



November 15, 2023

Ms Mary Lawlor

Special Rapporteur on the situation of human rights defenders

8-14 Avenue de la Paix

1211 Geneve 10, Switzerland

Subject: Alana Institute's written contribution to the Call for inputs to the Report of the Special Rapporteur on the situations of human rights defenders on the issue of child and youth human rights defenders

Dear Special Rapporteur,

This submission, made by Alana Institute, presents contributions from the Brazilian context on the situations of human rights defenders. Alana Institute¹ [www.alana.org.br] is a Brazilian-based global organization that focuses on promoting integral development and children's rights through advocacy, litigation, and communication at national and international levels. Since 2022, the Alana Institute has Consultative Status in the United Nations Economic and Social Council (ECOSOC). In addition, Alana Institute also operates nationally as a counselor in the National Children and Adolescent's Rights Council (Conanda), the National Council for Food Security and Nutrition (Consea), the National Environmental Council (Conama), the Senate's Social Communication Council, and the National Justice Council's Human Rights Observatory.

Initially, it's worth noting that the Secretary-General of the United Nations published in 2023 a document titled "Guidance Note of the Secretary-General on Child Rights Mainstreaming"² in which he emphasizes that children are distinct rights holders with a specific set of rights as set out in the Convention on the Rights of the Child. It also emphasizes that whenever it is relevant, children should be explicitly mentioned, and their specific rights should be expressly reflected in all relevant UN strategies, plans, documents, and communications. They should not be grouped under other categories such as "youth" or "young people." These terms are not defined by international law and describe a separate demographic with different (sometimes overlapping) rights. Therefore, there is a difference between child human rights defenders and young human rights defenders.

This Guidance Note also stresses that the UN system should proactively safeguard the indivisibility of child rights and promote the realization of all their rights. Just like adults,

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² Available at:

https://childrightsconnect.org/wp-content/uploads/2023/08/guidance-note-of-the-secretary-general-on-child-rights-mainstreaming_final_july-2023.pdf

children have the right to be human rights defenders and to be protected when exercising this right, in this sense, the UN system should empower and support the protection of child human rights defenders. This submission will focus on child human rights defenders and will present the local context in Brazil, as well as global references, including general comments from the Committee on the Rights of the Child.

1. Have child and young human rights defenders played an active role in the civil society of your country?

Brazil has the National Children and Adolescent's Rights Council (Conselho Nacional dos Direitos da Criança e do Adolescente – Conanda), a permanent collegiate body with deliberative character and equal composition. Conanda is an integral part of the Ministry of Human Rights' basic structure and plays a fundamental role in the rights protection system. Through shared management, the government and civil society establish the guidelines for the National Policy for the Promotion, Protection, and Defense of the Rights of Children and Adolescents, and Conanda also oversees the actions carried out by the public authorities regarding the care of the child and adolescent population.

The Resolution No. 191³ addresses the permanent participation of adolescents⁴ in an advisory capacity within the scope of the Conanda. It establishes the creation of the Committee for Adolescent Participation (Comitê de Participação de Adolescentes – CPA), a collegiate body composed of adolescents, representing diverse social groups, as well as through virtual participation channels. Also, Resolution No. 238⁵ approved the document "Guidelines for Participation with Protection of the Committee for Adolescent Participation in the National Council for the Rights of Children and Adolescents" and defines the principles of participation in the CPA, including respect for human rights and non-discrimination. Moreover, this resolution outlines the responsibilities of the involved parties, assigning the members of the CPA the role of advocating for human rights. It also specifies the duties of Conanda and the National Secretariat for the Rights of Children and Adolescents.

Despite their frequent presence and participation, youth in the CPA do not have the right to vote in the collegial body. There are no similar spaces in other government bodies, and their participation is more often through their adult representatives or institutions acting on their behalf.

1. Is there a specific protection accorded to child and youth human rights defenders in your country, either as part of a law on the protection of human rights defenders, or through policies and action plans? Do child and youth human rights defenders have

³ Available at:

https://www.gov.br/mdh/pt-br/aceso-a-informacao/participacao-social/conselho-nacional-dos-direitos-da-crianca-e-do-adolescente-conanda/resolucoes/resolucao_191.pdf

⁴ For the purposes of the Statute of the Child and Adolescent, a child is considered to be someone up to the age of twelve, and an adolescent is considered to be someone between the ages of twelve and eighteen.

⁵ Available at: <https://www.gov.br/participamaisbrasil/https-wwwgovbr-participamaisbrasil-blob-baixar-7359>

access to national and international protection mechanisms? Are there national, regional or international networks that you are part of?

Article 227 of the Brazilian Federal Constitution dictates that children must have their rights protected with absolute priority, regardless of their condition. Furthermore, the Statute of the Child and Adolescent (Estatuto da Criança e do Adolescente – ECA - Law n. 8069/90) specifies that all children have the right to freedom, including participation in political life. Children also have the right to organization and participation in student organizations.

It is important to mention that Brazil has a National Policy for the Protection of Human Rights Defenders which was created in 2007. Additionally, the Program for the Protection of Human Rights Defenders, Communicators, and Environmentalists was established in 2019. Both of these initiatives aim to coordinate measures for the protection of individuals whose rights are threatened due to their involvement in the promotion or defense of human rights. This protection is intended to ensure the right to life and the continuity of the defender's activities, who, as a result of their work in promoting or defending human rights, may be in a situation of threat.

However, children and adolescents threatened with death (for any reason) are not beneficiaries of this program, because Brazil has the Program for the Protection of Children and Adolescents at Risk of Death (PPCAM) which is an initiative that can provide protection and assistance to children and adolescents at risk due to their involvement in the defense of human rights. Created in 2003, PPCAM coordinates the efforts of the federal government, state and municipal authorities, civil society organizations and international agencies to provide protection measures, including temporary relocation, psychosocial support and legal assistance. In addition to PPCAM, there are other initiatives and organizations working to protect the rights of children and young human rights defenders in Brazil, as well as national and regional networks that connect them and share knowledge. These actions aim to ensure that these young people have access to protection mechanisms, both at the national and international levels, when necessary.

2. Are child and young human rights defenders facing any particular risks or challenges? If so, provide examples.

Brazilian child human rights defenders face specific challenges and risks in their activism. These include the possibility of violence and threats, stigmatization and discrimination, lack of financial resources and institutional support, and obstacles to their active participation in decision-making processes. However, it is important to note that we do not yet have robust data on the reality of these young activists. The lack of detailed information hinders a comprehensive understanding of the situation and the effective implementation of support measures.

Despite these challenges and the lack of specific data, raising awareness of the importance of the contribution of these young people and implementing adequate protection

measures are crucial to ensure that they can continue to fight for a fairer and more equal society where human rights are respected and promoted. Collecting detailed information on the situation of these child human rights defenders is key to informing policies and practices that address their specific needs and strengthen their vital role in building a fairer world.

3. Are child and young human rights defenders systematically involved in the decision-making processes in public and political affairs in your country? Do you have dedicated platforms available in this regard? Are child friendly versions of laws and policies, as well decision-making processes available?

In Brazil, the systematic participation of children and young human rights defenders in decision-making processes on public and political issues is an area of development. The Committee for the Participation of Adolescents (CPA) is an initiative that aims to promote the active participation and contribution of adolescents in the formulation of public policies related to the rights of children and adolescents.

The CPA provides a specific platform for the participation of adolescents and aims to ensure that their voices are heard in decisions that directly affect their lives. This committee provides an opportunity for child human rights defenders to express their opinions, share their experiences and influence the development of child-and adolescent-friendly policies and legislation. Although there are still challenges in Brazil to ensure the effective participation of children and adolescents at all levels of decision-making, initiatives such as the CPA are positive steps towards a broader and more meaningful involvement of these groups in the public and political affairs of the country. Furthermore, there should be a Committee for Adolescent Participation (CPA) in all state councils, but there is still resistance to their implementation in some states.

6. Are reporting systems for human rights violations accessible for child and young human rights defenders?

In Brazil, the defense of the rights of children and adolescents is often carried out through civil society organizations, government bodies and specific commissions dedicated to these issues. These bodies can receive complaints of violations of the collective rights of children and adolescents and coordinate actions to protect these rights. This can include issues such as quality education, protection from child labor and combating child abuse. The recognition and promotion of collective rights is therefore fundamental to ensuring the full protection of the rights of children and adolescents.

However, it is important to note that there are currently no widely available direct channels, such as helplines or child-friendly apps, for children and youth to report violations of their rights in an accessible and safe manner. To date, a helpline called Disque 100 is the best known and most publicized channel for this purpose.

In this context, it is also important to open the debate on the possibility of children signing legal documents and participating as proponents of lawsuits, because there are legal and jurisprudential barriers that limit their participation, such as the need for adult representation. In this sense, legislation needs to be improved to clearly allow children and adolescents to be plaintiffs of legal demands. ,

10. How could the Special Rapporteur on the situation of human rights defenders contribute to making your human rights work more visible, protected and highlighted?

The Special Rapporteur can contribute to the work of child human rights defenders by ensuring that there are safe and accessible mechanisms for children's views to be heard throughout the decision-making process.. These mechanisms may include the promotion of direct consultations and dialogues with children, the development of accessible channels of communication, the creation of safe spaces for children to express their concerns and needs and the possibility to act as plaintiffs of legal demands without adult representation. As mentioned in General Comment 26 of the United Nations Committee on the Rights of the Child:

27. States must ensure that age-appropriate, safe and accessible mechanisms are in place for children's views to be heard regularly and at all stages of environmental decision-making processes for legislation, policies, regulations, projects and activities that may affect them, at the local, national and international levels. For free, active, meaningful and effective participation, children should be provided with environmental and human rights education, age-appropriate and accessible information, adequate time and resources and a supportive and enabling environment. They should receive information about the outcomes of environment-related consultations and feedback on how their views were taken into account and have access to child-sensitive complaint procedures and remedies when their right to be heard in the environmental context is disregarded.

In addition, the Office of the Special Rapporteur can play a key role in raising awareness of the importance of listening to children and ensuring that their views are taken into account when formulating policies and implementing programs. This not only strengthens children's participation but also promotes the building of a more inclusive society with children's rights at its core.

In addition, with regard to visibility, the Special Rapporteur can work to enable the active participation of children who may face challenges in being heard, such as children belonging to ethnic minorities and indigenous groups, as well as children with disabilities. These children often face additional barriers in expressing their needs and concerns. It is essential to promote structures and processes that allow for the effective participation of these children, such as specific consultations, accessible formats for expressing their views and ensuring that their needs are taken into account in policy-making and programme implementation. In addition, it is essential to combat discrimination and prejudice that may

hinder the participation of these children and to ensure that all sectors of society recognize and value their contribution to building a more inclusive and equitable society. This recommendation is contained in General Comment 16, paragraph 21:

21. Article 12 of the Convention establishes the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child's age and maturity. States should hear children's views regularly – in line with general comment No. 128 – when developing national and local-level business-related laws and policies that may affect them. In particular, States should consult with children who face difficulties in making themselves heard, such as the children of minority and indigenous groups, children with disabilities as stated in articles 4, paragraph 3, and 7 of the Convention on the Rights of Persons with Disabilities, 9 and children in similar situations of vulnerability [...].

In the Brazilian context, a safe and accessible space for the active participation of children has not yet been fully established, and the contribution of adolescents to the legislative and public policy landscape is still evolving. In this context, the Special Rapporteur can play a key role in promoting and advancing this listening environment for children and adolescents, as set out in General Comment 12 of the United Nations Committee on the Rights of the Child entitled "The right of the child to be heard", all processes in which a child or children are heard and participate should be transparent, informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and risk-sensitive and accountable. These principles ensure that children receive full and age-appropriate information about their right to express their views and that their participation is free from coercion. They also emphasize the need to respect children's views, promote child-friendly environments, and provide support and training to adults and children themselves to facilitate effective participation. The responsible and inclusive approach emphasizes the importance of continuous evaluation, ensuring that children are aware of how their views are being used and providing them with clear feedback on the impact of their participation on the outcomes.