**UN Day of**

**General Discussion**

**Protecting and Empowering Children as**

**Human Rights Defenders**

**Submission from:**

**Northern Ireland Commissioner for Children and Young People**

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**UN Day of General Discussion:**

**"Protecting and Empowering Children as Human Rights Defenders"**

**28 September 2018 - 10:00 a.m. to 6:00 p.m.**

**Room XVIII, Palais des Nations, Geneva**

The Northern Ireland Commissioner for Children and Young People (‘NICCY’) was established under ‘The Commissioner for Children and Young People (Northern Ireland) Order 2003[[1]](#footnote-1) with the principal aim ‘to safeguard and promote the rights and best interests of children and young people’. As an independent human rights institution NICCY has a range of duties and powers to meet this aim and must have regard to the UNCRC in all its work. The current Commissioner, Koulla Yiasouma, was appointed in 2015.

The focus of this day of general day of discussion is particularly pertinent to Northern Ireland given our recent conflict – 2018 sees the 50th anniversary of the civil rights movement and the 20th anniversary of the signing of the Good Friday Agreement[[2]](#footnote-2)’ which saw the beginning of the ongoing transition process towards peace. The Governments of the UK and Ireland declared their aim as the *‘achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all’[[3]](#footnote-3)* and various structures and institutions were established to progress this.

Northern Ireland’s children and young people have been defenders of human rights andagents of change for more than 30 years.. They were also victims of the NI Troubles.

*Smyth et al. (2004, 90) reported that 40 percent of those killed were aged under 25. Children are often the forgotten victims, absent from many statistical breakdowns. Yet between 1969 and 1998, 23 children aged five and under, 24 aged between six and 11, and 210 aged 12 to 17 lost their lives as a result of the Conflict (McCrory 2010). Children and youth disproportionately experienced paramilitary punishment attacks, and young men in their twenties were usually the main victims of beatings (Knox 2002, 176)[[4]](#footnote-4).*

Many of children and young people live with the transgenerational impact of the conflict. They have all too often been made invisible’ and indeed face additional challenges which are in breach of UNCRC articles e.g. the rights to:

* non-discrimination [Article 2];
* best interests principle [Article 3];
* have views taken seriously [Article 12];
* express views freely [Article 13];
* join a group; [Article 15];
* join a public assembly (such as a protest); [Articles 13 and 15];
* access information [Article 17];
* be safe and protected from harm; [Article 19];
* adequate standard of living [Article 29]; and
* learn about human rights [Article 42].

 NICCY promotes the participation (‘voice’) of children and young people in decision making processes affecting their lives; addressed the impact of attacks on them as a legacy of the conflict and advised Government to include Human Rights education as part of the mandatory curriculum in our schools. These and our other ‘Calls on Government’ are included in our recently launched ‘Statement on Children’s Rights in Northern Ireland[[5]](#footnote-5)’ ([SOCRNI](https://www.niccy.org/about-us/our-current-work/statement-on-childrens-rights-in-northern-ireland/))

Children and young people in our society grow up in a still divided and contested society and as such require special protections in defending human rights particularly where their environments and lived contexts are hostile and therefore not conducive to defending human rights. This paper addresses in brief, the areas highlighted for discussion at the day of general discussion:

• The role that children can and do play as human rights defenders;

 • What helps children to act as human rights defenders;

 • What the barriers are and what risks children face;

 • How to protect children human rights defenders.

 • How children can be supported by adults to act as human rights defenders;

The Commissioner makes a number of recommendations to promote and protect the role of children and young people as human rights defenders.

**The Role of Children as Human Rights Defenders.**

As rights holders, children in Northern Ireland can and do play a role as human rights defenders in a range of ways e.g. provide peer support, share their experiences, views and opinions to influence change where necessary. They actively participate where possible e.g. in youth fora, contribute to research, become a peer researcher, complete surveys, be interviewed and conduct interviews, communicate with and meet politicians and become involved in groups which will facilitate their development as human rights defenders[[6]](#footnote-6)

Recent examples of where they have played the role of human rights defenders are seen

1. **UK withdrawal from the EU (Brexit**) - young people facilitated by NICCY and our counterpart Office of the Children’s Ombudsman (OCO) based in the Republic of Ireland, led a project to address concerns about their rights being adversely impacted by ‘Brexit’; a report[[7]](#footnote-7) was produced and disseminated through visits, meetings, letters and email correspondence with relevant Government Officials, NI Politicians, Members of the UK Parliament (including the House of Lords) and the Oireachtas (Ireland’s legislature) and the EU Parliament in Brussels.

*Protect all aspects of the Good Friday Agreement throughout the Brexit process and protect the right of young people in Northern Ireland to consider ourselves British, Irish or both…..* *Maintain equivalence of standards and cooperative agreements across the island of Ireland in relation to key areas such as health care, education, policing, safety and child protection.[[8]](#footnote-8)*

1. **Language rights**:, pupils from Irish language schools demonstrated recently at Stormont (seat of Northern Ireland’s Assembly) in support of an Irish Language Act. Katy-Rose Meade, an A-level student from Coláiste Feirste secondary school in Belfast, addressed the rally on the steps of Parliament Buildings.

*"The community has organised and mobilised for over 12 months, and will continue to do so until our rights are delivered, as was promised more than 12 years ago (in the St Andrews Agreement)," ………"That community has had enough. Nothing other than a stand-alone rights-based Irish-language Act, as is afforded to other minority language communities on these islands, will do."[[9]](#footnote-9)*

1. Children’s Mental Health - NICCY is currently carrying out a rights based review of mental health services in Northern Ireland. Young people from NICCY’s Youth Panel supported the design of the review particularly the young people’s survey and the literature promoting it. Over 600 young people completed the survey. The review which is due to be published in September 2018 will therefore have been informed by young people from the very beginning.

It is clear that, in Northern Ireland, children do act as human rights defenders – sometimes without realising it – however their full participation is often is limited by a variety of barriers including lack of support and commitment by duty bearers.

**What Helps Children to Act as Human Rights Defenders**

Access to and understanding of, information and ‘disinformation’ is vital in supporting children to act as human rights defenders. Education is key and therefore human rights education should be a mandatory component - as recommended by the UN Committee on the Rights of the Child[[10]](#footnote-10) – and indeed should also underpin pedagogical approaches - in the school curriculum. Where children get their information and its accuracy is crucial (particularly given the increasing influence of the ‘online world’). Without appropriate education this may be skewed, for example is discussion concerning the Conflict in NI

*‘…. flags, murals, painted kerb stones, or public rituals such as the 12th July celebrations had been (children’s) first encounter with the divided nature of their society. For others, inter-communal violence and a high security presence in their communities formed their first memories of the Troubles…*

*Some first memories were of witnessing or hearing about violent incidents such as riots, shootings, bombings and other sectarian attacks. In some cases, children had been directly exposed to the aftermath of political violence, while in others, they had heard stories about it from family and friends’.[[11]](#footnote-11)*

*‘ Connolly et al.’s (2002) work on the views of very young children demonstrates the pervasiveness of political socialisation in Northern Ireland. That study found that from the age of three, children in Northern Ireland show preferences for the flags from their own community…[[12]](#footnote-12)*

As well as education and accurate information, children can be supported in a range of ways to help them defend human rights i.e. resourced initiatives to support their development as human rights defenders; participatory structures and arenas for their involvement in decision making on legislation, strategies and policies affecting their rights; mechanisms to be heard and influence the human rights discourse; campaigning, awareness raising and encouragement, acknowledgement and recognition and effective monitoring.

The ‘**Human Rights Defenders: Protecting the Right to Defend Human Rights UN Factsheet 29**[[13]](#footnote-13) and the adaptation to a child friendly version of the **‘Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms**’[[14]](#footnote-14) would be very useful tools in progressing a ‘rights based context’ and support for children as human rights defenders.

**The Barriers and Risks Children Face**

As a society emerging from conflict, the legacy and enduring impact has been well documented and are manifest in **segregation** in housing, education, ‘unsafe spaces’ and the influence of ‘paramilitary’ gangs. Political, national, religious and social differences and the threat of intercommunal tensions and violence has led to widespread self-segregation of the two communities in Northern Ireland, which is both a cause, and effect of the conflict.

After **20 years of the peace process, the extent to which the two communities are still living apart and tension between those with British and Irish identities remains unresolved. Much has been written about**

***…****the interrupted series of fences, corrugated metal and brick structures that stop and start in their zigzag progress through these depressed working-class neighbourhoods[[15]](#footnote-15).*

*…Four decades on, 90% of social housing continues to be segregated into single identity communities[[16]](#footnote-16).*

Young people also express fear of attack or assault, when wishing to visit friends from the ‘other’ community reinforcing segregation due to the presence and influence of ‘**paramilitaries**’.

*An underlying culture of fear and suspicion remained in communities experiencing the early stages of transition. Children and youth regularly noted feeling unsafe, vulnerable and that they were potential targets for punishment.*

 *“Threatened” and “moved on” by neighbors, the police and quasi-paramilitaries, young people felt they had no right to public space…[[17]](#footnote-17)*

A **lack of shared spaces** for young people from diverse backgrounds and different communities is a barrier to those who would wish to campaign on rights issues of common concern.

More recently recruitment into ’paramilitary’ gangs has increasingly become an issue.

A Panel set up to address the disbandment of paramilitaries here made a series of 43 recommendations in its report[[18]](#footnote-18) to the NI Executive – these are currently undergoing implementation. NICCY provided advice to the Panel and we are currently addressing related issues brought to the Commissioner, on a specific area in Belfast but which we anticipate, will have learning for other district council areas across Northern Ireland.

Similarly in **education** the lack of integration and educating children together[[19]](#footnote-19) remains an issue. At time of last reporting to the UN Committee on the Rights of the Child (5th periodic examination of the UK State Party) only 7% of children in Northern Ireland attended integrated schools. In its Concluding Observations the Committee, called on Northern Ireland’s Executive to:

*….. actively promote a fully integrated education system and carefully monitor the provision of shared education, with the participation of children, in order to ensure that it facilitates social integration. [[20]](#footnote-20).’*

**Lack of opportunity** to get involved as human rights defenders is an obstacle. Children often get their political views from their community, the conflict here may

have politicised children at an early stage but it also had the effect of disengaging and disenfranchising them from spheres of influence.

*Young people’s sense of exclusion is compounded by the tacit acceptance on the part of many adults in Northern Ireland of their own exclusion from the political process. It is difficult for adults to envisage young people participating in a process that only adult elites have access to, and where adult participation is usually limited to voting in referenda or elections[[21]](#footnote-21).*

Northern Ireland faces the uncertain impact on human rights of ‘Brexit’ including its impact on the Good Friday Agreement, the loss of the EU Charter of Fundamental Rights and UK Conservative Party manifesto commitment to repeal the Human Rights Act and replace with a ‘British Bill of Rights’. It is apparent that the human rights defenders will have a key role as we go forward.

**How to Protect Children Human Rights Defenders**

To protect our children as human rights defenders, we need to create the physical, political, social, educational and cultural environments and contexts where they feel empowered and safe to defend and stand up for human rights. There are signs of attitudinal change; in a recent geo tracking exercise on ‘Divided Landscapes’ in Belfast, attitudes to using spaces beyond one’s ‘own’ community were evident:

*… attitudes towards sectarian segregation may be changing for the better. Many residents (between 40% and 50% across six survey items) expressed positive feelings about using facilities based in or near the* ***other*** *(my emphasis) community’s areas. Perhaps surprisingly, a smaller percentage of between 23% and 34% expressed clearly negative feelings, with between 23% and 26% remaining undecided[[22]](#footnote-22).*

We can also take some encouragement from the ‘Northern Ireland Peace Monitoring Report’ - regarded by many as ‘an established totem to benchmark Northern Ireland’s journey to a post-conflict society’ - while still noting the existing and new challenges facing NI - it also noted a changing societal landscape.

*Northern Ireland is now a much more pluralistic region than the monocultural, white, Christian society it could be said to have been until the new millennium. Two major changes have yet to be fully absorbed. The first has been immigration since 2004 from the EU accession countries, plus a smattering of wider newcomer arrivals, including as refugees. The second has been a diversification of individual attitudes, with issues such as marriage equality and abortion coming to the fore, recast in the language of human rights, occasioning significant legal battles with traditional viewpoints[[23]](#footnote-23).*

Today’s children have undoubtedly influenced attitudes – given the opportunity to be heard. At a recent same sex ‘Marriage Equality[[24]](#footnote-24)’ demonstration in Belfast 2 teenagers were among those who addressed the thousands who attended. Many children of same sex parents and children who identify as LGBTQ+ also participated in the demonstration.

While we can see these as encouraging trends, we must ensure children are not attacked physically or online for standing up for human rights. Northern Ireland still has a long way to go in addressing the barriers and obstacles which currently exist already outlined.

**How Children can be supported to act as Human Rights Defenders**

 **Recommendations**

Adults and specifically duty bearers can support children to act as human rights defenders by promoting a child rights based culture across society including Government departments and their agencies and empowering children to become involved in human rights campaigns.

The NI Commissioner for Children and Young Peoples makes the following suggestions for the Committee’s consideration.

1. Domestic incorporation of the UNCRC by all State Parties.
2. Develop and implement a ‘Charter’ or ‘Declaration’ - specifically for and with children - similar to the ‘Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’ as adopted by General Assembly on 9 December 1998 (resolution 53/144).
3. All governments to implement and promote age appropriate Human Rights education[[25]](#footnote-25) in schools including UNCRC obligations to children as human rights defenders.
4. All adults working with and for children to undergo human rights training and implement this in the delivery of services and support to children.
5. Duty bearers to promote, facilitate and resource the engagement of children and young people in defending human rights.
6. In respect of the ‘right to remedy’, State Parties should ratify the 3rd optional protocol in respect of complaints by young people to UN Committee on the Rights of the Child.
7. Develop active participation mechanisms in decision making for children and young people including a Youth Assembly or Parliament.
8. Develop a forum for Children as Human Rights Defenders with relevant statutory and NGO membership.

NICCY believes that the right environment must be created to support children to be human rights defenders and hopes that this paper will help inform and support the Committee and children and young people in their discussions.

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2. <https://www.gov.uk/government/publications/the-belfast-agreement> [↑](#footnote-ref-2)
3. Ibid. para 2 Declaration [↑](#footnote-ref-3)
4. McAlister, S., Haydon, D., & Scraton, P. (2013). Violence in the Lives of Children and Youth in “Post-Conflict” Northern Ireland. Children, Youth and Environments, 23(1), 1-22. DOI: 10.7721/ chilyoutenvi. [↑](#footnote-ref-4)
5. <https://www.niccy.org/about-us/our-current-work/statement-on-childrens-rights-in-northern-ireland/> Statement on Children’s Rights in Northern Ireland. Summary [SOCRNI summary](https://www.niccy.org/media/3057/socrni-summary-report-june-18.pdf) Young Person’s version [SOCRNI YP version](https://www.niccy.org/media/3056/socrni-cyp-final-june-18.pdf) [↑](#footnote-ref-5)
6. NICCY has established a Youth Panel which currently has 70 members from across Northern Ireland. [↑](#footnote-ref-6)
7. https://www.niccy.org/about-us/our-current-work/brexit/brexit-reports/ [↑](#footnote-ref-7)
8. <https://www.niccy.org/media/2991/brexit-full-report-nov-17.pdf> Extract of 2 Key Calls from ‘It’s Our Brexit Too: Children’s Rights Children’s Voices. November 2017 [↑](#footnote-ref-8)
9. <https://www.irishnews.com/news/northernirelandnews/2018/02/01/news/irish-language-pupils-stage-stormont-protest-1247140/> [↑](#footnote-ref-9)
10. <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En> Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland Adopted by the Committee on the rights of the child at its seventy-second session (17 May-3 June 2016). [↑](#footnote-ref-10)
11. Jarman and O’Halloran (2000) [http://conflictresearch.org.uk/reports/young-people/CCIC-Report-The-Impact-of-Political-Conflict-on-Children.pdf](http://conflictresearch.org.uk/reports/young-people/CCIC-Report-The-Impact-of-Political-Conflict-on-Children.pdf%20page%2020)  [↑](#footnote-ref-11)
12. Ibid. [↑](#footnote-ref-12)
13. Human Rights Defenders: Protecting the Right to Defend Human Rights. <http://www.un-documents.net/ohchr/factsheet29en.pdf> [↑](#footnote-ref-13)
14. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’ adopted by UN General Assembly in December 1998 (Resolution 53/144). [↑](#footnote-ref-14)
15. <https://www.irishtimes.com/news/ireland/irish-news/two-tribes-a-divided-northern-ireland-1.3030921> [↑](#footnote-ref-15)
16. <https://www.theguardian.com/housing-network/2017/oct/03/northern-ireland-shared-communities-economic-inequality-religion-neighbourhood> [↑](#footnote-ref-16)
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18. <https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/The%20Fresh%20Start%20Panel%20report%20on%20the%20disbandment%20of%20paramilitary%20groups.pdf> [↑](#footnote-ref-18)
19. <https://www.education-ni.gov.uk/articles/integrated-schools> [↑](#footnote-ref-19)
20. <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/GBR/CO/5&Lang=En> Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland Adopted by the Committee on the rights of the child at its seventy-second session (17 May-3 June 2016). [↑](#footnote-ref-20)
21. Jarman and O’Halloran (2000) [http://conflictresearch.org.uk/reports/young-people/CCIC-Report-The-Impact-of-Political-Conflict-on-Children.pdf](http://conflictresearch.org.uk/reports/young-people/CCIC-Report-The-Impact-of-Political-Conflict-on-Children.pdf%20%20%20%20)  [↑](#footnote-ref-21)
22. <http://belfastmobilityproject.org/findings.html> 2018 Divided Landscapes: Attitudes to using spaces beyond own community. [↑](#footnote-ref-22)
23. <https://www.community-relations.org.uk/sites/crc/files/media-files/NIPMR-Final-2016.pdf> The Northern Ireland Peace Monitoring Report. Number 4 Robin Wilson. Community Relations Council. 2016 [↑](#footnote-ref-23)
24. <https://www.amnesty.org.uk/press-releases/northern-ireland-thousands-march-demand-marriage-equality> [↑](#footnote-ref-24)
25. Human Rights Defenders: Protecting the Right to Defend Human Rights UN Factsheet 29 could be used / adapted as a basis for educating on the role of children as Human Rights Defenders. <http://www.un-documents.net/ohchr/factsheet29en.pdf> [↑](#footnote-ref-25)