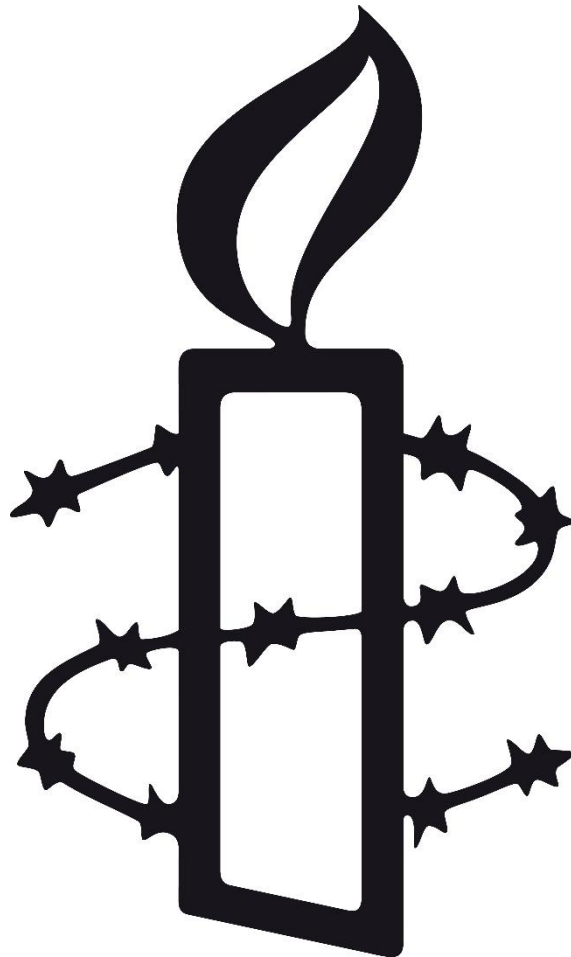


CHILD AND YOUNG HUMAN RIGHTS DEFENDERS LEADING HUMAN RIGHTS CHANGE

SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS



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This is a submission to the UN Special Rapporteur on the Situation of Human Rights Defenders in response to the call for input to inform the thematic report on the issue of children and young human rights defenders. The report will be presented to the UN Human Rights Council in March 2024. It is largely based on published research by Amnesty International.

1. INTRODUCTION

Amnesty International welcomes the [call for input](#) from the Special Rapporteur on the issue of children and youth who are human rights defenders (HRDs).

Child and young HRDs are not a single, homogenous group defined by age. They have many, intersecting identities that effect the experiences, risks and challenges they face. While we cannot capture all of these intersecting experiences in this submission, we hope the UN Special Rapporteur HRDs will prioritise embedding an intersectional approach to the understanding of child and young HRDs.

2. CHILD AND YOUNG HUMAN RIGHTS DEFENDERS IN CIVIL SOCIETY

Despite increasing polarization and division across the world, and the shrinking of civic spaces, children and young HRDs continue to play an active role in protecting and promoting human rights. Despite age-based discrimination being pervasive, there are still many examples of child and young HRDs standing up for the rights of their communities. In response to the question '*Have child and young human rights defenders played an active role in the civil society of your country?*' we can share these examples:

2.1 ECUADOR

In Ecuador, nine girls (between 11 and 18 years old) from the provinces of Sucumbíos and Orellana in the Ecuadorian Amazon initiated a legal process in 2020 against flaring gas and its contribution to global warming. In 2021, the plaintiffs succeeded in getting the Provincial Court of Justice of Sucumbíos to order the progressive shutdown of the flares. However, the responsible authorities have not implemented this ruling. Amnesty International has been documenting the case with the litigation team *Unión de Afectados por Texaco* and has verified the difficulties faced by the plaintiffs in pressuring the Ecuadorian State to implement the sentence. In January 2023, the Minister of Energy and Mines of Ecuador, [Fernando Santos Alvíte](#), intimidated the plaintiffs saying "they made a scandal to get money, and invented this story as Petro Ecuador as a dragon throwing fire against some defenceless girls."

2.2 PORTUGAL

Six young people from Portugal presented a landmark case before the European Court of Human Rights on 27 September 2023, alleging that countries are breaching their human rights by failing to do enough to protect them from climate change. ¹ If they are successful, the 27 EU member states, as well the United Kingdom, Switzerland, Norway, Russia and Turkey, could be legally required to reduce their greenhouse gas emissions.

¹ Amnesty International, Europe: Six young people to present landmark climate case before the European Court of Human Rights, 26 September 2023, <https://www.amnesty.org/en/latest/news/2023/09/six-young-people-to-present-landmark-climate-case-before-the-european-court-of-human-rights/>

2.3 MYANMAR

Sawyeddollah, a 22-year-old Rohingya refugee and youth activist, currently resides in the Cox's Bazar refugee camp in southern Bangladesh. In 2017, together with his family he fled from Myanmar to escape ethnic cleansing unleashed on the Rohingya Muslim minority by Myanmar state security forces. Since then, Sawyeddollah has lived in the refugee camp and is involved in the lawsuit demanding justice for his community, including USD 1 million reparation from Meta (Facebook's owner) to fund educational projects at Cox's Bazar.. So far, Meta has failed to meet the demands of communities affected by its business model which fuelled the spread of harmful content, including incitement to violence ²

3. RISKS OR CHALLENGES FACED BY CHILD AND YOUNG HUMAN RIGHTS DEFENDERS

Children and young HRDs who have the courage to speak out can be silenced including intimidation, threat, attacks on their community, stigmatization, and reprisals. Young women and girls may also face distinct forms of discrimination, leading to other human rights violations and abuses. In response to the question *'Are child and young human rights defenders facing any particular risks or challenges?'* we can share these examples:

3.1 AZERBAIJAN

Young women HRDs in Azerbaijan are speaking out to champion women's human rights, including their rights to freedom of expression and association. On 9 March 2021, young journalist Fatima Movlamli had her private pictures and videos shared on the same Telegram channels that targeted the International Women Day's march organizers.³ Fatima Movlamli, who is an outspoken critic of the Azerbaijani government, had also been targeted in 2019 when intimate photos and videos of her in bed were shared on a fake Facebook page created under her name.⁴

3.2 CHINA

Kamile Wayit, a Uyghur student, was taken away by the police on 12 December 2022, after she returned to her home in Atush, Xijiang, for a holiday. In November 2022, Kamile posted a video on WeChat about the "A4 protests" that took place across China to commemorate victims of the Urumqi fire. Soon after that, Kamile's father received a warning call from the police and she deleted the post, which is believed to be one of the reasons for her detention. Kamile has now been sentenced to three years' imprisonment under the charge of "promoting extremism" and she is now believed to be held at Kashgar Mush Women's Prison.⁵

² Amnesty International, Myanmar: The social atrocity: Meta and the right to remedy for the Rohingya, (Index: ASA 16/5933/2022), 29 September 2022, <https://www.amnesty.org/en/documents/ASA16/5933/2022/en/>

³ OCCRP, Fatima Movlamli, Azerbaijani Activist, 18 July 2021, <https://www.occrp.org/en/the-pegasus-project/fatima-movlamli-azerbaijani-activist>

⁴ Amnesty International, Azerbaijan: Gender-Based Reprisals Against Women Must Stop, 12 May 2021, (Index: EUR 55/4103/2021), <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR5541032021ENGLISH.pdf>

⁵ Amnesty International, China: Uyghur student detained for posting protest video: Kamile Wayit, (ASA 17/6638/2023), 5 April 2023, <https://www.amnesty.org/en/documents/asa17/6638/2023/en/>

3.3 EGYPT

Mahmoud Hussein, an Egyptian protester who had already spent two years in arbitrary pretrial detention for wearing an anti-torture T-shirt, was re-arrested on 30 August 2023. Security forces first arrested Mahmoud Hussein in 2014, in the aftermath of protests marking the third anniversary of the Egyptian Revolution. Security forces arbitrarily arrested him while he was returning home on a bus from a protest, simply because he was wearing a T-shirt with the slogan “A Nation Without Torture”. After his release on bail in 2016, he was convicted on false charges including membership to a terrorist group and sentenced to life imprisonment in his absence in a grossly unfair trial by an Emergency State Security Court (ESSC) marred by allegations of torture. He is currently detained in Badr 1 Prison, amid concerns over his health.⁶

3.4 THAILAND

Thailand has a long history of peaceful protests. In 2020, Amnesty International documented a rise in peaceful mass demonstrations with the involvement of an unprecedentedly high number of young protesters, including secondary school students under 18 years old calling for political reforms towards democratization.⁷ Amnesty International documented the failures of the Ministry of Social Development and Human Security (MSDHS) primarily by the Department of Children and Youth, to effectively protect child HRDs in the context of recent youth-led protests. Officials used child protection powers to detain young HRDs, including then-17-year-old children’s right advocate Anna Annanon, to prevent them from exercising their rights.^{8 9}

Authorities have routinely monitored or put pro-democracy child and young protesters under surveillance; directly intimidated children for taking part in public assemblies; and approached parents or teachers to discourage children from joining protests.¹⁰ Amnesty International also documented two cases of violence by family members against child protesters due to their disagreement with their children’s activism. Authorities have failed to adequately and independently investigate complaints by young HRDs involved in peaceful protests of the infection of their electronic devices by Pegasus spyware between 2020 and 2021.¹¹

Children and young people have experienced an unsafe environment when participating in a protest. Safety concerns heightened in 2021 after increased police crackdowns and escalating violence at protest locations. [15-year-old protester Warit Somnoi](#) died of injuries from being shot with live ammunition by a suspect who is allegedly a member of the public. A government inquiry encountered significant delays resulting from the police’s repeated failures to provide evidence to the public prosecutor.

Authorities have initiated criminal charges against child and young HRDs for exercising the rights to expression and peaceful assembly, including in the context of protests for reform beginning in 2020. As of November 2023, 286 children faced criminal charges for participating in protests, including at least 20 under Article 112, governing lèse-majesté, for alleged criticism of the monarchy. The law allows for up to 15 years of imprisonment, if convicted. In one case, a [15-year-old child](#) was held in pre-trial detention after authorities issued an arrest warrant for her. Authorities have arbitrarily

⁶ Amnesty International, Egypt: Health risk for detained anti-torture T-shirt protester: Mahmoud Hussein, (MDE 12/7223/2023), 20 September 2023, <https://www.amnesty.org/en/documents/mde12/7223/2023/en/>

⁷ Amnesty International, Thailand: “We are reclaiming our future”: Children’s right to peaceful assembly in Thailand, (ASA 39/6336/2023), 8 February 2023 <https://www.amnesty.org/en/documents/asa39/6336/2023/en/>

⁸ On 15 April 2022, 20-30 police officers and MSDHS officials invoked their power under Article 30 (2) of the Child Protection Act to detain three child human rights defenders on the basis of suspicions they were planning a protest for reform to the monarchy.

⁹ Amnesty International, Thailand: “We are reclaiming our future”: Children’s right to peaceful assembly in Thailand, (ASA 39/6336/2023), 8 February 2023 <https://www.amnesty.org/en/documents/asa39/6336/2023/en/> pp. 28-30

¹⁰ Amnesty International, Thailand: “We are reclaiming our future”: Children’s right to peaceful assembly in Thailand, (ASA 39/6336/2023), 8 February 2023 <https://www.amnesty.org/en/documents/asa39/6336/2023/en/> pp. 12-13

¹¹ [AL THA \(1.2023\) \(ohchr.org\)](#) Correspondence with the Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right to privacy; [Thailand: Pegasus spyware found on phones of dissidents involved in mass protests - Amnesty International](#)

detained child and young HRDs and imposed conditions for temporary release on bail which allow for excessive restrictions on the exercise of their rights.

Authorities have [failed to provide redress](#) for a range of violations against child and young HRDs. In the context of the 2020 protests, despite the existence of child protection mechanisms, all child HRDs interviewed by Amnesty International lacked trust in the independence and effectiveness of existing domestic mechanisms and hence, did not file complaints with any government agencies regarding violations they faced after participating in protests.¹² Such distrust results from the state's role in violating and suppressing their right to peaceful assembly.

LGBTQIA+ campaigner Thanakorn 'Petch' Phiraban has received suspended sentences for lèse-majesté, after they spoke at two protests when 17 years old and faces additional charges under the Emergency Decree. Authorities started criminal proceedings against "Sand" for taking part in a peaceful demonstration in 2021 when she was 17 years old.

Student Panusaya "Rung" Sithijirawattanakul Rung played a prominent part in pro-reform protests. However, due to her activism, authorities targeted her with multiple criminal proceedings under criminal laws, including Article 112 (lèse majesté) and Article 116 (sedition) of the Thai Criminal Code and the Computer Crimes Act, and arbitrarily detained her. If convicted, [she may face up to life imprisonment](#).

3.5 PHILIPPINES

Amnesty International has worked closely with an anonymous climate activist from the Philippines who shared this story:

"It is a dangerous time to be a young climate activist in the Philippines. The country is incredibly vulnerable to climate change, yet with digital misinformation, political turmoil, and threats of being labelled a terrorist spiralling out of control, young activists have never been more at risk. I continue to fight for gender justice, promote the importance of mental health, and raise awareness of human rights. To do this effectively and efficiently, I use social media to campaign for the causes I am passionate about. However, social media has opened the floodgates for trolls, bullies, and abusers to attack activists like me online. I have even been threatened with violence in real life because of my online activism".¹³

3.6 UNITED KINGDOM

In the United Kingdom, Amnesty International found that the UK government's flagship counter-terrorism policy Prevent is "fundamentally incompatible" with the UK's international human rights obligations, disproportionately violates the human rights of young minoritized people, sweeps up innocent children and operates with insufficient transparency or oversight. According to the latest official figures, children aged under 15 accounted for 29 per cent of Prevent referrals. Young people aged 15 to 20 accounted for the largest proportion (30 per cent).¹⁴ Prevent also has a chilling effect on the rights to freedom of expression and peaceful assembly for child and young human rights defenders. Amnesty International found that people have modified their behaviour, including refraining from participating in protests and from expressing their political and religious views, because they fear being flagged and thus stigmatized by association with Prevent.¹⁵

¹² Amnesty International, Thailand: "We are reclaiming our future": Children's right to peaceful assembly in Thailand, (ASA 39/6336/2023), 8 February 2023 <https://www.amnesty.org/en/documents/asa39/6336/2023/en/> pp. 31

¹³ Amnesty International, Speaking up became a threat to my survival, 11 August 2023, <https://www.amnesty.org/en/latest/impact/2023/08/speaking-up-became-a-threat-to-my-survival/>

¹⁴ Amnesty International UK, 'This Is the Thought Police' The Prevent Duty and Its Chilling Effect on Human Rights, November 2023, (Index: EUR 45/7368/2023), https://www.amnesty.org.uk/files/2023-11/Amnesty%20UK%20Prevent%20report%20%281%29.pdf?VersionId=.hjlwRZuHiGd1_IEXroFwg25jyBtwur p. 38

¹⁵ Amnesty International UK, 'This Is the Thought Police' The Prevent Duty and Its Chilling Effect On Human Rights, (EUR 45/7368/2023), November 2023, https://www.amnesty.org.uk/files/2023-11/Amnesty%20UK%20Prevent%20report%20%281%29.pdf?VersionId=.hjlwRZuHiGd1_IEXroFwg25jyBtwur

4. HUMAN RIGHTS EDUCATION

In response to the question *‘Is human rights education provided in schools, and is human rights activism encouraged and supported in educational and academic settings?’* we can say that in countries where the human rights situation is worsening, human rights education has stalled as increasingly repressive States become hostile to human rights in general. Human rights education projects face several barriers, from the inability to access schools due to legislation restricting the access of NGOs to formal education, to self-censoring by teachers afraid of backlash.¹⁶

In 2022 Amnesty International’s human rights education work was carried out in both formal and informal education spaces and engaged over 4.1 million people in 61 countries¹⁷ and territories worldwide. 55% of Amnesty International’s human rights education in 2022 took place in formal education. 60% of all those reached were young people and 13% were children.¹⁸

5. AWARENESS-RAISING OF EXISTING MECHANISMS, PLATFORMS, AND PROTECTION MECHANISMS

In response to the question *‘Is there awareness-raising among youth and child human rights defenders of existing mechanisms, platforms, and protection mechanisms in place?’* we can provide these examples:

5.1 KNOW YOUR RIGHTS AND CLAIM THEM: A GUIDE FOR YOUTH

In 2021, Amnesty International UK found that 83% children aged 8-15 know little or nothing about their rights as children. Without knowledge of rights and mechanisms to claim them, it is hard to become an HRD. Amnesty International has therefore created two simple books on child rights and how to claim them for self and others: (1) ‘Know Your Rights and Claim Them: A Guide for Youth’, by Amnesty International, Angelina Jolie, Geraldine van Bueren (Andersen Press 2021); (2) ‘These Rights Are Your Rights: An empowering guide for children everywhere’, by Nicky Parker at Amnesty International (Andersen Press, 2024). The objectives of the two books are to build children’s and young people’s understanding of their rights and give them the awareness and tools they need to take action.

5.2 STAYING RESILIENT WHILE TRYING TO SAVE THE WORLD

In 2020, Amnesty International published [Staying Resilient While Trying to Save The World, Volume 2](#), which was written alongside youth activists and informed by the realities faced by young people around the world. The aim of the workbook is to support young HRDs in their journey to strengthen their self-care and make us all recognize the need to look after each other as we stand up for human rights.

¹⁶ Amnesty International, The state of human rights education 2022, (POL 32/7160/2023), <https://www.amnesty.org/en/documents/pol32/7160/2023/en/> p.7

¹⁷ Algeria, Argentina, Australia, Austria, Belgium, Benin, Brazil, Burkina Faso, Canada, Chile, Côte d'Ivoire, Czech Republic, Denmark, Finland, France, Germany, Ghana, Greece, Guinea, Hungary, Iceland, Indonesia, Israel, Italy, Japan, Kazakhstan, Kenya, Luxembourg, Mexico, Moldova, Mongolia, Morocco, Nepal, Nigeria, Norway, Paraguay, Perú, Philippines, Poland, Portugal, Puerto Rico, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Thailand, The Netherlands, Togo, Turkey, UK, Uruguay, USA, Venezuela and Zimbabwe,

¹⁸ Amnesty International, The state of human rights education 2022, (POL 32/7160/2023), <https://www.amnesty.org/en/documents/pol32/7160/2023/en/> p.13

6. RECOMMENDATIONS TO SPECIAL RAPPORTEUR

Amnesty International recognizes that child and young HRDs often face oppression, including intimidation, threats, and attacks on their communities, and stigmatization. They meet additional barriers and discrimination due to other intersecting aspects of their identity. In response to the question *'How could the special rapporteur on the situation of human rights defenders contribute to making your human rights work more visible, protected and highlighted?'* Amnesty International recommends that the Special Rapporteur on the Situation of Human Rights Defenders embeds a focus on child and young HRDs in the future work of the mandate by:

1. Raising awareness about the differences between “child” and “youth” HRDs, in terms of the different context where they operate, the different needs, barriers and challenges they face as defenders.
2. Incorporating age disaggregated data on the lived experiences of child and young HRDs in all future reports or interventions by the Special Rapporteur to reflect the multiple intersecting experiences they bring.
3. Creating online and face to face safe spaces for child and young HRDs and their child and youth-led organizations to actively engage with the Special and other human rights mechanisms.

States have the ultimate responsibility to protect HRDs, including child and young HRDs, to investigate any human rights violations and abuses committed against them, by State and non-state actors and to prevent such acts, ensuring that they can carry out their work in a safe and enabling environment. Amnesty International urges the Special Rapporteur to recommend to States that they:

1. Ensure that child and young HRDs and their child and youth-led organizations and networks can work in a safe and empowering environment and are allowed to comprehensively report on human rights violations.
2. Ensure child and young HRDs are actively protected from any harm in the context of public assemblies, without unnecessary restriction of their rights.
3. Ensure that law enforcement and other relevant officials are trained on children’s rights and on the rights of child and young HRDs in peaceful assemblies.
4. Ensure a consistent national approach in protecting, respecting, and fulfilling children’s interlinked rights contributing to their abilities to participate in peaceful assemblies in line with international human rights law.
5. Provide effective and age-appropriate remedies to the child and young HRDs who were victims of unlawful use of force or harassment, intimidation, and surveillance by law enforcement authorities, or other violations which restrain them to exercise their rights as defenders.
6. End criminal proceedings against child and young HRDs charged for their participation in peaceful assemblies or for the exercise of their right to freedom of expression and freedom of assembly and association.
7. Amend or repeal problematic provisions of laws used to target peaceful child and young HRDs and ensure laws contain safeguards against potential abuses that can affect children’s right to peaceful assembly and be in line with international human rights law.
8. Improve security for child and young HRDs in the digital environment, without discrimination based on gender, age, ethnicity, nationality, sexual orientation, or other diverse characteristics.
9. Ensure that child and young HRDs and their child and youth-led organizations and networks can access necessary support and resources, including funding for their activities.

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