.
- Systematically promote the importance of children's participation in public processes, address negative attitudes towards children, and build the capacity of government officials, state employees and society at large to engage meaningfully with and listen to children.
- Ensure that the education system provides opportunities for children to learn about their rights, how to access information as well as to strengthen their communication skills and confidence to speak out.
- Ensure that resources provided by donor states directly benefit CSOs, including CSOs in the global south, organisations working to protect civic space and child-led organisations and groups. Donor states can support the realisation of the rights to the freedom of association, peaceful assembly, expression and access to information, including for children, by highlighting these

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<sup>11</sup> Centre for Children's Rights & Save the Children (2016), [Enabling the exercise of civil and political rights: The views of children](#)

rights, and any legislative and bureaucratic barriers to their realisation, in bilateral discussions and partnership agreements with other states.

**... and a final perspective from a child in Africa**

*'We need political leaders who are intelligent and well informed of matters that affect children. After all they have signed international documents on our rights and they do know that children are most affected by the decisions they make. They should involve us in political issues and allow us to bring out our views by making a children's platform where we tell them what we want done for us. They should train us so we can even be greater leaders when we get older. ....'*

Centre for Children's Rights & Save the Children (2016), [Enabling the Exercise of Civil and Political Rights: The Views of Children](#)

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