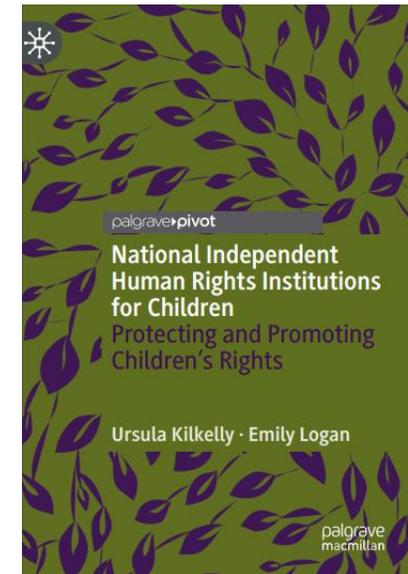
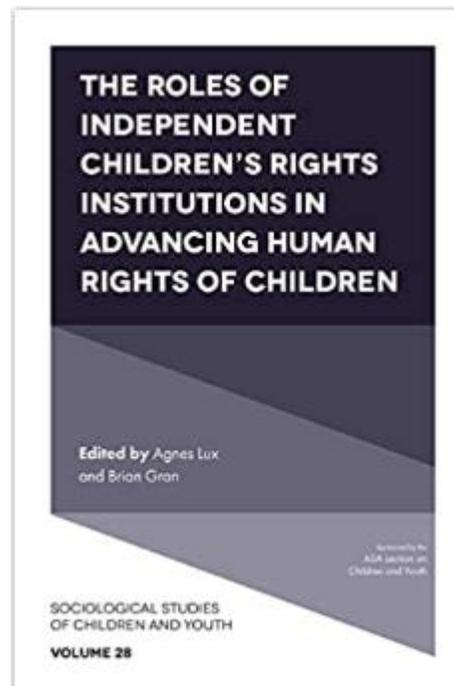


# The importance of Independent Children's Rights Institutions

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# Happy 25<sup>th</sup> Birthday



# The Paris Principles – global NHRI standards

- Rooted in the UN human rights architecture, developed by the institutions themselves - Vienna Declaration, 1993
- Established a set of minimum international standards – independence, standing, resourcing and mandate – for all NHRIs
- General standards applicable to human rights institutions - time and context both relevant here
- Equally applicable to ICRIs, although
  - the different legal status of children and their best interests, evolving capacities and right to express views must **require an adaptation in design and orientation** (Lansdowne, 2020)
- Do not address the specific circumstances, vulnerabilities, needs and legal rights of children for whom the CRC itself stands as a marker of their particular status.

# ICRIs begin with the UNCRC

- **UNCRC**
  - The starting point – treaty dedicated to children – building on HR law
  - Article 4 - duty to take all appropriate measures for the implementation of the Convention – ICRI key to this process
  - The “bridge” between the international and the national
- **Committee on the Rights of the Child**
  - Adopted GC No 2 (Role of NHRIs...) in 2002
  - Recommended introduction of NHRIs in GC No 5 (2003)
  - International reporting - consistently raises their existence, resourcing and standing during the state party dialogue – international accountability

# General Comment No 2 – Mandate/Scope

- “every state needs an independent human rights institution with responsibility for promoting and protecting children’s rights” (para 7)
- ‘Whatever its form’ must be able to ‘**independently** and **effectively** monitor, promote and protect children’s rights’
- “if possible be constitutionally entrenched” or “at least legislatively mandated” (para 8)
- Mandate as broad as possible – CRC and Protocols
- Accessibility to children key in line with Article 2 and Article 12 - institutions “must have direct contact with children”
- Independence and resourcing for adequate functioning (para 10)



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# General Comment No 2 - Powers

- Must have the power to
  - consider complaints from children and
  - Carry out investigations and
  - Litigate and make third party interventions on a child's behalf (Cf Paris Principles)
- Also should undertake the following activities:
  - undertake investigations and conduct inquiries into children's rights,
  - prepare opinions and recommendations at the request of authorities and on their own volition,
  - keep law and policy under review from a children's rights perspective
  - promote the harmonisation with the Convention of law, regulation and practice
  - Scope: reference to public and private entities, reporting to Parliament.

# International Trends – with Europe leading

- Europe has led the way in the establishment of ICRI, building on the NHRI movement in light of the CRC
- From the first office (Norway) in 1981, the number, variety and effectiveness of ICRI has increased
- European influence (ENOC) on the global movement, with 200 offices (2012) and growing
- Research has indicated the significant strength and impact of these offices in the implementation of children's rights (UNICEF, Lansdown, Kilkelly & Logan)
- But, their continued impact, effectiveness and indeed existence cannot be taken for granted ...



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# CRC Committee – re/establishment of ICRI

## Canada, 2022

- Expressed ‘serious concern’ at the lack of an independent CR commissioner at federal level and ‘regrets’ the closing of the Ontario Child Advocate office
- Urged to ‘expeditiously establish’ an independent mechanism at the federal level for monitoring children’s and restore the Office of the Ontario Child Advocate and ‘its entire previous mandate’.

## Cyprus, 2022

- Welcomed the 2019 appointment of a Commissioner for Child Rights, made recommendations about its independence, mandate, resourcing and authority to monitor children’s rights, receive complaints and enforce decisions.

# CRC Committee – independence, resources, powers

## Croatia, 2022

- Called for the strengthening of the legislative mandate, with a focus on its independence
- Highlighted the importance of accountability mechanisms – duty to monitor, implement its recommendations

## Greece, 2022

- Recommended that Greece allocate ‘adequate financial resources’ to the Children’s Rights Department in the Independent Authority of the Greek Ombudsman to ensure its sustainability.

## Iceland, 2022

- Repeated its recommendations for an independent, effective and accessible complaints mechanism to be integrated into the Ombudsman for Children

# Value of ICRIIs

- **A Bridge** - key to the implementation of the CRC
- Functions and powers that are **specific** to children's **unique** status and vulnerability, **tailored** to their needs and circumstances
- **Article 3, 12 and 5** – key to the authority and value of ICRIIs and their use
- **Advocacy** – addressing children's inherent lack of power in legal, political and other spheres, with and for children
- **Awareness raising** – an international legal duty (Article 42 CRC), crucial to CRC implementation
- **Complaints** – accessible, adapted, child-specific - accountability



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# Final Remarks

- Unique status of children and children's rights demand dedicated structures to oversee implementation and accountability with and for children
- Flanders has an international reputation for leadership in this area
- Evaluation and reflection are key to continuous improvement in ICRI's
- Important to strengthen and enhance the standing, powers, effectiveness and sustainability of the office.

