

PUSHING THE BOUNDARIES FOR CHILDREN

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THE CHILDREN

INTRODUCTION

Children comprise more than 30 per cent of the world's population and depend on caregivers and governments to meet their basic needs and realise their rights.¹ Under international law, children have civil rights and freedoms that should enable them be active citizens and claim their rights. Save the Children's longstanding engagement with children shows that children can and want to drive their own agendas, influence decisions that affect them and positively contribute to their own development and that of their societies. Civic space, support and opportunities to exercise their civil rights are fundamental to do so.

However, in most countries children can't vote, and few governments have made significant efforts to invest in budgets, legal frameworks, policies and programmes that enhance children's rights to association, peaceful assembly, expression, information and participation. Often, prevailing socio-cultural attitudes towards children limit the realisation of their civil rights, especially the most excluded groups of children.

This is a problem because children have a right to be heard on issues that affect them. Children want to influence the world they live in and we need their perspectives in order to improve outcomes for children globally. We know that civil rights in general and space for independent civil society in particular are under threat for all, but this contribution to the 2016 CIVICUS State of Civil Society Report will focus on the challenges that children face, some of which are specifically related to their legal or cultural status as children. Using examples from Save the Children's work and research, we will discuss how these challenges can be overcome.

WHAT ARE CHILDREN'S CIVIL RIGHTS AND FREEDOMS?

A number of international human rights instruments establish civil rights for all individuals, including children. The 1948 Universal Declaration of Human Rights states that, "Everyone has the right to take part in the government of his country,

¹ In this article children are defined as individuals under the age of 18 in accordance with the definition in the UN Convention on the Rights of the Child.

directly or through freely chosen representatives.”² The 1989 UN Convention on the Rights of the Child (UNCRC) affirms that a child has the right to freedom of expression, religion, information, association, assembly, identity and privacy. These rights must be guaranteed to all children, including stateless children, without discrimination. For example, a child’s language or disability status must not impede respect for the obligation to extend the freedom of expression to children.

The 2030 Agenda on Sustainable Development now provides an important opportunity to accelerate the realisation of the rights to access information and fundamental freedoms for adults and children alike.³

CHILDREN’S CIVIL RIGHTS AND FREEDOMS

In addition to the general principles of the UNCRC (non-discrimination - Article 2, best interests - Article 3, right to life - Article 6 and children’s participation - Article 12), there are eight articles relating directly to the civil rights and freedoms of children:

- Name and nationality (Article 7)
- Preservation of identity (Article 8)
- Freedom of expression (Article 13)
- Freedom of thought, conscience and religion (Article 14)
- Freedom of association and of peaceful assembly (Article 15)
- Protection of privacy (Article 16)
- Access to appropriate information (Article 17)
- The right not to be subjected to torture and other cruel, inhumane or degrading treatment or punishment (Article 37 (a))

WHY ARE THEY IMPORTANT?

IT’S A HUMAN RIGHT

All children are entitled to civil rights and freedoms under the UNCRC and it is our responsibility as adults to facilitate that. As Marvin Ramírez, 16, from Guatemala states, “I often hear that we as children and adolescents are the future of the nation, and we are, but we’re also the present, and I want my rights to be fulfilled now.”⁴

CHILDREN HAVE MUCH TO OFFER

The majority of children want to be involved in the making of decisions that affect them. In a recent consultation carried out by Save the Children with 1,606 children from 60 countries, 81 per cent reported that they were interested in “decisions made

² ‘Pushing the Boundaries: A guide to increasing the realization of children’s civil rights and freedoms’, Save the Children, 2013, <http://bit.ly/21Z1jxO>.

³ ‘Transforming our World: The 2030 Agenda for Sustainable Development’, Goal 16, target 10, United Nations, 2015.

⁴ ‘Children in politics. A Collection of 11 Inspiring, Motivating and Suggestive Case Studies on Children’s Engagement in Governance’, Save the Children, 2012, page 36, <http://bit.ly/1Wrc3py>.

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, said they had faced an issue that made them feel they should do something, and 74 per cent of these said that they had done something about it.⁵ In the words of one child from the Latin American and Caribbean region, “I saw that nobody wanted to report the problem so I told myself that if they can’t do this I have to try. It was a challenge for me, but I did it.”⁶

Save the Children’s work with children has proven that children have a great deal to contribute, have different perspectives to adults and bring new insights about their situation and possible solutions. As a 15 year old girl from our programme in Nicaragua explains, “Adults need our help when it comes to public policies. Otherwise they can only think of their own priorities and not ours.”⁷ Children show a high degree of responsibility in the way they use opportunities to engage and are as concerned as adults about making a difference.

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IMPROVING CHILDREN’S ABILITY TO HOLD US TO ACCOUNT

When children can exercise their civil rights they become more able to hold organisations, institutions and governments to account. Children’s motivation to act on issues is directly related to their awareness of their rights: an increase in awareness leads to an increase in motivation to act.⁸ Civic engagement raises the visibility of children’s issues, ensuring that they are included in economic, social and political agendas. This compensates for children’s exclusion from formal political processes.

BECOMING RESPONSIBLE, DEMOCRATIC ADULTS

It is unrealistic to expect children to grow into responsible, participating adults if the skills involved in a democratic process have not been introduced to them at an earlier stage. Individuals need to practise to understand the nature of democracy and develop the competence and confidence needed to participate. By exercising their civil rights, children are provided with multiple opportunities for self-expression, dialogue and exchange with children and adults alike. This ultimately plays an important part in establishing and maintaining a healthy democracy.

WHAT ARE THE OBSTACLES TO REALISATION?

THE STATUS OF CHILDREN

In many countries children are at best seen as vulnerable and in need of protection, and at worst as the property of adults. The civil rights of children have been ignored by governments, caregivers and civil society in part because to grant them would be

⁵ ‘Enabling the exercise of civil and political rights: The views of children’, Save the Children and Centre for Child Rights, Queens University Belfast, 2016, page 4 (unpublished at time of writing).

⁶ Ibid, page 38.

⁷ Save the Children, 2012, op. cit., page 49.

⁸ Save the Children and Centre for Child Rights, op. cit.

to challenge a status quo that privileges adults over children. To see children as equals and as capable agents of change can be very threatening to power hierarchies. Interestingly the arguments posited against children's rights have a strong resemblance to those made against women's equal rights. They too are about limited capacity and the idea that women are dependent on their fathers or husbands. While millions of children around the world contribute to their own survival and development as well as that of their households, many are still expected to be silent and obedient in front of adults. This can be even worse for girls, as expressed by a 16 year old Guatemalan boy: "We would mainly like to change people's mentalities. Change their prejudices, the myths and the sexism. Women and children have not been supposed to raise their voices and participate."⁹

MISINTERPRETATION OF 'EVOLVING CAPACITY'

The UNCRC has a concept of children's 'evolving capacities', which seeks to reflect a reality that capacities increase throughout the age range of a child. It is an acknowledgement that as children grow they have less need for protection and a greater capacity to take responsibility for decisions affecting their lives. This opens the issue of rights up to interpretation, and has been used to limit children's rights in the name of protection. In fact the UNCRC is quite clear that all children have civil rights and adults should keep in mind their evolving capacities when facilitating access to them. It is important to note that children with perceived limited capacity, such as children with disabilities, are equally entitled to their civil rights.

AWARENESS AND EMPOWERMENT

In order to facilitate or demand a right you need to be aware of it and feel confident enough to exercise it. Children may have the right to expression, but without the self-confidence may never exercise the right. As explained by a boy from the Philippines, "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."¹⁰

Even where adults are aware of these rights they often find it difficult to listen to children, take children's suggestions seriously and change their ways of doing things. Save the Children's experiences with bringing children into adult decision-making forums are mixed, and we have learned that adults need as much preparation, training and support as children do to make the interaction successful. Appearing to listen to children is relatively unchallenging, but giving due weight to their views requires real change. A survey with children from across the world found that 62 per cent of children reported 'adults not listening to children' as one of the biggest challenges to children becoming involved in government decision-making.¹¹ Save the Children has found that the extent to which children's views are given due weight depends on whom they are trying to influence, with parents and adults in the community more likely to listen than those in government.¹²

9 Save the Children, 2012, op. cit.

10 Ibid.

11 'Towards Better Investment in the Rights of the Child: The Views of the Children', Centre for Children's Rights, 2015, <http://bit.ly/13cpC1S>.

12 Save the Children and Centre for Child Rights, op. cit., page 6.

GAPS BETWEEN CHILD RIGHT COMMITMENTS AND LAW AND PRACTICE

While there is close to universal ratification of the UNCRC, national law does not always reflect this and can even contradict it. Where children's civil rights are embedded in laws, this is not necessarily translated into practice or becomes a tokenistic compliance exercise. As Raven, from a children and youth organisation in the Philippines explains, "We have comprehensive rules and regulations for child participation in the Philippines, but inside the government these platforms are violated, and we have no assurance of real participation."¹³

In many countries the right to information is a constitutional right, but in practice the information might be hard or costly to access, presented in a way that is difficult for children to understand, out of date or inaccurate. For children, timing poses a particular challenge, as they often need the information to be translated into local languages or into child-friendly versions before they can analyse and present their inputs. This affects their ability to speak out and influence change. When children were asked about their opinion of their governments' investment in children, 57 per cent said that a main challenge for their involvement is that they don't have information about how governments spend money, and 49 per cent that they don't know how governments make decisions about how to spend money.¹⁴

The right to association might be hampered by heavy administrative procedures, and in a number of countries children's organisations are not allowed to receive and manage funding or open a bank account, which might be needed for them to receive funding.

RISKY BUSINESS

Fear is also a very real obstacle. Children, just like adults, are putting themselves at risk when exercising their legal civil rights. In January 2015, 10 Kenyan children, students of a primary school, were taken to hospital with injuries and the effects of exposure to teargas.¹⁵ They were protesting against plans to demolish their playground. In March 2015, a 16 year old in Singapore was fined and given a custodial sentence for uploading a video in which he criticised the late Prime Minister Lee.¹⁶ Then of course there is the now world famous case of Malala Yousafzai, a young Pakistani girl who dared to defy the Taliban in seeking an education and was shot in the head. In its recent research, Save the Children found that only 38 per cent of children consulted felt able to attend a public protest due to fear of reprisals.¹⁷

In some countries children can be exploited for adult political purposes. Children need space to organise themselves outside existing political affiliations to set their own agendas. A child researcher from a project supported by Save the Children in Lebanon emphasises this: "I'm interested in politics and social issues and this was a great opportunity to work on these questions in my community in a way that was not affiliated to political parties; no-one else was offering something like this."¹⁸

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¹³ Save the Children, 2012, op. cit.

¹⁴ Centre for Children's Rights, 2015, op. cit.

¹⁵ 'The Year in Children's Rights: CRIN's 2014-15 annual report', Child Rights International Network, 2015, <http://bit.ly/1TGyMXq>.

¹⁶ Ibid.

¹⁷ Save the Children and Centre for Child Rights, op. cit., page 7.

¹⁸

Our research shows that only 36 per cent of children believe they would feel safe online and only 34 per cent would feel safe in public. There were regional differences, with children from Latin America feeling significantly more safe than children from Africa. Perhaps unsurprisingly children with experience of working with civil society organisations (CSOs) reported much higher levels of safety when they were part of a group that was supported by a CSO.¹⁹

HOW CAN WE OVERCOME THE OBSTACLES?

Trying to stop children from exercising their rights is not an option. Our job is to keep children safe while they exercise their rights. Adults must support children to assess and mitigate risks and to make informed decisions. We must sensitise governments, communities and caregivers to provide space for children to exercise their civil rights, to prevent reprisals and provide legal services when necessary for child rights defenders. And we must continue to work to make state obligations to implement children's rights a reality by translating these into laws, policies, budgets and practice.

DOMESTICATION OF THE UNCRC

There is still advocacy to do, including to ensure that all the rights contained in the UNCRC are guaranteed in national legislation, for the removal of the reservations to the UNCRC that many states made when ratifying and for the ratification of the UNCRC's optional protocol on a communications procedure. Customary or religious laws may contradict the civil rights enshrined in the UNCRC and so may also need to be reformed.

STRENGTHENING CHILDREN'S PARTICIPATION IN GOVERNANCE

Children need formal opportunities and space to engage. Civil society must continue to lobby to amend laws, policies, processes and budget allocations to ensure that governments introduce institutionalised mechanisms for children's voice. To be effective they must include measures on access to appropriate information, feedback on the weight given to children's views, and procedures for complaints, remedies and redress.

To prevent tokenistic participation, civil society can promote proven models of child participation to be scaled up and institutionalised at all levels of relevant decision-making, including legislative reform, policy-making, planning, data collection and resource allocation. Such mechanisms may include children's parliaments and child advisory committees. In Kenya, Save the Children, together with the Kenyan government and civil society, has supported the Children's Assembly. It has structures in all counties and is a mechanism for children aged seven to 17 years old to engage in policy-making.

In Bangladesh, Save the Children supports children to monitor systematically the provision of services and budget allocations for children's social development and other rights. They do this through child-friendly complaints and response systems set up at local levels of government. For the first time, local governments are explicitly considering children who live in their communities in their development plans and budgets.²⁰

¹⁹ Save the Children and Centre for Child Rights, op. cit., page 5.

²⁰ 'Submission to the UN Office of the High Commissioner for Human Rights for its follow-up report on investment in Children's Rights', Save the Children, 2015.

IMPROVING CHILDREN'S ACCESS TO INFORMATION

Making information accessible and available to children gives them the means to understand and claim their rights and access the services they are entitled to. Forty-two per cent of children consulted reported that the biggest obstacle to them was a lack of information as to how they could get involved in issues that concern them.²¹ Civil society should continue advocating for children's access to free, child-friendly, timely and accurate information. This is a key requisite for meaningful participation and for children to hold duty bearers to account. Information should be available in a variety of formats, accessible to children with disabilities or low levels of literacy, and available in all languages, including those spoken by ethnic minorities, migrant and refugee children. Information also needs to be tailored to suit the evolving capacities of children.

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SUPPORTING CHILD LED INITIATIVES

Children form their own organisations, unions, associations, networks and groups - online and offline - to meet on a regular basis, share experiences, and identify, analyse and plan activities on issues affecting them. They also have greater power to defend and negotiate their rights through their collective strength, which is particularly relevant to those many children whose rights are violated on a daily basis. Child-led bodies provide a structure through which children can elect their peers to represent them in local and national governance structures and to influence decision-making. Civil society should influence governments to put in place the necessary legal framework and budgets for children to organise. Adults can also provide motivational, technical and financial support to strengthen children's groups and initiatives. Equally importantly, children should be encouraged to join other, adult-led associations, as age should not be a barrier to participation.

RAISING AWARENESS AND PREPARING ADULTS

It is crucial to raise awareness of children's civil rights with adults, to prepare and support them to meet and listen to children and to value their contributions. As Adonech Sema, a Community Conversation Facilitator in Ethiopia working with Save the Children, explains, "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."²²

While states have an obligation to raise awareness of child rights across all sections of society, civil society and the media play important roles in modelling and promoting adult respectful behaviour when engaging with children. In Uganda, Save the Children supported children's peace clubs to produce radio programmes on conflict resolution and peacebuilding, which generated great interest among adult listeners. Opportunities for phone-in responses from listeners created increased dialogue, and one regular adult listener commented, "Whoever thought of making children discuss major issues concerning them on radio should be blessed by God. We thought the future was bleak. But if there is still a handful of children who can articulate issues eloquently like those ones, then the Acholi tribe still have something to be proud of. I'm proud we still have children who can do great things for their families in the future. I already see future Members of Parliament among them."²³

21 Save the Children and Centre for Child Rights, op. cit., page 21.

22 Save the Children, 2012, op. cit.

23 Save the Children, 2013, page 31, op. cit.

LOWERING THE AGE OF VOTING

Voting provides the most recognisable way of making governments accountable. A number of countries, including Argentina, Austria, Brazil, Cuba, Ecuador and Nicaragua, along with territories such as Guernsey and the Isle of Man, have reduced the voting age to 16 years. Children aged 17 years have the right to vote in Indonesia, Timor-Leste, the Seychelles, South Sudan and Sudan. In the Philippines, children aged 15 to 17 years are allowed to vote and run for office in the youth councils that are part of the local government unit. People aged 16 to 18 can vote in Bosnia and Herzegovina, Montenegro and Serbia if they are employed, and in Germany and Switzerland children can vote in municipal elections from the age of 16. Civil society can contribute to this development by demonstrating how children are capable of contributing, and by advocating for them to have a voice in governance at all levels, and for the voting age to be lowered.

CONCLUSION

While the civil rights of children are clearly articulated in international law, the reality is that due to age discrimination, perceptions of children and poor domestication in law and practice, they have been widely ignored by governments and communities. Children want to engage in changing their societies for the better. Indeed, they are currently engaging, 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. We know that adult support can help children overcome some barriers in engaging with adults, particularly with officials, and increase their sense of personal security and confidence.²⁴ Our job as civil society is to advocate for these rights, to make the case for why they are important and to support and protect children in exercising them.

24 Save the Children and Centre for Child Rights, op. cit., page 7.