1st UN Forum on Human Rights, Democracy and Rule of Law: "Widening the Democratic Space: the role of youth in public decision-making", 21-22 November, Geneva

Joint written statement by Child Rights Connect, Child Rights International Network (CRIN), Defence for Children International (DCI), International Catholic Child Bureau (BICE), Plan International, Save the Children, Terre des Hommes International Federation (TDHIF), and World Organization Against Torture (OMCT)

Civil rights and freedoms of children and youth

We welcome the opportunity provided by the 1st UN Forum on Human Rights, Democracy and Rule of Law to address the transformative "role of youth in public-decision-making".

While some UN agencies use the age range 15-24, there is no official definition of youth within the UN. The UN Convention on the Rights of the Child (UNCRC) covers all persons under 18 years unless majority is attained earlier, however the UN Committee on the Rights of the Child has recommended that "adolescents up to 18 years old are holders of all the rights enshrined in the Convention; they are entitled to special protection measures, and, according to their evolving capacities, they can progressively exercise their rights (art. 5)"[1]. The HRC resolution 28/14 establishing the Forum did not define "youth" either. Therefore, we call for consideration of "children and youth" in today's discussions as they are potentially overlapping categories and since transition from childhood to adulthood is a very personal process influenced by context and environment.

Children and youth, whatever their age or gender, want to engage in changing their societies for the better, including by defending human rights. Indeed, they are already doing so and we need to enable them to engage more if we are to create a world fit for children and a world with active, democratic citizens.

1. ***Creating an enabling environment for the effective participation of children and youth in public decision-making***

Children, who constitute more than 30% of the world's population, have the right to be heard and participate in different spheres of society in accordance with Articles 12, 13 and 15 of the UNCRC and many policy

[1] General Comment No. 4 on "Adolescent health and development in the context of the Convention on the Rights of the Child" (CRC/GC/2003/4, para. 1)

guidance and tools exist for them to properly exercise this right, including CRC General Comments No. 12 and 19.

Our experience has shown that involving children in public decision-making processes plays an important role in ensuring the realization of their rights.

Recent research[2] establishes that children want to participate in public decision-making and engage in civil society. Their ability to engage depends largely on the extent to which their civil and political rights are fulfilled, including rights to information, freedom of opinion, expression, peaceful assembly and association, and the availability of safe formal spaces within decision-making processes for children to contribute.

It is not acceptable that children's voices are often marginalized and civil society space is shrinking. Children and youth who are vulnerable and excluded can face particular barriers in exercising their right to participate, including, amongst others, girls and young women, children and youth with disabilities, children and youth from minorities or children on the move. Making sure the voices of these children and youth are heard is critical to ensuring that no one is left behind.

Moreover, the fact that children are excluded from voting is one of the reasons why their rights continue to be unfulfilled. The Committee on the Rights of the Child has commended States for lowering their voting age from 18 to 16 and has consistently emphasized the importance of children's involvement in democratic processes, notably through children's parliaments.[3]

We therefore call on Member States to empower children to engage meaningfully in public decision-making within an enabling civil society environment, notably by:

- **Ensuring that all the rights contained in the UNCRC are guaranteed in national legislation and translated into policies, programmes, budgets and practice.**
- **Putting in place and fully implementing legal frameworks that guarantee all children's rights to freedom of expression, association, peaceful assembly and access to information without discrimination.**
- **Creating public and political environments where children's voices are valued by adults, their participation encouraged, regardless of gender, disability, religion, ethnicity, socioeconomic status, or any other status, and their recommendations given due weight. Political leaders at the highest level need to support children and youth as civic actors.**
- **Addressing the root causes and social norms that discriminate against girls and boys of different ages and create barriers to their participation in public life.**

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[2] Centre for Children's Rights and Save the Children (2016), *Enabling the exercise of civil and political rights: The Views of Children, and Centre for Children's Rights* (2015), *Towards Better Investment in the Rights of the Child: The Views of the Children*.

[3] Committee on the Rights of the Child Concluding Observations on the United Kingdom, CRC/C/GBR/CO/5, May 2016, paragraphs 32 and 33.

- **Providing long-term support and resources for an independent civil society, including children's own organizations. Human rights and civic education should be integrated into curricula and training programmes.**
- **Encouraging children to form their own child-led organizations and initiatives and create as many opportunities as possible to allow the highest number of children, including those most deprived of their rights, to participate in a meaningful way at different levels (local, regional, national, etc.).**
- **Making sure that the participation of children complies with the Committee on the Rights of the Child's basic requirements for effective, ethical and meaningful implementation of article 12[4].**
- **Considering lowering the voting age in order to increase opportunities for children and youth's political participation.**

2. From formal to transformative participation of children and youth

The capacity of children and youth to influence public decision-making on their own terms is largely dependent on the extent to which their civil rights and freedoms are met. It is also linked to the value and support provided by the State to the human development of children and their transition from childhood to adulthood. In many countries, children and youth voices continue to be marginalized in decision-making processes on issues concerning them and their opinions are less valued than those of adults. This is particularly the case for children and youth who are vulnerable and excluded, including, amongst others, girls and young women, children and youth with disabilities, children and youth from minorities or children on the move.
Appearing to listen to children and youth is relatively unchallenging, but giving due weight to their views requires real change. It is therefore important to ensure that adults, including actors in civil society and decision-makers, are sensitized, prepared, trained and supported about children's rights, including children's right to participate in decision-making.

Children must also be able to bring complaints through formal mechanisms in order to engage in public decision making, ensure their rights are taken into account in those decisions and to challenge decisions when they are not in accordance with their rights.

We therefore call on Member States to move towards transformative participation of children and youth by:

- **Creating avenues for children and youth to participate in policy development, planning and decision-making, including through the establishment and resourcing of child-friendly, age-appropriate and safe formal mechanisms and spaces where they can engage with decision-makers at all levels.**
- **Appointing 'child-friendly' focal persons at municipal and national levels with the capacity to support children's engagement and represent the concept at different levels of government.**
- **Ensuring that children and youth have access to age-appropriate and timely information in a language they understand.**

[4] General Comment No. 12 on "The right of the child to be heard"
http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf

- **Allowing every child to access justice and challenge public decisions, through individual legal standing and through collective action when large numbers of children are negatively affected by public policy**

3. Participation of children and youth in sustainable development and human rights protection in specific contexts

The 2030 Agenda's ambition to tackle inequalities through the "leave no one behind" pledge provides the international community with a key opportunity to address discrimination and advance human rights, including children's rights, and to establish more inclusive and equitable societies. It is essential to seize this opportunity to ensure that respecting, protecting and fulfilling children's rights, in accordance with the UN Convention on the Rights of the Child (UNCRC) and its Optional Protocols, is central to the implementation of the 2030 Agenda.

Children and youth were actively involved in shaping the 2030 Agenda and need to be given the space to actively participate in implementation and in holding States to account to their SDG and human rights commitments. States have the obligation to encourage and enable children to participate in the preparation of the State reports to the CRC Committee, and therefore their role has been recognized as key for the monitoring of the implementation of the CRC.

We therefore call on Member States to establish formal structures for participation of children and youth in implementation and monitoring of the 2030 Agenda and human rights mechanisms, notably by:

- **Raising awareness of the 2030 Agenda linked to existing international human rights obligations and standards to ensure that all people, including children and youth, are aware of the SDG commitments, their rights and how they can meaningfully participate in implementation and accountability**
- **Conducting regular national reviews of progress towards implementation of the CRC and the SDGs that are inclusive, consultative and participatory, providing an enabling environment and opportunities for all people, including children and youth, to participate. Reviews should be published in a timely manner and disseminated in accessible formats, notably for children and youth.**
- **Ensuring that accountability processes, including human rights monitoring and reporting mechanisms, are inclusive and do not leave anyone behind. This means addressing the financial, linguistic, logistical, and technological, gender or age barriers that prevent the participation of specific groups in a meaningful, safe and inclusive way. Children could, for example, participate in High Level Political Forum on Sustainable Development (HLPF) or human rights reviews via new technology with all meetings webcast.**

4. Moving the global youth agenda forward: the role of children and youth in shaping the agenda of the United Nations and regional organizations

Children's groups across the world are actively engaged in providing information to the UN human rights mechanisms, including the Committee on the Rights of the Child and the Universal Periodic Review (UPR) or regional human rights mechanisms such as the African Committee on the Rights and Welfare of the Child,

through submissions and engaging in advocacy at national, regional and international levels. The Committee on the Rights of the Child has been a precursor in ensuring that child participation working methods were developed to ensure meaningful, safe and inclusive participation. Other international and regional mechanisms and organisations need to further develop appropriate standards and working methods building on the CRC Committee's requirements to ensure appropriate spaces for participation of children and youth.

We therefore recommend that:

- **UN and regional human rights mechanisms and treaty bodies should make recommendations on and follow up to measures taken by states to create a safe and enabling environment for civil society, including the realization of adults' and children's civil rights and freedoms.**
- **The UN Human Rights Council should develop and adopt guiding principles on creating a safe and enabling environment for civil society, including for children and youth**
- **OHCHR should ensure that the views and rights of children are fully included and reflected in the "Guidelines on effective implementation of the right to participate in public affairs" mandated by HRC resolution 33/22**
- **The UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association as well as the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression should continue to examine and make recommendations related to the realization of children's and youth's civil rights and freedoms.**
- **The UN and other international and regional multilateral institutions should adhere to principles of transparency, participation and accountability in all its work. They should commit to an enabling environment for civil society and meaningful, inclusive and transparent participation of civil society, including children and youth, in all their processes based on timely and easy access to all information and documents. This means that accreditation procedures are straightforward to use and multiple platforms and opportunities are created for input and feedback.**