

Children's Rights in National Human Rights Institutions: A Mapping Exercise



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Foreword

Children? Who is interested in children and their rights? Parents of course, if they have the time and the nerves for discussion, coming home from a stressful day. Teachers, directors and staff of institutions certainly, if they have the means and enough personnel to care. NGOs for sure, if they have the funding necessary to go on. The justice system as well, if judges, lawyers, prosecutors, police, staff for closed, open and semi open institutions exist, interested to go the extra mile for specialized training. Professionals without doubt, if they are paid or at least make time for not well paid work. Politicians in any case, if it is interesting for their public relations, not otherwise, as children do not vote for them.

And then there is the Committee of the Rights of the Child, UNICEF and National Human Rights Institutions (NHRIs). They undoubtedly have the duty to be interested in children and their rights under whatsoever circumstances. It is certainly not without reason that the Committee recommends State parties over and over again to ensure the independence of the NHRIs and Ombudspersons in conformity with the Paris Principles, to allocate the necessary human, financial and technical resources to enable them to carry out their responsibilities effectively, to engage with GANHRI regarding their accreditation status.

No law, even if excellent, no recommendation, not even the most pertinent one, will work if there is nobody to carry out monitoring and evaluation of their implementation. This is where the NHRI come in.

Even if it is well established that the promotion of children's rights is part of their institutional structures, the question remains if all children in a State party have access to their services, if a complaint mechanism is available and effective, if a problem can be investigated independently and if a solution to that problem can be implemented without danger to either the NHRI personnel or the children.

This is where the Committee comes in. The recommendations of the Committee not only address the necessary independence of the NHRIs but as well the need for information campaigns, advocacy, mentioning of assistance mechanisms in schools, institutions for children and administrations in order to ascertain the right to information that children have. Recommendations to seek assistance from UNICEF and to collaborate with the civil society are given more often than not to a State party.

Time is scarce, funds are scarce, staff is scarce for every one of us. The Committee has the mandate to ask questions to State parties, to issue recommendations for improving a given situation concerning the rights of children. The NHRIs have the mandate to investigate, evaluate and monitor, to link with civil society, local authorities and children and to exchange knowledge among them concerning the status of the rights of children. UNICEF has the mandate to provide technical assistance, including research and implementation mechanisms in order to efficiently deal with the rights of children.

Time is scarce, funds are scarce, staff is scarce. What about intensive collaboration?

Justice Renate Winter

Chairperson UN Committee on the Rights of the Child

Preface

Children's rights are human rights. But while many states and societies are aware of children's need for protection, they often fail to recognize the full gamut of children's rights, especially the four principles of the UN Children's Rights Convention: non-discrimination, best interest of the child, the right to life, survival and development, and the right to be heard.

Since September 2015, we have also entered a new phase of development underpinned by the Sustainable Development Goals (SDGs). This ambitious universal agenda reaffirms the commitment of Member States to achieve development in a way that is consistent with their international human rights obligations. This is particularly important when it comes to children, as this agenda is fundamentally linked to the future we want for them. For these reasons, there is a need, both on the global and domestic levels, to increase the awareness of children's rights and of their potential to ensure that no one is left behind – as is the purpose of all human rights and of the SDGs.

National Human Rights Institutions (NHRIs) are independent state institutions mandated with the promotion and protection of all human rights. They play a key role in bringing the international commitments to the national spheres. Thus, children's rights are part of their mandate. Compared to specialised institutions for children, NHRIs have precisely the advantage of their broad human rights mandate, through which they can contribute to mainstreaming children's rights in all human rights relevant policy areas and policy measures. This applies both to the domestic level and to the international level, especially the international monitoring mechanisms, such as the UN Treaty Bodies and Special Procedures, as well as the Universal Periodic Review, where NHRIs enjoy particular participation rights.

But what exactly do NHRIs all over the world already do to promote and protect children's rights? To answer this question, GANHRI and UNICEF jointly organised, in March 2017, a seminar on the role of NHRIs in the promotion and protection of children's rights, specifically within the context of the SDGs. While the seminar showed the rich and diverse experience of NHRIs working on children's rights, it also revealed a lack of, and thus need for, a systematic mapping and assessment of NHRIs' roles, activities, experiences and needs in promoting and protecting children's rights so as to enhance mutual learning and targeted support. For this reason, UNICEF commissioned the German Institute for Human Rights to undertake the present study, building on a study that the Institute had carried out in 2013.

GANHRI as the global alliance of NHRIs provides a platform for NHRIs to exchange knowledge and good practices, to develop common positions and recommendations and to co-ordinate support to build their capacities. GANHRI promotes the work of NHRIs collectively and supports them individually at the international level, so that NHRIs can contribute to the work of UN human rights mechanisms and processes with their specific thematic and national level expertise.

The present study therefore caters to several needs. It provides information to GANHRI and its four regional networks on their members' needs and experiences with regard to the promotion and protection of children's rights. It is also a resource for knowledge exchange, providing information to GANHRI members on the work of their sister institutions. Finally, the study also suggests avenues for further engagement of GANHRI and UNICEF to support NHRIs, individually or through their global and regional networks, to build their capacity so as to enable them to better fulfil their mandate as children's rights actors on the ground.

This study is an important step towards strengthening the essential role played by NHRIs to support full implementation of child rights on the ground and reinforce accountability mechanisms, by identifying the key challenges they face, highlighting the gaps that need to be addressed, and also by identifying some good practices. With renewed commitment, GANHRI and UNICEF work together towards transforming the articles of the Conven-

tion on the Rights of the Child into reality for the lives of children everywhere.

Professor Dr Beate Rudolf

Chairperson Global Alliance of National Human Rights Institutions

Dr Susana Sottoli

Deputy Director, Programme Division, UNICEF

List of Abbreviations

APF	Asia Pacific Forum
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ENNHRI	European Network of National Human Rights Institutions
GANHRI	Global Alliance of National Human Rights Institutions
LGBTI	Lesbian, Gay, Bisexual, Trans* and Inter
NANHRI	Network of African National Human Rights Institutions
NGO	Non-governmental organization
NHRI	National Human Rights Institutions
NPM	National Preventive Mechanism
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
SCA	Sub-Committee on Accreditation
SDGs	Sustainable Development Goals
UPR	Universal Periodic Review

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1 | Introduction

This study is the result of the common curiosity of the Global Alliance of National Human Rights Institutions (GANHRI) and UNICEF to find out about National Human Rights Institutions' work on children's rights and how to support this work. A particular interest was how National Human Rights Institutions (NHRIs) can be supported to link their work on the 2030 Agenda with their work on children's rights, so essential for the implementation of the Agenda 2030 and the Sustainable Development Goals (SDGs).¹

Despite the growing literature on NHRIs, there is little information as to what they do with respect to children's rights or the SDGs. A 2017 briefing paper by the Danish Institute for Human Rights and the Center for Economic and Social Rights gives a rough outline of what role NHRIs could and should play with respect to the SDGs but does not specifically mention how they could do so with respect to children's rights.² A 2013 study by the German Institute for Human Rights on what NHRIs do with respect to children's rights only had a limited sample of data to draw on.³ A 2012 study, funded by UNICEF, analysed the work of independent human rights institutions specialized in children's rights, roughly two-thirds of which were hosted at or part of NHRIs. It concludes that "no form fits all",⁴ and that country-specific circumstances should dictate the respective form. The absence of in-depth analysis of NHRIs' work on children's rights propelled this study, based on a survey among GANHRI members.

1.1 | Methodology

This mapping is based on a survey among GANHRI members, conducted in August and September 2017. The questionnaire consisted of 24 closed and open questions (see Annex 7.2). The questionnaire tried to capture the relevant activities of independent national institutions for children's rights, as envisaged by the UN treaty body on the Convention on the Rights of the Child (hereafter: CRC Committee).⁵ A task force consisting of staff in NHRIs from the four regions, GANHRI Head Office, UNICEF and from the German Institute for Human Rights was established in July 2017.⁶ The task force fine-tuned and pre-tested the questionnaire and provided feedback on the draft study.

The questionnaire was sent out by the GANHRI Head Office to the four regional networks, the Network of African National Human Rights Institutions (NANHRI), the Network of the Americas, the Asia Pacific Forum (APF) and the European Network of National Human Rights Institutions (ENNHRI) to pass on to their members.

To facilitate accessibility, the questionnaire was available in English, French, Spanish, and Arabic and could be filled out in all four languages. Participants could complete the survey online (survey software Unipark) or complete a word document to be returned by email.

¹ See for the Mérida-Declaration: International Coordinating Committee 2015.

² Danish Institute for Human Rights 2015.

³ Bölscher 2013.

⁴ Sedletzki 2012, p. 29.

⁵ UN Committee on the Rights of the Child 2002.

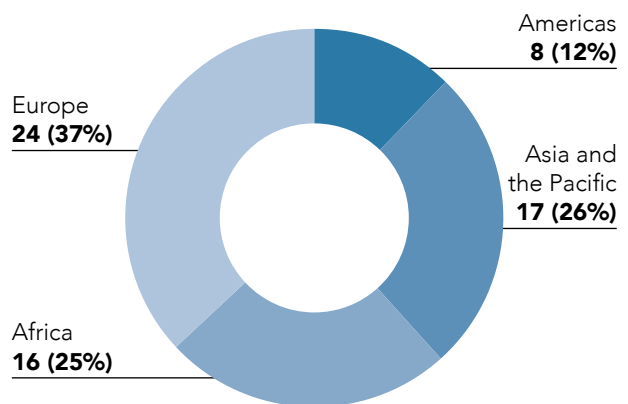
⁶ Members of the task force included staff from the NHRIs of Uganda, Malawi, Malaysia, Colombia, Armenia and Portugal (see Annex, Figure 15 Collaboration with the other institutions with a mandate to protect and/or promote children's rights, in numbers and per cent Table 13).

65 NHRIs responded with sufficient information to be included in the study; among them 53 NHRIs with A-Status, 9 NHRIs with B-Status and 4 without a formal status.⁷

The analysis of quantitative data was undertaken using the tools available under Unipark, an online survey software, and then copied into Excel. The qualitative information NHRIs provided was translated, clustered and summarized. Since the primary data stems from the NHRIs themselves, who may have depicted the range and depth of their activities in a positive fashion, the data may include biases. We have not double-checked the information provided by the NHRI respondents. Many NHRIs gave qualitative examples of their work, so we had to select them. Mentioning or not-mentioning examples does not pass judgement on the quality of the work done by the NHRI – examples were chosen which illustrate the issue at hand with sufficient detail for others to learn from it.

In total, NHRIs from 65 countries replied to the survey; 16 institutions are members of the Network of African National Human Rights Institutions (NANHRI), eight NHRIs are from the Network of the Americas, 17 institutions are members of the Asia Pacific Forum (APF), and 24 institutions are members of the European Network of National Human Right Institutions (ENNHRI). Figure 1 shows that the majority of participating NHRIs were from Europe (37 per cent) and the fewest from the Americas (12 per cent). Notwithstanding, in all regions nearly half or more than half of all GANHRI members replied to the survey, with the highest share in the Asia Pacific Region (73 per cent) and the lowest share in Africa and the Americas (47 per cent). Thus, the numbers of participants from each region are high enough to form a representative sample.

Figure 1 Survey participants by region, in numbers and per cent



While all survey participants (with the exception of the four without status) were NHRIs and GANHRI members, a number of them are ombudsmen institutions; many others are Commissions. For better legibility of the report, we refer to all survey participants as NHRIs, and do not use the individual names of the institutions (for those, see Annex, Table 7).

1.2 | Summary of main results

All respondent NHRIs work on children's rights, with the exception of one which had been accredited⁸ only four months prior to the survey.

- For almost 90 per cent of the respondent NHRIs, the major reason for working on children's rights is the broad mandate of their NHRI, a sine qua non under the Paris Principles regulating NHRIs.
- 75 per cent of responding NHRIs work on children's rights, based on the ratification of the CRC and its protocols by the respective state.
- The top five topics for NHRIs during the past two years were violence against children and

⁷ Those four are the institutions from Belgium, Burkina Faso (whose accreditation lapsed in 2012), the Comoros and Kosovo. Only NHRIs with accreditation Status A or B are members of GANHRI, with only A-status NHRIs having voting rights. The former Status C which was defined by non-fulfilment of the Paris Principles was abolished. In this study, we use the terms NHRIs also for those respondents without formal status despite their lack of an accreditation status. See: GANHRI (2017): Statute [version adopted on 7 March 2017], Art. 24.1 and 24.2. For information on the GANHRI accreditation process, see: <http://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Pages/default.aspx>

⁸ On accreditation see chapter 2.1.

education (each 77 per cent of the responding NHRIs), followed by child-related legislation (65 per cent) and rights of children in conflict with the law (52 per cent).

- In contrast, children's rights and the SDGs is a relatively new topic which has developed traction only after 2016. The fact that 20 per cent of NHRIs are already working on this topic is promising, and leaves room for more engagement.
- A related finding is that very few NHRIs work on statistics in order to make sure that data is collected and analysed in a disaggregated fashion. Building capacity in this area will be decisive for further engagement of NHRIs in monitoring the implementation of the SDGs with a child rights perspective.

The study also identified important regional disparities on NHRIs' work on vulnerable groups other than child rights. For example, fewer European NHRIs work on women's rights than their counterparts in Africa and Asia, while more European NHRIs work on LGBTI rights and minorities than their counterparts in Africa and Asia. Regardless of these regional differences, with work on other vulnerable groups well established, NHRIs can interlink and mainstream child rights, for example by focusing on girls' rights, on children with disabilities, unaccompanied minors seeking asylum or gender identity among minors.

In terms of engagement with international human rights mechanisms, the survey showed that NHRIs engage with and value both the UPR and the UN treaty body on the Convention on the Rights of the Child, but to a different degree. While 94 per cent of all respondents provide reports to the UPR, only 72 per cent do so with respect to child rights. While 85 per cent of respondent NHRIs contribute reports to the treaty bodies, 80 per cent do so with respect to children's rights and report to the CRC. NHRIs may find that reporting under the CRC and its Optional Protocols gives them more opportunity to look at child rights-related issues in depth, compared to the UPR. Nevertheless, the impact of UPR recommendations and CRC recommendations on the respective national work of NHRIs is assessed as very positive by NHRIs, having led to increased attention for specific child rights-related topics, in-

ternal restructuring to devote more resources to child rights, and last but not least, supporting the NHRI and its legitimacy.

While the mandate to receive complaints is optional under the Paris Principles, 56 (86 per cent) of responding NHRIs have and exercise this mandate. Only eight (12 per cent) do not, and those eight NHRIs are all in Western Europe. The survey did not aim to assess whether the few NHRIs without the mandate to receive individual complaints feel the need to expand their mandate in this respect but the results show that even the NHRIs in Western Europe without this mandate can effectively fulfill their protection mandate.

The data demonstrates that most NHRIs classify complaints based on the issue (e.g. child rights or women's rights), and not based on who brought the complaint (which was what the survey aimed to identify). While the data is not conclusive in all cases, it appears that most child rights-related complaints are brought forward by caregivers and not by children or youth themselves. This may be due to various different reasons. However, registering who brought the complaint – in terms of age, (dis)ability or any other status – may be a tool for assessing accessibility and thus be important for NHRIs. On the other hand, some NHRIs do not, maybe for reasons of data protection, disaggregate complainants by age, and thus were not able to answer this question. NHRIs should thus carefully balance the needs of data protection and the need to be accessible to all population groups.

Most NHRIs who elaborated on the additional activities conducted by their regional offices (other than receiving complaints or conducting human rights education) pointed to the central role of local offices for monitoring and reporting on child rights, and the importance of linking the work of regional offices to local systems of child protection.

Overall, the survey shows that NHRIs exercise their protection mandate mainly through legal action, and with respect to the public sphere. Using the framework derived from the UN Principles on Business and Human Rights may help to expand NHRIs' monitoring and inspection activities to the private sphere. Social science approaches to monitoring

may enhance the quality and depth of monitoring. The promotion mandate is exercised mostly through human rights education, studies and research leading to policy advice and recommendations. 23 NHRIs reported that they lack the means to enforce their recommendations, pointing *inter alia* to the often difficult political circumstances in which NHRIs act.

While the majority of responding NHRIs stated that they involve children and youth in their work, 20 per cent do not do so. Furthermore, the degree of child participation differs considerably among NHRIs, most only inviting children to their events, while very few others work with advanced degrees of participation, such as a youth-led advisory council to the NHRI. The importance of learning more about participation as a topic and as a methodology was a need clearly voiced by NHRIs.

Overall, the survey shows that the main challenge for children's rights may not be whether or how they are best promoted and protected in an NHRI or in a different independent institution, but how accessible either of them are for children, or more specifically, how these institutions manage relationships with local authorities close to children. Examples provided by NHRIs show that there is no blueprint structure on how to best institutionalize child rights, and many different structures may fit the purpose, provided they are well resourced and child rights are not worked on in isolation from other human rights topics. The interaction with a specialized children's rights institution is a promising avenue for both – while it is resource-intensive, close collaboration and impact-orientation can help each institution bring their specific expertise and instruments to the table.

The main challenge for NHRIs is insufficient financial resources. This is particularly acute in Africa: Almost all NANHRI members assessed the lack of financial resources as a main challenge (14 out of 16 respondents), and five out of eight Latin American NHRIs, eight out of 17 Asian NHRIs and 13 out of 24 European NHRIs. To put existing resources within NHRIs to better use, respondent NHRIs stressed the necessity of capacity-building for staff – both on child rights-related topics and methodology.

In what follows, chapter 2 gives a short overview on NHRIs, and how and according to which criteria they are accredited. The structure of NHRIs' global and regional networks is introduced and NHRIs' needs for capacity-building on the regional and cross-regional level are identified. Chapter 3 analyses how NHRIs work on children's rights and what made them do so. It shows the importance of NHRIs' broad mandate as the main enabler of child rights-related work and the impact of recommendations from the international human rights protection system. Chapter 3.2 introduces the work NHRIs do in monitoring other conventions than the CRC and other vulnerable groups, and identifies how NHRIs can interlink this with their child rights-related work. Chapter 3.3 analyses in some detail the five most important child rights topics of NHRIs during the past year, and demonstrates that violence against children and education are of particular importance. In chapter 3.4 the study goes on to show the different activities NHRIs conduct under their mandate to protect and to promote human rights and children's rights and how they use their regional offices to this effect. The focus is on individual complaint handling and how accessible this is for children. In chapter 4, the study looks at internal structures that NHRIs have put in place to work on children's rights and how they manage cooperative relations with other institutions in their country with a specific mandate for children and their rights. Lastly, the chapter touches upon participation of children in NHRIs, and finds that there is room for improvement in many NHRIs to facilitate meaningful participation, a challenge NHRIs clearly recognize. The concluding chapter 5 describes the main challenges NHRIs face, which are mainly related to funding for more staff.

2 | National Human Rights Institutions: A Quick Overview

States that ratify human rights treaties are obliged to respect, protect and fulfil those human rights. Whether they do so is monitored by UN treaty bodies, domestic or regional courts, watchdog non-governmental organisations, (NGOs) and by States in the Universal Periodic Review (UPR), the peer review established by the Human Rights Council.

National Human Rights Institutions play a particularly important role in this process; they are tasked with the promotion and protection of human rights, with monitoring the fulfilment of state human rights obligations, and keeping an eye on how governmental authority is exercised at all levels – from the federal level down to municipalities. They are founded and financed by the State, and yet act independently from it. They often have a mandate to receive individual complaints, but do not adjudicate them like courts. They work closely with non-governmental organisations, and yet are different from them, being based on law or the constitution and funded by the State.

Internationally, National Human Rights Institutions are based on the Paris Principles, adopted in 1993 by the UN General Assembly.⁹ Despite this common basis, NHRIs are arranged and equipped in very different ways regarding their mandates, structures and competences. NHRIs can be classified into different types,¹⁰ even if their names do not always clearly indicate that they belong to one type or another:

- **Commissions** tend to have a wide scope of activities, ranging from the investigation of restrictions on human rights and their violations,

to educational and public relations work and participation in legal proceedings.

- **Ombudspersons** focus on the protection of individual rights, for example by way of the handling of individual cases and/or complaints. Often, ombudspersons have a mandate restricted to certain areas, such as health or consumer protection. Not all ombudspersons are NHRIs, and not all NHRIs have the mandate to receive complaints.
- **Committees** focus on advice to the government and parliament, but may also have investigative powers.
- **Institutes** specialize in research-based policy advice, as well as in educational and public relations work.

The increasing exchange and cooperation between NHRIs has led to a gradual convergence of these models.

National Human Rights Institutions protect and promote human rights in the country in which they are established, though an increasing number also work on extraterritorial human rights obligations.¹¹ The UN treaty bodies regularly call on States to either establish NHRIs or to better guarantee their independence, functioning and funding.¹²

⁹ Cf. UN General Assembly 1993.

¹⁰ See Aichele 2009, p. 16; Aichele 2003, p. 110; GANHRI itself adds two categories (hybrid institutions and multiple institutions), cf. <http://nhri.ohchr.org/EN/AboutUs/Pages/RolesTypesNHRIs.aspx> (accessed 26.12.2017) and in a March 2017 source adds more types (“civil rights protectors, public defenders, and parliamentary advocates”) which it seems to have previously subsumed under “multiple institutions”, see GANHRI 2017b, para 7.

¹¹ These include among others the NHRIs of the Commonwealth who adopted a declaration for NHRI common action in 2015, see Commonwealth Forum of National Human Rights Institutions 2015; the NHRI of the Philippines, which works on a case of transnational climate justice; and the German and Colombian NHRIs, partnering to address business and human rights issues, see Kaya et al. 2017.

¹² Between 2008 and 2017, the treaty bodies made 368 observations and issued 391 recommendations to States with respect to their National Human Rights Institutions; query “Theme: National Human Rights Institution” + “all treaty bodies”, see <http://uhri.ohchr.org/en/search/results#> retrieved 28.01.2018.

NHRIs form the link between state and non-state actors. They advocate for the improved protection of human rights vis-à-vis governmental agencies and private actors, and advise them on the implementation of the recommended improvements. NHRIs also support civil society groups, for example by providing human rights trainings or by helping to coordinate efforts, for example for reporting to UN human rights fora. NHRIs help to connect the different institutions and levels of human rights protection, for example by supporting the state reporting procedure before international and regional committees, or by bringing state and civil society actors together for follow-up discussions on the recommendations from these proceedings.

Human rights education means educating the public and specific target groups about, through and for human rights; it is a cornerstone of NHRIs' work worldwide. Fulfilling this part of their mandate well can help establish a culture of human rights, and overcome discrimination and inequality.

NHRIs regularly review the laws in force, and suggest amendments in order to be in line with international obligations. NHRIs also help improve the protection of individual rights; most accept and investigate individual complaints, some NHRIs are able to take cases to court, others support pending cases by way of submitting briefs without themselves being party to the proceedings (*amicus curiae*). What unites all NHRIs (with very few exceptions) is their "soft power": while they do not have the power to enforce their views or recommendations, they use the power of their arguments to convince government or private actors to revise their practices.¹³

2.1 | Paris Principles and NHRI Accreditation

While the Paris Principles provide the international standards on the competencies and responsibilities of NHRIs, NHRIs are established domestically according to national legislation or to the constitution. To assess whether an NHRI is set up and operates according to the Paris Principles, NHRIs have established a peer review system, which accredits NHRIs at regular intervals – every four years. The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institution (GANHRI) undertakes the peer review twice a year under the auspices of the Office of the High Commissioner for Human Rights (OHCHR).

To become accredited, the NHRI must show how it complies, in law and in fact, with the Paris Principles in regard to its mandate, competencies, and independence from the government. Pluralism among NHRI staff and governing bodies as well as sufficient resources for the fulfilment of its basic functions are further areas that the Sub-Committee on Accreditation checks for compliance with the Paris Principles. In recent years, the Sub-Committee has increased its scrutiny of the work an NHRI does – or does not do – for example whether it speaks out for human rights defenders when they are under attack, or against grave human rights abuses.

After undergoing the accreditation procedure, an NHRI is accredited with A or B status.¹⁴ Only A-status NHRIs are voting members of GANHRI, and may exercise participation rights in the UN human rights system, for example using speaking slots at the Universal Periodic Review.

During the past ten years, the accreditation procedure undertaken by GANHRI has become stricter. To illustrate the expectations for accreditation, the Sub-Committee issues so-called General Observations clarifying for example how it assesses the

¹³ See Carver 2011; Linos / Pegram 2017.

¹⁴ By May 2017, there were 78 NHRIs with A status, and 33 with B status. Ten institutions are listed by GANHRI as being C, which is the equivalent to "no status" within GANHRI, <https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20%2826%20May%202017.pdf> (accessed 19.01.2018); for more details cf. GANHRI 2017a.

independence of NHRIs, their governing bodies or the funding necessary to fulfil the core functions of an NHRI.¹⁵ Furthermore, the recommendations of the SCA to individual NHRIs make clear how the SCA interprets their promotional and protective function, based on the Paris Principles.

Some countries have institutions which have not applied for accreditation, but fulfil functions comparable to those of an NHRI. While the term “National Human Rights Institution” is not protected, it should be reserved for institutions which function under the Paris Principles and undergo the accreditation process described above. This ensures that NHRIs act independently of governmental influence, are not politically biased and represent the cause of human rights only.

2.2 | Independent Human Rights Institutions for Children

While all UN treaty bodies call on states to establish or improve the conditions for their NHRI, the Committee on the Rights of the Child (hereafter: CRC Committee) also recommends that states establish an independent human rights institution for children, as a specific body for children’s rights.¹⁶ In 2000, the CRC Committee issued its General Comment No. 2 on The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child in

which it sets out what it expects such institutions to do.¹⁷ In other General Comments, the Committee on the Rights of the Child takes various positions on the question of whether children’s rights should or can be better protected and promoted by an independent children’s rights institution or within the scope of the respective NHRIs.¹⁸ And last but not least, the Committee recommends in its country-specific Concluding Observations to States Parties that those States Parties without an NHRI should establish them in such a way that they can exercise an explicit mandate for children’s rights,¹⁹ and that countries with an NHRI should strengthen it so that the NHRI can monitor the realization of children’s rights.²⁰

In her thorough mapping study for UNICEF, Sedletzki (2012, 2013) identified about 200 institutions which fit the CRC Committee’s definition of an independent human rights institution for children. A third of them were exclusively concerned with children, another third were part of an NHRI with a specific mandate for children’s rights established by law, and the last third were domiciled in NHRIs and dealt with children’s rights as one of the vulnerable groups addressed as part of their general mandate.²¹

There is some debate about which institutional form better protects and promotes human rights; the same holds true for children’s rights.²² Each form has its benefits: NHRIs can give an effective voice to children’s rights as part of their broad human

¹⁵ See GANHRI 2017c, chapter 2.2; cf. GANHRI 2017b.

¹⁶ Somewhat surprisingly, the CRC Committee issued only five recommendations to States to establish an independent human rights institution for children between 2012 and 2016: Query “independent+human+rights+institution” and “CRC Committee”, <http://uhri.ohchr.org/en/search/results#> retrieved 28.01.2018. The query “national+human+rights+institution” and “CRC Committee” yielded 32 recommendations between 2007 and 2016, mostly concerned with the question of a complaint mechanism at the NHRI and independent monitoring. <http://uhri.ohchr.org/en/search/results#> retrieved 28.01.2018.

¹⁷ See UN Committee on the Rights of the Child 2002.

¹⁸ UN Committee on the Rights of the Child 2005, para. 18, 27, 65.

¹⁹ For example with respect to the United Arab Emirates in 2016, see CRC/C/ARE/CO/2, para. 18-19.

²⁰ For example: UN Committee on the Rights of the Child 2014, para. 17-18.

²¹ Sedletzki 2012, p. 5, 9, 15. Independent Human Rights Institutions for Children can be accredited at GANHRI only if they are part of an NHRI, with a mandate covering all human rights. Many Independent Human Rights Institutions for Children are organized as ombudsmen institutions, and have their own networks and bodies for international cooperation, such as the International Ombudsmen Institute. Membership is based on request, but there is no accreditation procedure, see <http://www.theioi.org/ioi-members#anchor-index-2014> (accessed 24.01.2018).

²² See Sedletzki 2012, p. 15; Carver 2011, p. 16; Linos/Pegram 2017.

rights mandate – as such, children are not represented as a special case, rather they are included in the mandate to promote and protect all human rights. This appears to be a trend with respect to the monitoring functions for the Convention on the Rights of Persons with Disabilities (CRPD), which, according to a yet unpublished survey, are ever more frequently hosted at NHRIs.²³ On the other hand, NHRIs have to choose from a large number of different human rights issues in their country, and prioritise accordingly. Therefore, mainstreaming an age perspective to address child rights should be as much of a concern to NHRIs as the mainstreaming of a gender perspective.

Independent children's rights institutions are able to specialise and channel all their resources and capacities towards children and the protection of their individual rights. However, the CRC Committee goes beyond individual cases of rights' infringements, and tasks independent institutions with the promotion of children's rights, for example by research, human rights education, and policy advice, and their empowerment. This requires going beyond the protection of individual rights, to addressing children also as groups, and reaching out to the most marginalized among them.

In the end, NHRIs and independent children's rights institutions may share a number of challenges, mainly that they may not be able to muster the resources to form regional or local offices that are easily accessible to children where they live. This indicates that the main challenge for children's rights may not be whether or how they are best promoted and protected in an NHRI or in a different independent institution, but how accessible either of them are for children, or rather, how the respective institution manages its relationship to local authorities tasked with the implementation of children's rights.²⁴

2.3 | Membership in networks and what NHRIs expect from it

While the Global Alliance of National Human Rights Institutions comprises NHRIs worldwide, they are also organized in four regional networks. The regional networks have an advantage similar to that of the regional human rights protection systems: they are better able to reflect regional challenges and particularities and can address actors relevant to the region, for example regional human rights courts or policy-making by regional organizations, like the African or European Union.

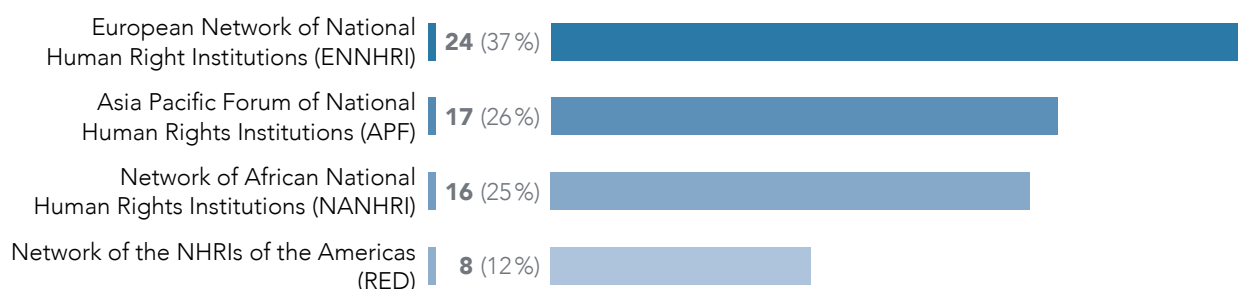
- Founded in 1999, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas is responsible for the entire American continent and currently has ten NHRI members.
- The Asia Pacific Forum (APF) has 15 A-Status NHRIs as full members and nine associated members with B-Status. It offers extensive services to its members, with regard to GANHRI-accreditation, capacity needs assessments and training. Currently, it receives financial and technical support from various donors. APF has a number of strategic thematic priorities, among them children's rights.
- 44 African NHRIs belong to the Network of African National Human Rights Institutions (NANHRI), which is hosted by the Kenyan NHRI. The majority of members have A-Status with full membership rights, B-Status members have no rights to vote or to get elected. Thematic priorities include, among others, business and human rights, peace and conflict resolution and LGBTI rights. Strategic objectives relate to sizable improvements of the human rights situation in African states, for example with respect to civil liberties and governance, and for economic, social and cultural rights.²⁵
- The European Network of NHRIs (ENNHRI) has a membership of 41 NHRIs, 27 of them with A-Status, a further eight with B-Status, and six

²³ Pegram 2017.

²⁴ Sedletzki 2013, p. 101-105.

²⁵ <http://www.nanhri.org/1088-2/> (accessed 28.12.2017).

Figure 2 Membership in regional networks, in numbers and per cent



observers not formally accredited as NHRIs.²⁶ ENNHRI runs a number of thematic sub-groups, for example on the human rights of elderly persons in long term care and the human rights of migrants and asylum-seekers.

As Figure 2 shows, all respondents were members in their respective regional networks.

In addition, 29 NHRIs replied that they are also members in other sub-regional or cross-regional networks (see Table 10 in the Annex for those networks).

NHRIs gave a wide range of examples of the topics which are or would be most important for them to share with NHRI networks.

Many NHRIs voiced a need to exchange on the Convention itself, as well as its Optional Protocols, including the reporting to the CRC Committee.

As Figure 3 shows, the main interests for exchange relate to violence against (and among) children and to education – this resonates with a finding we present below – that 77 per cent of respondent NHRIs have worked on violence against children and on education during the past two years (see below, Table 3). These numbers point to a wealth of experience and probably good practice, which NHRI networks could and should share. Those topics that were mentioned by fewer NHRIs should also be attended to, however: They may speak to a genuine need to receive input and to devise in-

Figure 3 Topics to exchange on with NHRI network partners



26 <http://ennhri.org/List-of-members>, data as per June 2017 (accessed 28.12.2017).

novative approaches to tackle difficult child right-related issues.

NHRIs also voiced methodological needs they consider particularly useful to share with regional, sub-regional or cross-regional networks, among them:

- child-friendly monitoring, systematic child rights monitoring and investigation techniques, reporting to the CRC and follow-up (Albania, Malawi, Maldives, Bangladesh, Cote D'Ivoire, Zimbabwe); child right indicators (Germany)
- child participation (Costa Rica, Portugal, Peru, Morocco); participatory research with children throughout the whole process (Germany)
- child-friendly complaint handling mechanisms, developing action plans and ways of implementing them (Bangladesh, Palestine)
- child rights-based approach, child rights-based budgeting (Togo)
- effective management of matters/complaints relating to the trafficking of children and the protection of vulnerable children (South Africa)
- child interrogation techniques; communication with children to raise their awareness on human rights (Thailand); how to approach and tackle psychological and emotional changes of children who have become victims of human rights violations and sexual/physical/mental harassment (Mongolia), interviewing children in residence care institutions (Albania)
- effectively communicating issues relating to economic, cultural and social rights and children's rights (Great Britain)
- impact of information technologies, impact of social conflicts, migrants (Perú).

NHRIs not only work on children's rights but should do so in a participatory, child-friendly and child-centric way. This correlates to a finding presented below, in chapter 3.4, that relatively few NHRIs have mastered this to their own satisfaction. Regional networks appear to be the ideal settings to start an exchange on these methodological questions because what is considered participatory, child-friendly and child-centric will certainly also be subject to different regional understandings.

3 | How National Human Rights Institutions work on children's rights

With the exception of the Lithuanian NHRI which was accredited only four months before the survey was conducted, all respondent NHRIs work on children's rights. Given the high return rate to the questionnaire among GANHRI members with A or B status, we are confident that this finding is representative as to whether NHRIs engage with children's rights.

While the survey questionnaire and this chapter divide promotion and protection into distinct activities, the answers from NHRIs clarified that there is a wide range of definitions of what constitutes an activity under the protection or the promotion mandate. For example, many NHRIs classify monitoring as an activity which falls under either promotion or protection. To avoid repetition, we have therefore attempted to cluster examples, and classified monitoring as an activity falling under the protection mandate.

3.1 | Why did National Human Rights Institutions take up children's rights?

For almost 90 per cent of the respondent NHRIs, the major reason for working on children's rights is the broad mandate of their NHRI, a sine qua non under the Paris Principles. 75 per cent of NHRIs' work on children's rights is based on the ratification of the CRC and its Optional Protocols by the respective state. Recommendations - as contained in the Concluding Observations by the CRC Committee and the UPR - are less important: roughly half of the respondents consider them as a reason to

work on children's rights (for more on this, see Figure 5 below).

For 25 NHRIs (38 per cent), specific child right issues propelled them to take up their work - NHRIs named the protection of young people and imprisonment of minors (Luxembourg), child trafficking (for example Greece, Bangladesh, Comoros, Burundi, Jordan, Nepal, Rwanda) and child labor (for example Greece, Samoa, Bangladesh, Comoros, Palestine, Mongolia, Nepal, Rwanda and Bolivia), child poverty (for example Bolivia), and children living on the street (Nepal, Bolivia).

Other reasons for working on children's rights are constitutional or legislative provisions (Jordan, Philippines, Comoros, Peru, Costa Rica, and Nicaragua) or the recommendations of the African Commission of Experts on the Rights and the Well-being of the Child (Cote d'Ivoire) or intensive lobby efforts by civil society (Germany).

The questionnaire also asked about the impact of the UPR and treaty body recommendations on NHRIs' work on children's rights. Figure 5 shows that 40 (60 per cent) of the responding NHRIs see

Figure 4 Why NHRIs started working on children's rights, in number of responses

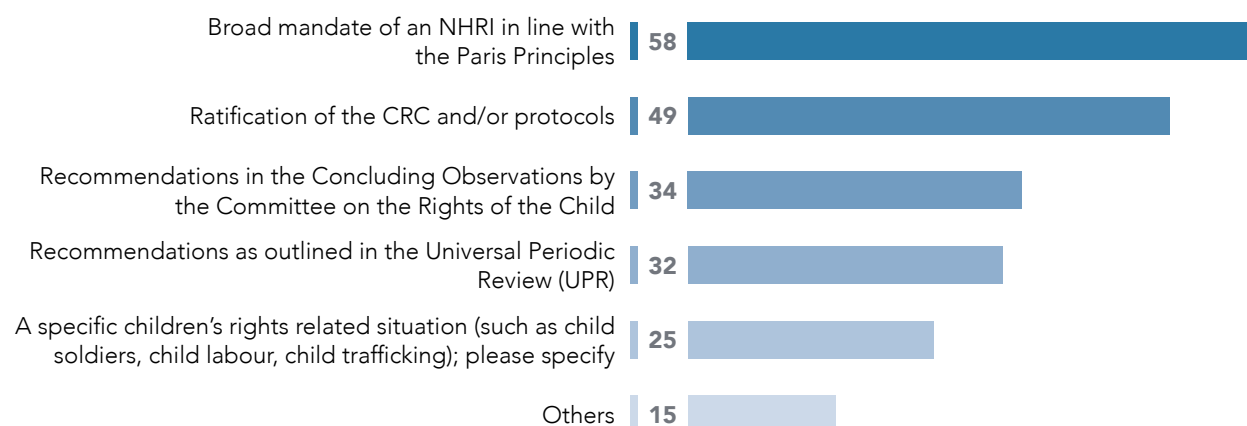
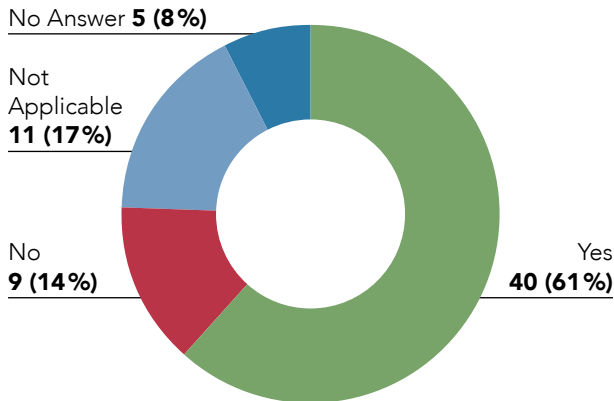


Figure 5 **Positive impact of UPR and treaty body recommendations on NHRIs' work on children's rights, in numbers and per cent**



the UPR recommendations and/or treaty body recommendations as having a positive impact on their work on children's rights in various ways. In what follows, we cluster those examples provided by NHRIs.

UPR/treaty body recommendations propelled NHRIs to take up specific topics. The Greek NHRI took up a recommendation on migrants' rights, and conducted a series of visits in hotspots and other accommodation sites in Greece. This led to a report on the living conditions of migrants and refugees, many of them minors. The Indian NHRI increased its emphasis on child trafficking following a recommendation, and the Jordanian NHRI started a project on child labour.

NHRIs established specialized units on child rights. The Albanian and the Egyptian NHRIs established their respective child rights units as a result of recommendations by the CRC Committee. In Germany, the CRC Committee observed in 2014 that Germany had still not established an independent monitoring mechanism for the CRC, and the Committee recommended that the German NHRI be provided with a mandate to monitor the implementation of the CRC at national, federal state and local levels. The Ministry for Family Affairs, Senior Citizens, Women and Youth took up the recommendation and entrusted the German NHRI to become the CRC monitoring body.

NHRIs align their strategic plans to the recommendations. The NHRI of Bangladesh prepares its

strategic plan in line with the recommendations of UPR and the CRC. These recommendations lead the NHRI to formulate its plan and to negotiate with and lobby the government: since the state had accepted the recommendations, it became the obligation of the state to comply. The Kenyan NHRI prepared, together with the office of the Attorney General and the department of justice, the UPR implementation matrix which will guide the state in the implementation of the recommendations arising from the second cycle of the UPR. The matrix elaborates recommendations of the UPR, specific government actions to implement the recommendation, and indicators to track progress, as well as outlining the responsible government bodies and timelines for implementation. The matrix also incorporates recommendations arising from Kenya's review by the CRC Committee. The NHRI will use this matrix as the basis for tracking progress of the implementation of the UPR and CRC Committee recommendations.

International recommendations lend support to NHRIs and more credibility to their efforts. Several NHRIs pointed out that recommendations from the international human rights bodies have made their governments invest more in ensuring the NHRIs' independent functioning. Two prominent examples are from Mongolia and Zimbabwe: Mongolia has received recommendations from the CRC and the UPR to take necessary steps to strengthen the mandate and capacity of its NHRI, including its financial and human resources, to effectively address the violations of children's rights. Consequently, the Government established a working group to revise the current law concerning the Mongolian NHRI to reflect the recommendations; a representative of the Commission is also included in the working group to amend the law. In Zimbabwe, the last round of UPR recommendations singled out the need to operationalize the NHRI which resulted in lobbying and advocacy campaigns; this in turn saw the government availing a budget to the NHRI to enable it to recruit the Secretariat and start operations.

Some NHRIs added that the recommendations from international bodies added credibility to their advocacy (Liberia) and reinforced existing priorities (Australia, Nicaragua). The Armenian NHRI ex-

plained: "It has been widely used as bases for our arguments and recommendations provided to the government both in our reports and day to day work (ex. recommendations on specific legislative amendments). Being a very respectful tool UPR recommendations play a key role for the Government in increasing its reputation to human rights protection. Hence any argument that is based on UPR recommendation is normally being easily accepted by the Government." But NHRIs also pointed out that this works the other way around, too: The Macedonian NHRI indicated that it made sure that its recommendations be picked up by the reviewing States. The NHRI of Malawi described its engagement in detail:

"The Malawi NHRI is both monitoring the implementation of 2015 UPR recommendations and the 2017 CRC recommendations as part of its normal functions. The NHRI has also been instrumental in working with government in producing its State Party Report and submitting its own alternative reports. The NHRI has engaged treaty bodies to ensure that its recommendations are highlighted by the Committees. The NHRI has also worked with the Government in ensuring that some of the recommendations made at UPR level are included in the Draft 2017–2021 National Human Rights Action Plan. The two processes have also made some recommendations involving the NHRI either to government or the NHRI itself. The recommendations are also in line with some of the functions of the NHRI."

3.2 | Work of NHRIs on other human rights topics

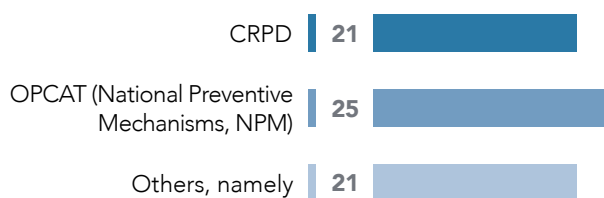
Given their broad mandate under the Paris Principles, NHRIs work on a number of human rights topics, on human rights of other vulnerable groups, and/or act as monitoring bodies for other human rights treaties. The questionnaire wanted to assess

what those human rights topics were, whether there were regional differences in priorities and how the choice of priority topics could benefit children's rights.

3.2.1 | Monitoring bodies

21 (of the 45 NHRIs who responded to this question) are designated as the monitoring body under the Convention of the Rights of Persons with Disabilities (CRPD) and 25 as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention Against Torture (OPCAT).²⁷

Figure 6 NHRIs as CRPD monitoring bodies and NPMs, in numbers of responses



Some NHRIs, such as the ones in Malawi and Nepal, are not formally designated as monitoring bodies for the above mentioned human rights treaties, but monitor the implementation of these treaties anyway, as part of their general mandate to monitor the human rights situation.

Reasons why NHRIs do not act as monitoring bodies range from the fact that their countries have not yet ratified the human rights treaties such as OPCAT (for example Kenya, South Africa, Latvia), to the appointment of other institutions as a National Preventive Mechanism under OPCAT, as for example in Germany.

It is worth noting that, particularly in Europe, other monitoring bodies have been institutionalized within the NHRI structure, such as the National Equality Body on Ethnicity and Gender in Denmark, the Equal Treatment Body in the Netherlands, and the institution for the monitoring of a 2017 law on human rights defenders in Burkina Faso.

²⁷ See Pegram 2017 for a study of those mechanisms. On NPMs in general see: <https://www.apt.ch/en/list-of-designated-npm-by-regions-and-countries/>

3.2.2 | Vulnerable groups

Even though only 21 of the respondent NHRIs are designated monitoring bodies of the CRPD, the vast majority (92 per cent) of respondent NHRIs work on the rights of persons with disabilities. The

table below shows that - apart from their work on children's rights - NHRIs currently prioritise the rights of persons with disabilities (92 per cent), women (88 per cent), migrants/refugees and elderly persons (each 78 per cent).

Table 1 **Work of NHRIs, per region and population group, in number of responses**

	Women	Minorities/ indigenous peoples	Persons with disabilities	Migrants and refugees	LGBTI	Elderly people	Human Rights Defenders	Others, please specify*
Africa	14	7	14	13	5	10	11	6
Americas	8	8	8	8	8	8	4	5
Asia-Pacific	15	8	15	10	9	12	12	5
Europe	20	18	23	20	19	21	8	7
Total	57 (88%)	41 (63%)	60 (92%)	51 (78%)	41 (63%)	51 (78%)	35 (54%)	23 (35%)

* Other priority groups for NHRIs' work were as follows: Farm workers (South Africa), Internally Displaced Persons (Philippines, Azerbaijan), Journalists (Mexico), Missing persons (Mexico), Persons deprived of liberty (Philippines, Armenia, Spain, Costa Rica, Bolivia), Persons living with HIV/Aids (Togo, Rwanda, Bolivia), Persons offended/violated because of albinism (Burundi), Population afroboliviano (Bolivia), Prisoners and detained persons (Kosovo, Azerbaijan, Jordan, Mongolia), Victims of internal conflicts (Colombia), Victims of terrorism (Spain).

The table below is based on the same data but relates the answers given by NHRIs to all answers given by NHRIs in this regional group. The table shows clear regional differences among NHRIs' priorities from Africa, Asia and Europe:

- More European NHRIs work on ageing and elderly people, due to the high proportion of the ageing population in Europe; the same holds true for persons with disabilities.
- More African and Asian NHRIs work on human rights defenders since the political space for human rights defenders started to shrink earlier than in Europe;
- Fewer European NHRIs work on women's rights than their counterparts in Africa and Asia;
- More European NHRIs work on LGBTI rights and minorities than their counterparts in Africa and Asia.

Table 2 **Regional Priorities of NHRIs, in per cent of all respondent NHRIs from the respective region**

	Women	Minorities, indigenous peoples	Persons with disabilities	Migrants and refugees	LGBTI	Elderly people	Human Rights Defenders	Others
Africa	88%	44%	88%	81%	31%	63%	69%	38%
Asia-Pacific	88%	47%	88%	59%	53%	71%	71%	29%
Europe	83%	75%	96%	83%	79%	88%	33%	29%

As Table 2 shows, these marked regional disparities do not include the Americas, except for a relatively low percentage (50 per cent) of American NHRIs working on human rights defenders. Regardless of these regional differences, with work on other vul-

nerable groups well established, NHRIs can inter-link and mainstream child rights, for example by focusing on girls' rights, on children with disabilities, unaccompanied minors seeking asylum, gender identity among minors²⁸ or youth human rights

defenders. NHRIs are thus set to do justice to the intersectionality of discrimination experienced by children and youth who are also members of vulnerable groups. This could also be a subject of training and capacity-building in NHRI networks (see above, chapter 2.3).

3.3 | What child right-related topics dominate NHRIs' work?

NHRIs were asked to choose up to five children's rights-related topics the institution has worked on during the past two years. The results are telling: 77 per cent of the responding NHRIs have worked

on violence against children and on education, followed by child-related legislation (65 per cent) and the rights of children in conflict with the law (52 per cent) as one of their top five children's rights-related topics during the past two years. In contrast, child rights and the SDGs is a relatively new topic, and has developed traction only since 2016. The fact that 13 (20 per cent) of NHRIs²⁹ have already worked on it as one of their five priorities is promising, but also leaves room for more engagement (see below chapter 3.3.1 for more details). Likewise, bullying and the right to be heard – that is, child participation – are topics few NHRIs have worked on during the past two years.

Table 3 Child rights-related issues in the work of NHRIs during the past two years, in numbers (five answers were possible) and per cent

Child rights-related issue	number	%
Violence against children	50	77%
Education	50	77%
Child-related legislation	42	65%
Rights of children in conflict with the law	34	52%
Health care	27	42%
Migration/Asylum	25	38%
Child labour	21	32%
Child trafficking	16	25%
Child poverty	16	25%
Right to be heard (Article 12 CRC)	14	22%
Bullying	13	20%
Children's rights and SDGs	13	20%
Others, please specify ²	12	18%
Children in armed conflict*	5	8%

* The other topics relevant for NHRIs were: Juvenile justice (India), Missing children (India), Child marriage (India), Provision of emergency accommodation for families facing homelessness (Ireland), Situation of children of imprisoned parents (Germany), National, independent complaint mechanisms for children (Germany), Children deprived of parental care (Latvia), Minors in prison (Luxembourg), Children in public care (Norway), Protection of children in conflict with the law (Peru), Children with disabilities (Philippines, Netherlands, Samoa, Maldives), Segregation of Roma children in education (Slovakia)

NHRIs' attention to child rights-related topics is obviously based on the situation in the respective country – this is why only few NHRIs worked on chil-

dren in armed conflict or on bullying which may not be an issue in all countries. Then there are relatively new topics, like children's rights and SDGs, which

²⁹ Those are the NHRIs of Bosnia and Herzegovina, Comoros, Egypt, Germany, Malaysia, Maldives, Morocco, New Zealand, Peru, Portugal, Qatar, Serbia, and South Korea.

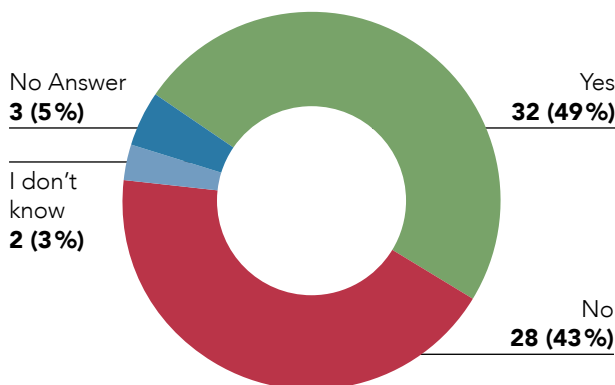
merit the attention of all countries, but the topic has not yet developed enough traction among NHRIs (see below, chapter 3.3.1 for more details).

It is interesting to note that a large number of NHRIs have worked on education and only a small number of NHRIs on child poverty as one of their top issues during the past two years: Of the sixteen NHRIs³⁰ having worked on child poverty, a majority are in Europe or in the Global North. This is probably not a reflection of the state of child poverty in other parts of the world, but rather of the contrary: Child poverty is ubiquitous, but where general poverty rates are high, the impact on children may start to become visible in the educational sector, especially if children do not have access to free, compulsory and quality education. This may explain why so many more NHRIs worldwide work on education than on poverty.

3.3.1 | Children's rights and the 2030 Agenda/SDGs

Apart from the "top five issues" NHRIs worked on during the past two years, the questionnaire assessed in more detail how NHRIs related child rights to the SDGs. Given the different frame of the question, the results present a slightly different picture than the one presented above: As the figure below shows, about half (32) of the respondent NHRIs were working on the 2030 Agenda/Sustainable Development Goals in combination with children's rights, while 28 NHRIs were not.

Figure 7 NHRIs working on the 2030 Agenda/SDGs in combination with children's rights, in numbers and per cent



A regional breakdown yields more insight: Out of 32 NHRIs working on the SDGs, nine (of 16) are from Africa, three (of eight) are from the Americas, ten (of 17) are from Asia and Pacific, and ten (of 24) are from Europe. African and Asian NHRIs thus lead with respect to engagement on the nexus between children's rights and the SDGs (56% and 59% respectively), while in the Americas only 38% of the respondent NHRIs engage with the SDGs in this fashion, and only 42% in Europe. As the examples show, NHRIs' engagement ranges from trainings on SDGs for NHRI staff to monitoring SDG implementation, or connecting specific SDGs with child rights issues.

Training on SDGs and child rights. A number of NHRIs either received or conducted trainings on the SDGs.

- The NHRI of Armenia organized staff training on Child Rights Monitoring and SDGs. The UNICEF country office supported the NHRI on how its report could be adapted to the structure of the SDGs. Staff from the NHRI of the Comoros took part in SDG seminars organised by the government or UNICEF.
- The Jordanian NHRI published an awareness-raising programme on the SDGs. Likewise, the NHRI of Bangladesh developed an awareness-raising programme focusing on children's health, livelihood, education, child protection and disaster management.
- The Mexican NHRI conducted a seminar on children's rights and the 2030 Agenda, with the objective to exchange information on the most relevant issues and challenges which affect children and young people's rights.

Participation in working groups. In many countries, government and civil society came together in working groups to address the national implementation of the SDGs. A number of NHRIs were part of such working groups:

³⁰ Armenia, Belgium, Bolivia, Denmark, Finland, Georgia, Greece, Hungary, Ireland, The Netherlands, New Zealand, Serbia, Samoa, South Korea, South Africa, and Spain.

- The NHRI of Malaysia is part of a cluster of working committees with the government on the national implementation of the SDGs.
- Qatar's NHRI regularly participates in meetings to follow up on the implementation of the SDGs and uses this opportunity to provide its views and recommendations.
- The NHRI of Jordan is heading a working group attached to the National Higher Committee on Sustainable Development, responsible for the monitoring of the implementation of the SDGs by Jordan.
- The German NHRI participated in the hearings organized by the government to develop a national strategy to implement the SDGs, and submitted several policy briefs, including on children's rights-related issues.

Monitoring SDG implementation. A number of NHRIs are following through with the Merida Declaration of NHRIs (2015), setting out activities for NHRIs in relation to the SDGs.

- The Moroccan NHRI has taken part in the drafting of the Merida Declaration and has installed a monitoring mechanism for the realization of SDGs. Additionally, the NHRI is a review body for the targets of the SDGs and more particularly for vulnerable groups.
- The NHRI of Palestine is planning to work on human rights indicators and to develop instruments to mainstream the topic into its work.
- Germany's NHRI has lobbied for a human rights-based approach to monitoring of the SDGs. Part and parcel of its approach was linking treaty body recommendations to the monitoring of SDG implementation.³¹
- The NHRI of New Zealand uses references to the SDGs and its targets in submissions to the government with respect to new legislation that affects children, for example legislation that substantially reforms the child protection and youth justice sectors. Further, the NHRI highlighted the SDG targets in its submissions to the CRC Committee as part of the New Zealand review in 2016. The CRC Committee incor-

porated or referred to several SDG targets in its Concluding Observations to New Zealand.³²

- Every three years, the NHRI of Great Britain reports to Parliament on the progress that society is making in relation to "Equality, Human Rights and Good Relations". How they relate this to the SDGs is illustrated in their own words:

"Further, we have just consulted on a new Measurement Framework, which will (...) help to inform our 2018 review. The new measurement framework will cover six domains, with a wide array of indicators, each of which will look at both children and adults. Also there are certain areas where there are specific measures common to both our framework and the SDGs as they apply to the rights of children. These relate to: educational attainment and exclusion (Goal 4), poverty (Goals 1 and 10), overcrowding in housing (Goal 11), and sexual violence (Goal 16). In addition to the above, a number of the UN Committee on the Rights of the Child's recent Concluding Observations on the UK make specific reference to the SDGs, in particular Goal 10, Goal 16, Goal 1. Our on-going work in relation to monitoring the implementation of the CRC will therefore draw on aspects of the SDGs."

NHRIs connect children's rights-related topics to specific SDGs. The SDGs are complex and relate to all areas of social and economic life. A number of NHRIs have therefore opted to concentrate on specific SDGs and relate them to child rights.

- The NHRI of the Philippines strives to contribute to the achievement of the SDGs by including the key areas of the 2030 Agenda into its work plan, in particular on quality education; gender equality and empowerment of all women and girls; inequality within and among countries; access to justice for all; and effective, accountable and inclusive institutions at all levels.

³¹ German Institute for Human Rights 2015.

³² UN Committee on the Rights of the Child 2016, paras 23, 24, 31, 34, 36–38.

- Myanmar's NHRI work on quality education is related to SDG 4. In cooperation with the Ministry of Education and other stakeholders, it has been active in the development of a curriculum on the subject of human rights in general, and children's rights in particular.
- The NHRI of Rwanda works especially on SDG 4 on inclusive quality education and SDG 16. These goals have been integrated in the National Human Rights Action Plan and in the NHRI's Strategic and Annual Plans.
- Latvia's NHRI works especially on SDG 1, SDG 4, and SDG 10, particularly regarding children who are deprived of parental care.
- 72 per cent promote the general public's knowledge about children's rights;
- 68 per cent promote harmonization of national legislation with the CRC and its Optional Protocols;
- 66 per cent investigate violations of children's rights.

These results do not provide information on whether the respondent NHRI assesses these activities as successful or adequate. However, the information that the NHRI undertakes an activity "regularly" may hint to a modicum of success or positive feedback, something the NHRI considers it does well.

The survey results show that there is room for improvement in the way NHRIs engage with the SDGs. They also demonstrate the huge potential for support of NHRIs, and support for their exchange and learning, since some NHRIs have just started working on the SDGs, while others have already aligned their work on child rights with the SDGs.

Other activities which require a lot of specific strategic planning and expertise, like inquiries and targeted human rights education, are undertaken with less frequency:

3.4 | How NHRIs exercise their mandate with respect to children's rights

General Comment No. 2 on "The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child"³³ of the CRC Committee outlines the types of activities intended to support the promotion, protection and monitoring of children's rights in light of the general principles of the Convention. In the questionnaire, NHRIs were therefore asked to assess whether they carry out these activities, and with what regularity they do so. Multiple answers were possible.

- Conduct inquiries on matters relating to children's rights: 49 per cent of respondent NHRIs conduct them regularly, 35 per cent only sometimes.
- Assist in the formulation of programmes for the teaching, researching, and integration of children's rights in the curricula of schools and universities, and in professional circles: 43 per cent do this regularly, 37 per cent only sometimes, and 9 per cent never do it.
- Provide human rights education for relevant target groups which focus on children: 52 per cent do this regularly, and 29 per cent only sometimes.

What respondent NHRIs do regularly (see Table 11 in Annex 7.1 for a detailed break-down of results):

Lastly, it is remarkable that one key activity envisioned by the CRC Committee in its General Comment No. 2, ensuring that statistics on children are appropriately disaggregated, is undertaken by only few NHRIs: 28 per cent of NHRIs are regularly engaged in this activity (only one from Africa), 31 per cent sometimes, and 17 per cent of responding NHRIs never. This reflects the complexity of the task; very few NHRIs have specialized staff or entertain regular relations with statistical offices, where they exist. However, statistical competency is key to be able to monitor progress or setbacks

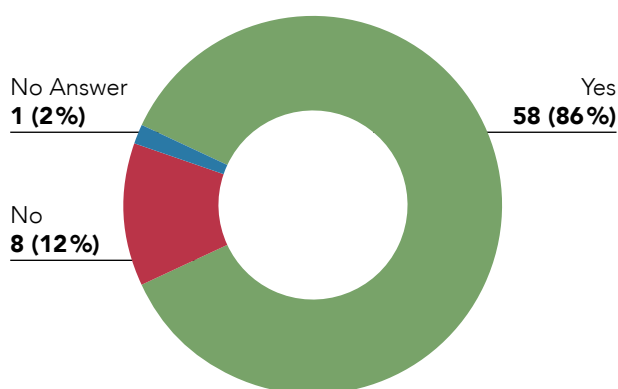
- 74 per cent publish reports, give opinions or recommendations on child rights;
- 72 per cent review and report on the government's implementation and monitoring of children's rights;

with respect to the CRC and a number of the SDGs. It also forms the evidence basis for the assessment of the success or failure of government programmes and policies which affect children. Investing in statistical analysis would thus be an asset for NHRIs.

3.4.1 | Receiving individual complaints

While the mandate to receive complaints is optional under the Paris Principles, the vast majority of responding NHRIs (86 per cent) have this mandate. Only eight NHRIs, all located in Western Europe, do not have that mandate.³⁴

Figure 8 Mandate of NHRIs to receive individual complaints, in numbers and per cent



But even those European NHRIs without an explicit mandate to handle individual complaints find ways to engage with the protection of children's rights, for example by using the judicial system (see below chapter 3.4.3 for more detail).

In what follows, we have clustered what NHRIs reported on their complaint handling and how they balance it with their "soft powers", that is their inability to enforce their decisions and the often time and resource-intensive complaint handling.

- The Committee on Human Rights of Senegal receives complaints and attempts to mediate between the parties. As is the case for almost all NHRIs worldwide, the Committee cannot enforce its views or decisions, and therefore amicable agreements are preferred.

- The New Zealand Human Rights Commission receives individual complaints concerning direct and indirect discrimination, sexual and racial harassment and incitement of racial disharmony. The Commission also has a dispute resolution service that can provide mediation for the purpose of resolving such complaints. In cases where a complaint cannot be resolved, the complainant may bring it before the Human Rights Review Tribunal. A complainant is entitled to apply to the Director of Human Rights Proceedings, who is independent from the Commission, for representation in proceedings before the Human Rights Review Tribunal. The Office of the Children's Commissioner also can receive complaints about issues concerning children, including individual children. The Office runs a Child's Rights Advice telephone advisory service for this purpose. The Children's Commissioner's general functions also include a mandate to investigate decisions, acts or omissions made pertaining to an individual child.
- The NHRI of the Philippines documents and manages complaints involving children. It also provides assistance to victims of human rights violations by way of legal and financial aid.
- The Kenyan NHRI has documented various complaints on children's rights arising from insecurity in parts of Kenya. It has done so by drawing on its ability to conduct public inquiries, and held one on the insecurity and human rights situation in the northern frontier and the coastal region. The findings of the inquiries show the negative effects of insecurity on the enjoyment of children's rights. The Commission received and processed various complaints on children's rights and resolved them using alternative dispute resolution, and investigations. It offered legal advice and referral to the NHRIs' complaints handling referral partners network, which has 48 members from state and non-state actors with complaints handling and resolution services for the public of Kenya.

³⁴ Namely: Belgium, Denmark, Germany, Greece, Great Britain, Ireland, Luxembourg, and Norway.

Only eight respondent NHRIs from Western Europe have no mandate to handle individual complaints: The German NHRI refers individual complainants to specific helplines and existing complaint services of which there are a large number in Germany. The Danish NHRI has a mandate derived from EU equality directives, and can assist victims of discrimination but not victims of other human rights violations. The Dutch NHRI has a similar mandate and can receive complaints regarding treatment under the Netherlands Equality Laws, but not regarding human rights violations in general. The NHRI thus promotes and monitors compliance with the equal treatment laws and assesses whether discrimination has taken place in the workplace, in education or as a consumer in individual cases. The Front Office serves as the initial point of contact for all callers with questions about human rights and equal treatment. They answer questions, offer specific advice that guide them to the complaints procedure or refer them to the appropriate organisation, such as the Legal Office and the Children's Ombudsman.

The survey did not aim to assess whether NHRIs without the mandate to receive individual complaints feel the need to expand their mandate in this respect. But the results of the survey presented below in chapter 3.4.3 show that even the NHRIs in Western Europe without this mandate can effectively fulfil their protection mandate.

3.4.2 | Who Brings Child Rights-Related Individual Complaints?

For those NHRIs who handle individual complaints, the questionnaire aimed to find out who brought complaints, to assess accessibility of NHRIs to children.³⁵

The Bolivian NHRI reported that it had registered 7,964 cases of violations of the rights of children and adolescents between 2013 and the first half of 2017. 51 per cent of those were presented by children and young people, 47 per cent by children/young people accompanied by a representative (family member or other authorized representa-

tive), and just 1.86 per cent by a representative (family member or other authorized representative). In Portugal, the NHRI received 21 calls from children, and 541 from caregivers to the Children's Line, a specialized and free-of-charge helpline that provides personalized assistance to children themselves or to whoever calls on their behalf. As children have the right to file a complaint directly to the NHRI, its website contains accessible, simple and child-friendly instructions on the complaint procedure as well as an explanation on the content of each child right.

Most NHRIs responded that only very few children bring complaints, for example in Costa Rica, Finland, Myanmar (all less than 1 per cent), Malawi, Macedonia (2 per cent), Hungary and Thailand (5 per cent). The Serbian NHRI qualified that while children do not usually access the NHRI for complaints, they do seek information about specific issues. The Kenyan NHRI received 3,000 complaints over all, of which 46 were brought by caregivers on behalf of children, and none by children themselves. The Armenian NHRI relates:

"Unfortunately, we have not received any complaints from children. That was mentioned in the latest CRC Committees Concluding Observations for Armenia. We have planned several awareness raising activities for children so they can know more about our activities, complaint procedures, and encourage them to apply directly."

Some NHRIs reported the absolute numbers of complaints received and the proportion of child-rights related complaints among them. In the Philippines, the NHRI docketed and investigated 450 (2015) and 540 (2016) complaints involving children. For the year 2016, 380 of the cases were filed by walk-in clients, 152 cases were investigated by their regional offices *motu proprio*, while eight cases were reported during monitoring activities. In New Zealand, the NHRI received 5,336 com-

³⁵ Since the answers to this question did not yield conclusive data in many cases, we did not attempt to correlate the results with answers to the question on the existence of institutions specialized in child rights (see below chapter 4.2).

plaints (mid-2015 to mid-2016), 1,392 of which regarded unlawful discrimination. Complaints data that indicates exactly the percentage of complaints that were made by, or on behalf of children and youth, is not immediately accessible. Of the 1,392 discrimination complaints, the highest categories were employment (442), followed by government activity (358) and access to services (257). 74 complaints were received about discrimination in education environments. The Zimbabwean NHRI reported that 28 out of 881 cases were lodged on behalf of children; it added:

“The Zimbabwean NHRI receives few cases from and on behalf of children. However, the Zimbabwean NHRI has discovered that in most cases received from adults and investigated by the Zimbabwean NHRI, children's rights are negatively impacted. For instance, complaints on farm evictions affect children's right to education, their right to shelter and food.”

The NHRI of Rwanda reported that in 2015–2016 it processed 440 complaints relating to child rights violations and abuse. 428 (97.2 per cent) of them were reported by the Observatory of Child's Rights volunteers, and the remaining 2.8 per cent were received through the normal channel of complaints submission. In the Australian NHRI, the Investigation and Conciliation Service received 157 complaints involving children (that is, complaints by a child or on behalf of a child, or raising an issue concerning a child) in 2016–2017. This represented around 9 per cent of all complaints received during this period. In Mexico, the NHRI reported that an average of 376 cases were heard between 2015–2017 in which an alleged violation of the rights of a child was brought forward.

Some NHRIs do not disaggregate the complainants by age group. Three NHRIs explicitly stated that they do not disaggregate complainants by age, namely India, the Netherlands, and South Africa. Five per cent of the complaints received by the South African NHRI have been classified as falling under the child rights constitutional provision from the beginning of April to the end of July 2017. The Indian NHRI does not register the age of

complainants, but only the subject matter. The number of cases registered pertaining to children as victims were 2,560 in 2014–2015, 1,657 in 2015–2016 and 1,211 in 2016–2017.

The data demonstrates that most NHRIs classify complaints with respect to the issue, i.e. child rights or women's rights-related, and not with respect to who brought the complaint. While the data is not conclusive in all cases, it appears that most child right-related complaints are brought by caregivers and not by children or youth themselves. This may have many reasons, such as the young age of the child, insufficient digital infrastructure for telephone or online helplines, which are easy to access for children, or the existence of complaint mechanisms accessible to children in their immediate environments. However, registering who brought a complaint – in terms of age, (dis)ability or any other status – may be a measure to assess accessibility and thus be important for NHRIs internally. On the other hand, some NHRIs do not, maybe for reasons of data protection, disaggregate complainants by age, and thus had no way to answer this question. NHRIs should thus carefully balance the needs of data protection and the need to be accessible to all population groups, and therefore invest in digital infrastructure (e.g. online helplines, phone helplines) or their decentralized offices in order to overcome barriers to access.

Overall, the data appears to warrant interrelated conclusions: Firstly, disaggregation of complainants while protecting private data is a good measure for an NHRI to monitor its own accessibility. Secondly, NHRIs should invest more energy in making themselves accessible to children and youth, particularly by building up capacity, including at the regional offices, and investing in infrastructure to remove barriers to access for children. Thirdly, NHRIs should cooperate closely with institutions and organizations that are close to children on the local level and that are tasked with improving conditions for children in their most immediate environment.

3.4.3 | How NHRIs protect and monitor children's rights

The following chapter analyses the work NHRIs do to protect children's rights in more detail, again using parts of General Comment No. 2 by the CRC Committee as the basis. In particular, the survey aimed to ascertain whether NHRIs use their mandates for the protection of children's rights with the same intensity that they do to protect all human rights, and to gain insights into successful examples of NHRIs' work.

As Table 4 shows, almost all tasks undertaken by NHRIs on the basis of the Paris Principles and their respective mandates are undertaken with a "lesser intensity" with respect to children's rights.

The differences are highest with respect to monitoring public and private institutions, which is done by 72 per cent of NHRIs in general, but only by 52 per cent of respondent NHRIs with respect to children's rights. This corresponds to a very low number of recommendations by the CRC Committee, which has issued recommendations to only seven states on the monitoring of private and public schools, childcare institutions, and orphanages.³⁶ It would therefore be helpful if the CRC Committee

issued more recommendations to NHRIs to stretch their monitoring activities to also cover private institutions. They could thus address, for example, children in closed, privately run institutions as well as issues of child labour in factories, family-run informal settings, or on farms.³⁷

With respect to the investigation and monitoring of public institutions, there is no substantial difference in NHRI activities whether they relate to children's rights or other human rights. Many NHRIs gave examples on how they do this (see below). This part of the protection mandate appears to be well established in NHRI practice, ranging from investigations in schools, state-run orphanages, prisons and other public institutions.

97 per cent of respondent NHRIs monitor the general human rights situation, but only 85 per cent do so with respect to children's rights. The reasons for this are not obvious – but maybe related to a lack of adequate monitoring tools and methodologies (see above, chapter 2.3 and the capacity needs voiced by NHRIs). In particular, if monitoring is undertaken with an events-based methodology, focusing on individual violations, children may not feature much in events reported in the press or by

Table 4 **Protection and monitoring of human and of child rights during the past five years, in per cent of responses**

	In general			With respect to child rights		
	Yes	No	No answer	Yes	No	No answer
Monitor the development of human rights situation in the country	97%	2%	2%	85%	3%	13%
Consider individual complaints and petitions	86%	12%	2%	77%	18%	5%
Monitor public institutions	85%	9%	6%	80%	6%	14%
Carry out investigations	80%	14%	7%	77%	18%	5%
Monitor public and private institutions	72%	20%	8%	52%	25%	23%
Legal aid or legal support for individual or collective claims	65%	29%	7%	54%	34%	13%
Intervene in court cases ("amicus curiae")	53%	40%	7%	43%	40%	17%
Bring test cases to court ("strategic litigation")	22%	58%	20%	12%	60%	28%

³⁶ See search results for "monitor+public+private" at <http://uhri.ohchr.org/en/search/results#> (accessed 26.12.2017).

³⁷ See UN Committee on Economic, Social and Cultural Rights 2017, para. 54; cf. Reif 2017.

NGOs. Other approaches, which focus on monitoring the situation of specific groups of children in vulnerable situations, require child-centric and child-friendly interviewing techniques and the capacity to analyse quantitative and qualitative data, again a function for which NHRIs have stated they need more capacity.

Generally, the data above also shows that strategic litigation is used by very few NHRIs,³⁸ while many more NHRIs use the opportunity to engage as a "friend of the court" (*amicus curiae*). Some NHRIs have this power explicitly written in their mandates, others do not; but to our knowledge, the latter is also not explicitly forbidden in any NHRI mandate, making it an important and strategic instrument to further the protection of human rights. Interestingly, there are no regional discrepancies among NHRIs in using the instrument of *amicus curiae*.

The ability of an NHRI to offer legal aid is another instrument which mandates of some NHRIs explicitly provide for, while others simply do not mention it. This may mean that an NHRI can offer legal aid and counselling to individuals if they see fit and have the resources to do so. However, this is difficult in countries where rules on the legal profession and legal representation require that only registered lawyers can provide legal aid and/or counselling.

The following examples from NHRIs' work show that NHRIs are quite successful in engaging the legal and judicial system.

Many NHRIs engage the judiciary to protect children's rights and address structural causes of child discrimination or infringements of their basic rights.

The Danish NHRI filed an amicus in a case before the High Court of Eastern Denmark, relating to three sisters who were placed as minors in a foster family. The foster father sexually abused and assaulted the three sisters over a long period of time. The court found that the municipality had violated article 3 (prohibition against torture and degrading treatment etc.) of the European Convention on Human Rights, as due the circumstances of the case, the municipality was aware of the fact that the sisters were being abused by their foster father. The court also ruled that the three sisters' claim for compensation from the municipality of Slagelse, which under Danish law was already statute-barred, was not in accordance with Denmark's international obligations, namely the right to effective remedy as ensured in article 13 in the European Convention on Human Rights.

- The Armenian NHRI provided expert support to the Constitutional Court when there was a case on the right of the child to be heard. Before the decision of the Constitutional Court, only children above ten years old could express their opinion. The Court decided to lift that age restriction. The complainants also receive legal support by the NHRI for child right-related complaints that should be heard in the court and therefore cannot be accepted for consideration by the NHRI.
- The NHRI of New Zealand intervened in a case before the Human Rights Review Tribunal (*Adoption Action Inc v Attorney-General*), a proceeding that successfully sought a declaration that New Zealand's adoption statutes are discriminatory.
- The NHRIs of Australia, Germany and Kenya intervened in court cases with respect to the rights of intersex children.

³⁸ Only the NHRIs of Armenia, Comoros, Cote D'Ivoire, Denmark, Ecuador, Great Britain, Lithuania, Morocco, Qatar, Slovakia, South Korea, South Africa, Timor-Leste, and Togo reported to have brought "test" cases to court, as the questionnaire framed it, maybe not being precise enough in its wording.

The Kenyan NHRI filed as an interested party in a high court petition³⁹ which sought the realization of the rights of an intersex child with respect to registration and other subsequent rights. This led to the NHRI's membership of a taskforce on Policy, Legal, Institutional and Administrative Reforms regarding intersex persons in Kenya. The Task Force is mandated, among other things, to compile comprehensive data regarding the number, distribution and challenges of intersex persons in Kenya and recommend comprehensive reforms to safeguard the interest of intersex persons. The recommendations of the taskforce will have an impact on the rights of intersex children in Kenya. In another case, relating to the rights of a child born outside wedlock to have the biological father's name inserted in the birth certificate, the NHRI filed an *amicus curiae* in a Constitutional petition, and the respective provisions necessitating the consent of both parents for the registration of the biological father's name in the birth certificate was struck down as unconstitutional.⁴⁰

those facilities and to assess their functioning according to juvenile justice standards.

- The NHRI of Azerbaijan conducts monitoring of the status of children in state-run institutions in cooperation with UNICEF, with a particular focus on children deprived of parental care, children with disabilities, and children in conflict with the law.
- Finland's NHRI carries out inspections of child welfare institutions as well as group homes where unaccompanied minors seeking asylum are placed. Also, prisons where children have been placed with their parent have been inspected, as well as prison facilities dedicated for meetings between an inmate and their child.
- The Latvian NHRI investigated all decisions regarding the placement of children in institutional care (rather than in family-like structures) in the past year. The NHRI concluded that in some cases, other options for children were not sought.
- The Moroccan NHRI visits reception facilities for children deprived of their family environment.

NHRIs regularly carry out investigations and inspections of public institutions.

Under its mandate as the National Preventive Mechanism OPCAT, the Portuguese NHRI visits detention centres, psychiatric hospitals, temporary shelters, and military and police prisons. The NHRI has, in the past two years, visited all the existing educational centres for young people in Portugal and issued several recommendations directed at the Ministry of Justice, the Public Prosecutor's Office, and the High Council of the Judiciary, the Health Minister and the Director General for Social Rehabilitation. The aim of the visits was to acquire a deeper understanding of the organization of

The Serbian NHRI investigated a case of sexual abuse of several students by their teachers. Finding that the schools did not protect students from those teachers and did not launch disciplinary and other procedures, the NHRI recommended that the teachers should be immediately suspended from work and that disciplinary proceedings should be launched without delay. The NHRI also recommended that school boards should immediately dismiss the schools' headmasters, as they had not undertaken any action against the teachers, after they learned about the sexual abuse of children. The NHRI recommended to the city inspections and the Ministry of Education to follow up whether the schools compliance with

³⁹ Baby 'A' (Suing through the Mother E A) & another v Attorney General & 6 others [2014] EKL. High Court of Kenya at Nairobi Constitutional and Human Rights Division, Petition No.266 of 2013. <http://kenyalaw.org/caselaw/cases/view/104234/> (accessed 26.12.2017).

⁴⁰ L.N.W v Attorney General & 3 Others [2016] EKL. High Court of Kenya at Nairobi Constitutional and Human Rights Division, Petition No. 484 of 2014. <http://kenyalaw.org/caselaw/cases/view/122371/> (accessed 19.01.2018).

recommendations for the schools. Schools complied with the recommendation on disciplinary measures and suspension of the teachers, but not with the recommendation about the dismissal of headmasters. The Ministry of Education, noting that school boards had not complied with the NHRI's recommendation on this issue, dismissed the headmasters and school boards in both schools.

Monitor the development of the human rights situation.

Most NHRIs focus on monitoring specific institutions catering to children, first and foremost childcare institutions, orphanages, detention and rehabilitation centres, and educational facilities. Some specialize in monitoring specific situations relating to children's rights:

- The Kenyan NHRI has been monitoring the 2017 election campaigns with a view to monitoring compliance with the law, as well as human rights principles. The NHRI is leading in monitoring the realization of children's rights in the election process, particularly the use of children in campaign meetings and its effect. The NHRI also monitors the situation of children accompanying their mothers in prisons and their enjoyment of their rights, as well as compliance with minimum human rights standards while in prison.
- The NHRI of Uganda focused its monitoring on three child-related issues: child marriages and its human rights implications in selected districts; the plight of unaccompanied refugee minors; and alcohol and illicit drug abuse by youth and children in selected districts. These issues were monitored for its 19th Annual Report to the Parliament of Uganda.
- The NHRI of Slovakia has been monitoring the segregation of Roma children in education both in terms of discrimination and the right to education, and is reporting about the situation in its annual report. The NHRI cooperates with the State School Inspection of the Slovak Republic.
- Every year, the Danish NHRI issues an annual report regarding the human rights situation for children in Denmark. The report contains a description of recent developments, human rights challenges concerning children and recom-

mendations for the government on how to improve the human rights situation.

- In Burundi, the NHRI successfully advocated for the release of 51 minors imprisoned in the Rumonge prison who had been arrested in the Cibitoke province in the course of the attacks that took place in this province in July 2015. Seven other minors released by the prosecution of Cibitoke were subject to family rehabilitation.
- The NHRI of Bosnia and Herzegovina monitors court proceedings, most often those on divorces.

Monitoring public and private institutions is a rare activity among NHRIs.

- The NHRI of Malaysia has carried out a visit to a privately run childcare centre together with the government welfare department, following an individual complaint pertaining to alleged abuse of children at the centre.
- The NHRI of Lithuania monitors public and private social care institutions for children and a children's socialisation centre.
- The NHRI of Myanmar sends out investigation teams to investigate alleged violations of mistreatment of housemaids. As a follow-up, recommendations were forwarded to the departments concerned.

Taken together, the survey shows that NHRIs exercise their protection mandate mainly through legal means, and with respect to the public sphere. Using the framework derived from the UN Principles on Business and Human Rights may help to expand activities to the private sphere. Social science methodologies may enhance the quality and depth of monitoring.

3.4.4 | How NHRIs promote children's rights

The following chapter analyses the work NHRIs do to promote children's rights in more detail, again using the General Comment No. 2 by the CRC Committee as the basis for the questionnaire. The objective was to ascertain whether NHRIs use their mandates for the promotion of children's rights with the same intensity that they do to promote all human rights during the past five years.

Similarly to the findings pertaining to human rights protection, the data in Table 5 show that almost all

Table 5 Promotional activities NHRIs carried out during the past five years

	In general			With respect to children's rights		
	Yes	No	No answer	Yes	No	No answer
Contribute to the UPR	94%	0%	7%	72%	6%	22%
Issue reports on the state of human rights	89%	6%	5%	80%	8%	13%
Human rights education and training	89%	5%	7%	82%	9%	10%
Contribute independently to the reporting process under human rights treaties	85%	6%	9%	80%	5%	15%
Follow up on recommendations made by regional and international human rights mechanisms (for example treaty bodies, UPR/Human Rights Council)	83%	9%	8%	75%	9%	16%
Research and policy advice	83%	6%	11%	72%	11%	17%
Follow up on SDG monitoring	40%	35%	21%	32%	38%	30%

tasks undertaken by NHRIs on the basis of the Paris Principles and their respective promotion mandates are undertaken with a “lesser intensity” with respect to children’s rights.

Interestingly, the differences in NHRI promotion activities are highest with respect to contributions to the UPR: while 94 per cent of the NHRIs contribute to the UPR, only 72 per cent do so with respect to children’s rights. This holds true despite the large number of recommendations given by States to other States on improvements with respect to children’s rights. Child right-related recommendations are, in fact, among the three most recommended issues in the UPR, but usually very unspecific.⁴¹ The lower percentage of NHRIs contributing child rights issues to the UPR may be related to this lack of specificity of UPR recommendations. It may be also related to the strict page limit under the UPR, allowing an NHRI only to contribute one or two paragraphs on children’s rights.

In short: while the UPR has gained traction amongst NHRIs during the past ten years, NHRIs do not use it much with respect to children’s rights and this is probably inherent to the UPR format. Interestingly,

the difference in engagement between independent reporting to the treaty bodies and reporting to the CRC committee is much smaller: 85 per cent of the respondent NHRIs contribute reports to the treaty bodies and 80 per cent do so with respect to children’s rights. NHRIs may find that submitting an alternative report under the CRC and its Optional Protocols gives them more opportunities to look at child rights-related issues in depth, compared to the UPR. They may also find the CRC Committee easier to approach and to lobby than UN Member States taking part in the UPR.

The only activity on the promotion of human and children’s rights carried out by less than half of NHRIs is the follow-up on SDG monitoring. 40 per cent already do this with respect to human rights and 32 per cent with regard to children’s rights. 35 and 38 per cent of NHRIs responded that they have not done any follow-up on SDG monitoring either with respect to human rights in general or with respect to children’s rights. This correlates with the findings presented above (see chapter 3.3.1).

Human rights education and training is the second most important promotional activity of NHRIs,

⁴¹ UPR Info analysed the first two cycles, and found that there were more than 10,000 recommendations on child rights; see <https://www.upr-info.org/database/statistics/> (accessed 20.12.2017). Only a third of the 10,000 plus recommendations were of a specific action; for the search results on UPR info, see: <https://s.upr-info.org/2ksz5Op> (accessed 20.12.2017). The same holds true for women’s rights.

together with public reporting on the state of human rights - 89 per cent of respondent NHRIs do so, but again with lesser intensity with respect to child rights. Research and policy advice forms part of the activities of 83 per cent of NHRIs, but much less so with respect to children's rights, as only 72 per cent of NHRIs undertake it with that focus, and 11 per cent have not done it during the past five years. This may correlate with the findings above, namely that NHRIs rarely engage in advocacy for the disaggregation of statistics (see above, chapter 3.4). While it is obviously possible and appropriate to undertake qualitative research, statistical data give additional evidence and are often requested by policy makers.

NHRIs pointed to numerous examples of how they promote children's rights. To promote the general public's knowledge on the rights of the child, NHRIs use their websites, educational videos, organise seminars and workshops, and author studies and reports on children's rights. In their examples, many NHRIs pointed out that one important part of the promotion mandate was making information on child rights accessible for adults and children. The Colombian and Armenian NHRIs for example run child-friendly websites, the Macedonian NHRI issues brochures, leaflets, TV shows, and interactive games on child rights, as does the Chilean NHRI. The Bangladeshi NHRI also uses SMS via mobile phones to distribute information on human rights.

A number of NHRIs see the monitoring of the CRC as an activity that also relates to their promotion mandate, such as the NHRIs of the Maldives, Morocco, Cote d'Ivoire, and Thailand. Examples of research and policy advice included the German NHRI, which conducted research on early childhood education, and the NHRI of Burundi which conducted a study on child trafficking.

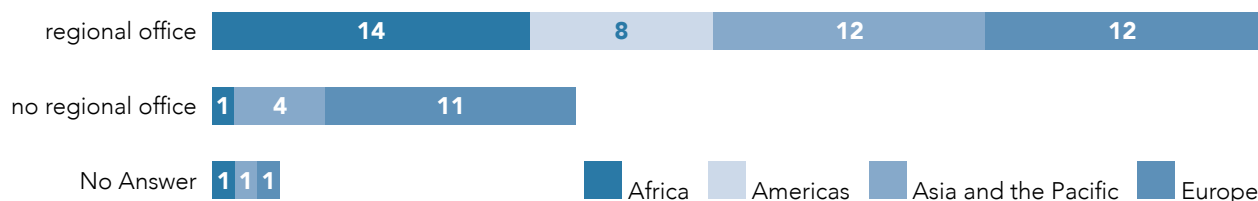
By far the most examples provided by NHRIs on promotional activities are related to human rights education and training. Many NHRIs conduct training courses and/or develop training manuals for teachers and other multipliers working with children; for example Chile, Malawi, Nepal, Bolivia, and Jordan. The NHRIs of the Netherlands, Myanmar, Qatar and the Maldives also focus on the

inclusion of human rights in school curricula. The Portuguese NHRI has signed a Protocol with the Ministry of Education in order to participate in initiatives to raise awareness of human rights amongst the educational community. In a similar vein, the Serbian NHRI offers training for education inspectors, employees at the Ministry of Education, civil servants, university students, and pupils in primary and secondary schools. The Macedonian NHRI reported that they conduct activities in schools regarding children's rights and aim at acquainting the children with their right to participation in the decision-making process. The NHRIs of Liberia, Uganda and Morocco have set up and support human rights clubs at schools, in Hungary, the NHRI organizes competitions and outdoor activities for children and trainings which contribute to the promotion of children's rights. The NHRI of Burundi conducted awareness trainings for 350 young people concerning the fight against gender-based violence.

Some NHRIs connect their human rights education to lobby activities. In Bangladesh, the NHRI has partnered with the relevant ministry and national and international civil society organisations to advocate for the reduction of child marriage. The Serbian NHRI campaigns for an explicit ban on corporal punishment. The Peruvian NHRI offers trainings and campaigns to end violence at schools. The Liberian NHRI advocated for children to leave the streets and be involved with education and vocational training. In addition, it advocates for free primary education. The NHRI of the DR of Congo undertook a study on the right to education, with a focus on the right of teachers to a domestically competitive salary.

NHRIs also provided examples of their work outside educational environments. The NHRI of the Comoros conducted a workshop for gendarmes and policemen on respecting the rights of the child in the maintenance of law and order. The NHRI of Malaysia provides training to government agencies dealing with children on the principles of the CRC and human rights; and the NHRI of Malawi undertakes child rights-related trainings of prosecutors, magistrates, social workers, teachers, NGOs, and community based-organisations. The Ugandan NHRI supports human rights awareness through

Figure 9 **NHRIs with and without decentralized offices, per world region and in numbers**



community meetings that address human rights issues such as those of vulnerable persons, including children with a special focus on the rights of the child. The German NHRI partnered with midwives and registrars to promote the right of all children born in Germany to obtain a proper birth certificate, even if their asylum-seeking parents could not produce the required documents of their marriage.

NHRIs also work in and with communities to spread awareness on children’s rights. The NHRI of Malawi, for example, uses its research findings to engage communities, and the NHRI of the Comoros conducts conference debates in communities concerning the Family Code around questions about the rights of the child.

Many NHRIs also see legislative review or advocacy for legislative reform as an important part of their promotional mandate. In Liberia, the NHRI advocated for the adoption of laws for the protection and promotion of children’s rights, among them the Education Reform Act 2011, and the Anti-trafficking Law to criminalize child labour. The Egyptian NHRI undertook a review of laws relating to children, and suggested the review of legal articles and additional laws to support children’s rights. The Greek NHRI reviewed the draft law regarding guardianship of unaccompanied minors, and the German NHRI engaged in the public and legal debate on a draft law on the marriage of minors. The Kenyan NHRI is a member of a special taskforce on children’s matters, mandated to identify gaps in the laws, policy and practice and make recommendations on how to effectively safeguard and realize the rights of children in Kenya. The taskforce is

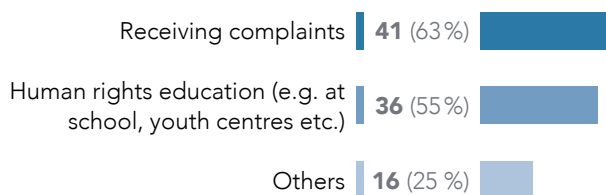
spearheading the review of the Children’s Act of 2001.

3.4.5 | Work of regional NHRI offices

Almost 70 per cent of responding NHRIs have regional or decentralized offices, i.e. offices in places other than the main seat of the NHRI. There is a marked regional difference, however as the Figure 9 shows: All respondents from the Americas have regional offices; almost all from Africa (except for two) do and the majority (12 out of 17) of respondent Asian NHRIs have regional offices. In Europe, however, the picture is different. 12 NHRIs in Europe have regional offices, while eleven do not.⁴²

A decentralized structure may make an NHRI more accessible, and also help the NHRI to pick up on local human rights issues to tailor their promotion and protection activities to local needs. While local offices obviously need funding for the costs of renting their premises, a centralized NHRI without regional offices would also need travel funds to conduct outreach activities beyond the capital. This shows the importance of a solid digital infrastructure enabling communication between the headquarters and the local offices.

Figure 10 **What NHRI regional offices do, in numbers and per cent**



⁴² These are Australia, Luxembourg, Germany, Hungary, Finland, The Netherlands, Lithuania, Greece, Samoa, Spain, Qatar, Ireland, Jordan, Latvia, Belgium, and Rwanda.

Local offices of NHRIs often do the same work as the headquarter, with 63 per cent of the regional offices receiving individual complaints, and just over half of them (55 per cent) also carrying out human rights education in schools or youth centres.

Most NHRIs who reported activities other than receiving complaints or conducting human rights education for their regional offices pointed to their central role in monitoring and reporting purposes (Maldives, Uganda, Togo with a focus on places of detention, Liberia, Timor-Leste with a focus on the monitoring of schools, and Peru focusing on educational establishments and shelters). Costa Rica pointed out that their regional offices link to the local systems of child protection, formed by local councils and networks.

4 | Institutional set-ups to work on children's rights

4.1 | Structures for children's rights in NHRIs

As Table 6 shows, NHRIs have different institutional arrangements for their work on children's rights. More than half (35) of the respondent NHRIs have set up a dedicated department, division or unit for children's rights. 26 of the respondent NHRIs have a commissioner or ombudsperson responsible for children's rights. In Albania and Bolivia, for example, the NHRIs have established a commissioner for children's rights. The Malawian NHRI combines a specialized child rights unit with a commissioner responsible for children's rights. 26 NHRIs replied that they have a focal person for children's rights. The NHRI of Azerbaijan for example has a specialised advisor on children's rights and a specific working group on children's rights. The Danish NHRI employs a full time senior researcher on children's rights, and in addition has several focal persons who closely monitor children's rights in different areas.

Table 6 Institutional arrangements for the protection and promotion of children's rights within NHRIs, in number of responses

NHRIs have ...	Number of responses
A commissioner or Ombudsperson responsible for children's rights	26
A department, division or unit responsible for children's rights	35
A national CRC monitoring mechanism	9
A focal person for children's rights	25
All units work on children's rights	21
None of the above, we do not work on children's rights	1
Others, please specify	13

A third of NHRIs (21) confirmed mainstreaming children's rights in their interventions. Again, this comes in many institutional set-ups: For example, as is the case for many other NHRIs, the one in Burkina Faso is organized into sub-committees on civil and political rights, economic, social and cultural rights and human rights and development. Every sub-committee implements its mandate with respect to specific groups, among them children. The Kenyan NHRI has mainstreamed children rights work in most of its interventions such as complaints processing and investigations, economic, social and cultural rights promotion, research and monitoring the government's compliance with their international and regional obligations, inspection of prisons and places of detention, and review of the various pieces of legislation enacted and their compliance with human rights principles. The NHRI of Great Britain mainstreams children's rights across all their six thematic domains. Additionally, one staff member is appointed to lead on the CRC within the treaty monitoring team.

Some NHRIs have both established special departments on children's rights and at the same time mainstreamed children's rights across other departments. This is for example true for the NHRI in Jordan which has a special unit on women and children. In addition, children's rights are a topic in their department for research, and the department for training undertakes programmes to raise awareness on children's rights.

Only nine NHRIs⁴³ responded that they have a national CRC monitoring mechanism. The numbers above, however, suggest that some NHRIs, especially the commissioners or ombudspersons responsible for children's rights, may exercise the monitoring function for the CRC, despite the fact that they did not state this in their replies to the survey. In Germany, the NHRI was assigned the function of the CRC National Monitoring Body in 2015.

⁴³ These were Armenia, Australia, Germany, Jordan, Maldives, Morocco, Rwanda, South Korea, and Timor-Leste.

The National Monitoring Body works as a department of the NHRI and cooperates with the other departments of the German NHRI to ensure that child rights are also mainstreamed in other departments. The NHRI of the Philippines plans to establish a mechanism for monitoring the state party's obligations under the CRC in 2018, which will be financially supported by UNICEF.

The Portuguese NHRI includes a unit, comprised of a multidisciplinary team, dedicated to addressing issues regarding persons that, because of their age, health condition or other characteristics, are perceived as more vulnerable – among them children, senior citizens and persons with disabilities. The unit's team ensures the functioning of three specialized helplines for members of each vulnerable group and provides personalized assistance to citizens who contact the helplines. They provide information, direct the complainants to the competent entities and establish direct contact with the entities addressed in the complaint to ensure that the rights of the citizens are being respected. Frequently, the units' team also carries out the follow-up on the reported situation. In other cases, the complaint received through the helpline leads to a formal complaint procedure. In such cases, the procedure is conducted by the unit and the staff competent in the matter at hand, for example social rights, workers' rights.

4.2 | Cooperation with other institutions working on children's rights

In almost all countries (60) there are other institutions or bodies that have the mandate to protect and/or promote children's rights. Only four NHRIs (Malaysia, Bangladesh, Kosovo, and Georgia) reported that there were no such institutions. Those other institutions with a mandate to protect and/or promote children's rights include relevant ministries and commissions, regional units or local committees for the protection of children, or civil society organizations such as National Coalitions on children's rights. The majority of NHRIs (57) collaborate with

the existing national children's rights institutions; only three do not.

The NHRIs of Azerbaijan, the Maldives, Mongolia and South Africa reported that they conduct joint educational and awareness-raising activities, campaigns, research and investigation of complaints, as well as joining forces to improve child rights-related legislation. The NHRI of Malawi is a member of the Child Case Review Board, established on the basis of the 2010 Child Care Protection and Justice Act, which oversees children in institutions and also engages with other child rights protection agencies in forums such as the National Technical working group on children. The NHRIs of Bosnia and Herzegovina and the Comoros exchange information regarding child right-related complaints. In Slovakia, the NHRI receives complaints on human rights violations and those alleging breaches of the principle of equal treatment. More powers to receive and address complaints regarding the rights of the child have been vested upon the Commissioner for Children. Hence, the NHRI tends to refer complaints concerning children's rights, except from those alleging discrimination, to the Office of the Commissioner for Children. This is similar to the process in Ireland, where the mandate to receive individual complaints rests with the Ombudsman for Children's Office.

The NHRI of Burundi holds regular meetings focusing on the exchange of information and coordination strategies (participation in different sector groups on the rights of the child), collaboration in joint advocacy and awareness, strengthening the capacities of professional bodies of civil society organizations and different other actors. The German NHRI has a guest status in the steering committee of the National Coalition for the implementation of the CRC. Similarly, the Danish NHRI is a member of the National Coalition on the CRC in the follow-up on the recommendations by the CRC Committee. It also attends regular meetings with the Danish Parliamentary Ombudsman where, inter alia, human rights matters in relation to children's rights are discussed and followed up on.

Collaboration with separate Ombudspersons for Children is particularly interesting for NHRIs: Norway has a separate Ombudsman for Children,

in addition to the more recently founded Norwegian NHRI. Both institutions cooperate closely, and the Ombudsperson is represented on the NHRI's advisory board. The Netherlands have a Children's Rights Ombudsman and a National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children with whom the Netherlands NHRI coordinates its activities. In Slovakia, the institution predominantly dealing with children's rights is the Office of the Commissioner for Children. The Slovakian NHRI has the general mandate to address any human rights issues, including those concerning the rights of the child, however it does not have a specific unit to do so. The Lithuanian NHRI has not worked on children's rights so far but Lithuania has an independent children's rights monitoring institution, the Institution of the Ombudsman for Children's Rights. In Ireland, the NHRI also maintains close contact and dialogue with the Office of the Ombudsman for Children.

New Zealand has an independent Children's Commissioner who is separate from the NHRI. The Children's Commissioner has the specific function to advance and monitor the implementation of the CRC. Given the overlapping nature of their roles in respect of the CRC, the Office of the Children's Commissioner and the NHRI work together closely on CRC monitoring and advocacy in New Zealand. Both are members of a CRC Monitoring Group, together with civil society children's rights organisations. The work and activities of the CRC Monitoring Group are coordinated by the Office of the Children's Commissioner. This includes regular engagement with a group of government deputy chief executives for the purpose of monitoring the government's implementation of the CRC, including Concluding Observations arising from the CRC Committee's periodic reviews of New Zealand. This engagement also led to the development of a government CRC work programme that was signed off by the Cabinet in 2014. The Children's Commissioner is not an NHRI under the Paris Principles. However, at New Zealand's 2016 periodic review under the CRC, the Children's Commissioner Judge Andrew Becroft appeared as New Zealand's NHRI representative under the delega-

tion of the NHRI's Chief Commissioner David Rutherford. Judge Becroft was supported throughout the review process by a senior legal adviser from the NHRI. This arrangement was very successful and enhanced the Children's Commissioner's ability to engage with the CRC Committee during the review process. Within the NHRI, the Chief Commissioner holds the CRC portfolio.

To sum up, NHRI examples show that there is no blueprint structure on how to best institutionalize child rights and that many structures may fit the purpose, provided they are well resourced and child rights are not worked on in isolation from other human rights topics. The interaction with existing specialized children's rights institutions is a promising avenue for both – while it is resource-intensive for countries, close collaboration and impact-orientation can help each institution bring their specific expertise and instruments to the table.

4.3 | Participation of children and young people in NHRIs

The majority of responding NHRIs stated that they involve children and youth in their work; only 20 per cent (three NHRIs from Africa, one from the Americas, three from Asia and the Pacific and six from Europe) do not involve children in their work.

Figure 11 Involvement of children and youth in NHRIs' work, in numbers and per cent

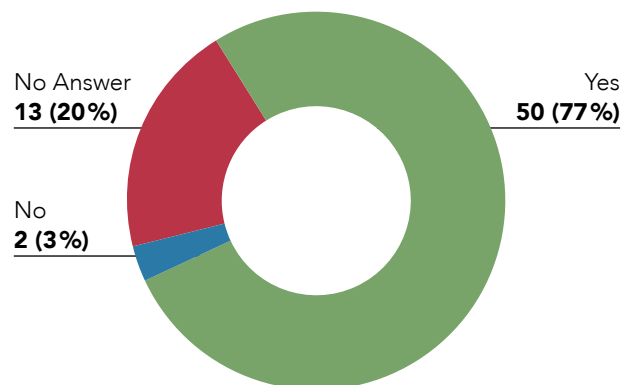
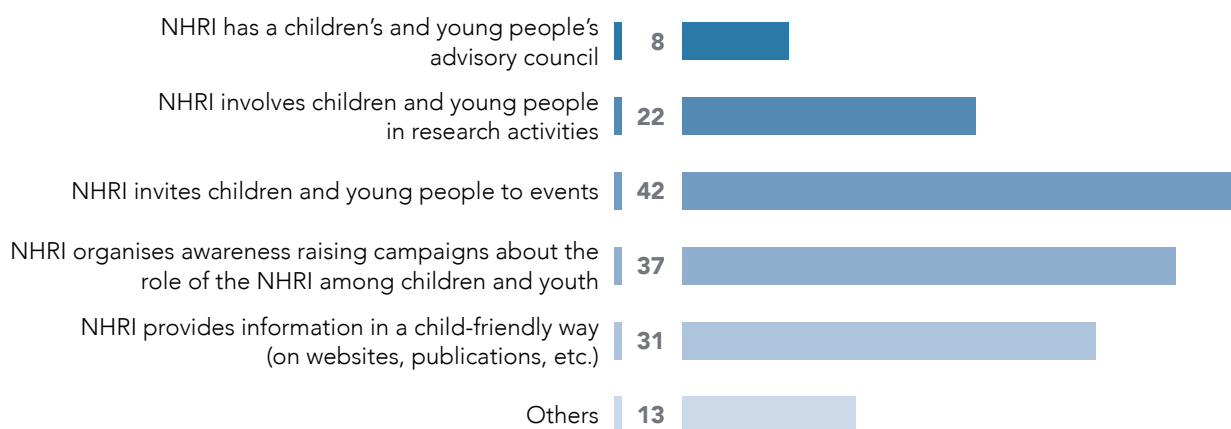


Figure 12 below shows that child participation in NHRIs ranges from having a children's and young people's advisory council (eight NHRIs have such

Figure 12 Ways and forms of children's and youth participation in NHRIs' work, in number of respondents



council⁴⁴) to much lower levels of participation. Most NHRIs either invite children to their events (42 respondents), organize awareness-raising campaigns among children and youth (37 respondents) and/or make information accessible to children (31 respondents).

Given the findings that not all NHRIs undertake research and policy advice regularly and even less so with respect to children (see above Table 5), it is interesting to note that if they do research, 22 NHRIs involve children and youth in their research activities. While the questionnaire did not ask for more specific information in what roles children and youth are involved in NHRIs' research, the examples given by NHRIs clarify that children most often participate as informants and have little say in research design and usage.

Few NHRIs have children's and young people's advisory councils. The NHRI of Serbia has a panel of young advisors, which includes 30 children from all Serbian regions, in the age group 13 to 17 years. The panel has conducted peer research on violence in schools, which resulted in a special report on violence in schools. The panel of young advisors has also performed visits and educational and inclusive activities with children who live and work on the streets. Panel members conduct peer activities within their own schools and neighbouring schools aimed at informing peers about children's rights. The NHRI of Azerbaijan has a child rights resource

centre, the Azerbaijan Child and Youth Peace Network, that acts as an advisory council to the NHRI. Members of the advisory council participate in all activities on children's rights organised by the commissioner. In order to improve the knowledge and abilities of children, in 2001 a so-called "Leadership School" was created by the network.

Involvement of children and young people in research activities does occur, but often as informants. The NHRI of the Philippines involves children in research. In child-related studies, children are identified as key informants and they are involved in interviews or focus group discussions.

Consultations with children and young people are one means of participation, albeit of a lower level. In cooperation with the Federal Ministry for Development and Economic Cooperation, the German NHRI carried out a youth consultation, to feed into an action plan on children's rights in Germany's development policy. 25 young people from different parts of Germany participated in the process. They attended three workshops and voiced their demands on children's rights in German development policy through a video clip, a number of postcards and during consultations with civil society organizations and the ministry. The Mexican NHRI partnered with other institutions to organize the 10th Parliament of Girls and Boys in 2017. More than 300 young people from all over the country participated, most of them girls. They could express their ideas

⁴⁴ Those are the NHRIs of Azerbaijan, Bolivia, Colombia, Georgia, Mongolia, Peru, Serbia and South Korea.

and concerns about the issues that affect them and their families, school and community, generating proposals that allow the construction of a harmonious coexistence of citizens, the strengthening of transparency, knowledge and the dissemination of their rights. The Samoan NHRI carried out consultations with schools for its State of Human Rights Report in 2015 and 2016 with regards to children with disabilities. The NHRI of Armenia has designed its complaint mechanism to receive and respond to complaints on child rights violations in close consultation with children.

Work with children in schools can be participatory. The NHRI of Albania has experience in organizing activities for children, with the help of children. The NHRI of Malawi works with children in schools and has organized essay competitions and debates for children in schools. Important aspects of their work in schools are, for example, engaging children in the decision-making processes in schools and getting the views of children, for example, on child protection issues in schools and their possible solutions.

NHRIs provide information in a child-friendly way. The South African NHRI has developed child friendly spaces at all of its provincial offices and has introduced a Child Friendly Complaints Handling Procedure. In addition, senior managers and legal officers have undergone training on how to manage child complainants. The training was undertaken with the assistance of UNICEF South Africa. Many NHRIs, among them the Finnish, the Spanish, the Mexican and the Slovakian, have child-friendly websites and present age appropriate materials. The Hungarian NHRI tries to address the information needs of different age groups through a part of their website and a Facebook page for children between 10 and 14 years of age, and popular outdoors children's events, where they target the age group 8 to 14 years by way of quizzes and other games.

Meaningful participation of children in an institution is a challenge, as all responding NHRIs would probably agree. Consultations with children appear to be a good middle ground for many NHRIs, but they tend to be ad-hoc and to privilege certain groups of children, often those from better educated strata and closer to the capital. From the institutional perspective of an NHRI, participation needs to be permanent, which is a challenge: children get older and do not fall under the definition of "children" anymore, so this is a brief time span. Child participation also needs to represent different groups of children, which requires a considerable investment on the side of the institution. Self-recruitment of children from the local level which draws on their function, for example as members of a regional development council or pupils' council, may offer a solution but may also tend to privilege certain groups of children. Given these challenges, there is all the more need to exchange on successful practices.

5 | Challenges NHRIs face

The majority of NHRIs (89 per cent) believes that they could work more effectively on children’s rights than they currently do. Six did not reply to that question and only one NHRI thinks that they could not work more effectively on children’s rights. It is interesting to note that only 14 NHRIs reported that their complaint handling could be more effective, but 23 report that they do not have sufficient means to secure the implementation of their recommendations.

The NHRIs which work with specialized children’s ombuds institutions voiced specific challenges: The NHRI of the Netherlands, for example, always works closely with specialized children’s rights institutions and therefore needs to weigh the added value of its own interventions to ensure its effectiveness. Similar views were brought forward by the Norwegian NHRI and the one in New Zealand. The existence of specialized children’s rights institutions thus forces NHRIs to engage with them strategically, not duplicating efforts but joining forces for the achievement of common goals.

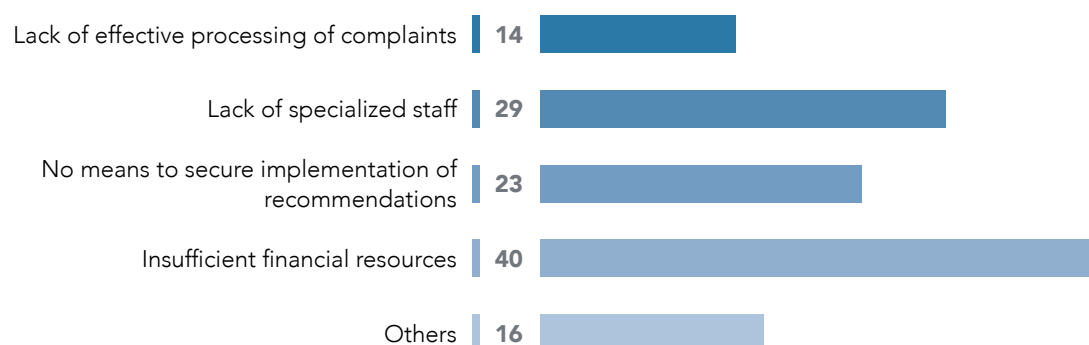
The main challenge for NHRIs is insufficient financial resources. This is particularly acute in Africa: Almost all NANHRI members assessed the lack of financial resources as a main challenge (14 out of 16 respondents), and five out of eight Latin American NHRIs, eight out of 17 Asian NHRIs and 13 out of 24 European NHRIs. This has very concrete manifestations, as the NHRI of Kenya reports: It focuses its awareness-raising activities on children’s rights among adults; due to its limited funds, the NHRI cannot undertake awareness-raising campaigns which target children.

Besides the lack of specialized staff, which was mentioned by almost half (29) of respondent

NHRIs, NHRIs emphasized the limited number of staff who only work on children’s rights as a challenge for more effective work, and the need for specific training to be able to work on children’s rights. The Rwandan NHRI summed up succinctly that it “could work more effectively on children’s rights if its staff could benefit from trainings either in children’s rights education methods or in specific investigation techniques in case of children’s rights violations and abuses.” In a similar vein, the Armenian NHRI found a lack of child rights monitoring tools and respective methodology a major obstacle. The Ugandan NHRI stressed that more effectiveness is needed to monitor the SDGs; the Liberian NHRI pointed out that they need more staff capacity for advocacy. The Spanish NHRI commented that the institution needs to make itself better known among children.

To briefly conclude this study: The NHRI of Costa Rica summed up what is probably true for most respondents: “Fundamentally, the biggest challenge is the lack of sufficient human resources to meet the demand of individual cases and to carry forward a timely structural and systematic promotion, control and education processes, beyond the specific cases.” Overall, the crucial question is therefore the quality of complaint handling – as seen from

Figure 13 **Main challenges for NHRIs working more effectively on children’s rights, in numbers of responses**



the perspective of the complainant – and the accessibility of the NHRIs for complainants, including children. To improve their capacities, NHRIs therefore need more resources which will allow them to have more specialized staff working on child rights, and create the link to local child protection systems.

This can be achieved in many different ways; by using modern technology apt for this purpose, by focusing on accessibility for children in particular in decentralized offices, concentrating staff, or by cooperating closely with specialized institutions regularly receiving complaints related to child rights.

6 | Conclusions and Recommendations

Children's rights are a well-established area of work for NHRIs and are well integrated into NHRIs' institutional structures, either through specialized departments/units and/or through successful mainstreaming of children's rights into all the operations of the NHRI. Through their unique mandate and functions under the Paris Principles, NHRIs can and do contribute considerably to the realization of children's rights in country.

Through their monitoring functions, including investigations and inspections of institutions, NHRIs identify important implementation gaps with respect to children's rights and structural causes of child rights violations, and they use their advisory functions to help improve legislation and policies. Moreover, NHRIs contribute to the empowerment of children as rights holders, e.g. by engaging the judiciary to protect children's rights or through the complaints handling functions that many NHRIs have. The survey results also demonstrate that NHRIs have begun to see the linkages between the SDGs and children's rights, but that there is a demand and great potential for supporting NHRIs in this respect and help them fulfil their role as monitoring and accountability mechanisms.

As the study has shown, NHRIs are highly interested in increasing knowledge exchange, peer support, as well as regional and cross-regional NHRI cooperation so as to render their own work on children's rights more effective. There is a need to better share the rich experience of NHRIs worldwide in applying the various elements of their mandate under the Paris Principles. GANHRI and its four regional networks are ideally placed to provide the structure and space for these exchanges. The study also revealed NHRIs' need and wish to learn more about children's participation as a methodology for monitoring and research, for capacity-building in data collection and data analysis, as well as on social science approaches to monitoring. In all these regards, the support by other child rights stakeholders would be extremely valuable.

Based on the results of the study, the authors recommend stakeholders to consider undertaking the following measures:

Recommendations to GANHRI

- Mainstream child rights into its priority areas of work, such as migrants and refugees or gender equality, and into its Working Groups, such as the one on Business and Human Rights.
- Support members in the implementation of the Mérida-Declaration and strengthen the SDG Working Group, including through providing resources, so as to further the Working Group's capacity to link child rights and SDG monitoring and to share this with the GANHRI members.
- Promote cross-regional knowledge exchange of good practices, peer learning and peer support in the promotion and protection of children's rights so as to further strengthen NHRIs as child rights actors on the ground.
- Continue to engage with UN Treaty Bodies to strengthen their cooperation with NHRIs, so as to help mainstream a child rights' perspective into the work of all UN Treaty Bodies and ensure child rights' responsive implementation of recommendations.
- Publicly position itself as a child rights actor, by including a child rights perspective in its public statements and publications.

Recommendations to the four regional NHRI networks

- Offer trainings and exchange of good practice on regionally relevant child rights-related topics; mainstream child rights into its existing thematic working lines, such as business and human rights or peace and conflict.
- Seek cooperation with regional UNICEF offices in this regard.

Recommendations to UNICEF

- UNICEF regional offices should more closely collaborate with the regional NHRI networks and foster exchange on regional specific challenges and good practices relating to children's rights.
- UNICEF country offices should closely collaborate with the NHRI in the respective country and strengthen NHRIs' departments on children's rights via the facilitation of trainings on specific topics and methodological issues, discussed in chapter 2.3.
- UNICEF should provide trainings for NHRIs on statistics and data desegregation, with a particular view to linking child rights monitoring to SDG monitoring.
- UNICEF could provide financial assistance to NHRIs who lack financial resources for working on children's rights.

7 | Annexes

7.1 | Data tables

Table 7 Survey respondents per region, name and accreditation status

Africa (16 respondents)

Country	Name	Status
Burkina Faso	Commission nationale des droits de l'homme	Accreditation has lapsed
Burundi	Commission nationale indépendante des droits de l'homme	A
Comoros	Not listed	No status
Congo (DR)	Commission nationale des droits de l'homme	B
Côte d'Ivoire	Commission nationale des droits des l'hommes	B
Egypt	National Council for Human Rights	A
Kenya	National Commission on Human Rights	A
Liberia	Independent National Commission on Human Rights	A
Malawi	Human Rights Commission	A
Morocco	Conseil national des droits de l'homme	A
Rwanda	National Commission for Human Rights	A
Senegal	Comité sénégalais des droits de l'homme	B
South Africa	Human Rights Commission	A
Togo	Commission nationale des droits de l'homme	A
Uganda	Human Rights Commission	A
Zimbabwe	Human Rights Commission	A

Americas (8 respondents)

Country	Name	Status
Bolivia	Defensor del Pueblo	A
Chile	Instituto Nacional de Derechos Humanos	A
Colombia	Defensoría del Pueblo	A
Costa Rica	Defensoría de los Habitantes	A
Ecuador	Defensor del Pueblo	A
Mexico	Comisión Nacional de los Derechos Humanos	A
Nicaragua	Procuraduría para la Defensa de los Derechos Humanos	A
Perú	Defensoría del Pueblo	A

Asia Pacific (17 respondents)

Country	Name	Status
Australia	Australian Human Rights Commission	A
Bangladesh	National Human Rights Commission	B
India	National Human Rights Commission	A
Jordan	Nation Centre for Human Rights	A
Malaysia	Human Rights Commission	A
Maldives	Human Rights Commission	B
Mongolia	National Human Rights Commission	A
Myanmar	Myanmar National Human Rights Commission	B
Nepal	National Human Rights Commission	A
New Zealand	Human Rights Commission	A
Palestine	Independent Commission for Human Rights	A
Philippines	Commission on Human Rights	A
Qatar	National Human Rights Committee	A
Samoa	Office of the Ombudsman	A
South Korea	National Human Rights Commission	A
Thailand	National Human Rights Commission	B
Timor-Leste	Provedoria for Human Rights and Justice	A

Europe (24 respondents)

Country	Name	Status
Albania	People's Advocate	A
Armenia	Human Rights Defender	A
Azerbaijan	Human Rights Commissioner (Ombudsman)	A
Belgium	Centre for Equal Opportunities and Opposition to Racism	Other status
Bosnia and Herzegovina	Institute of Human Rights Ombudsmen	A
Denmark	Danish Institute for Human Rights	A
Finland	Finnish National Human Rights Institution	A
Germany	German Institute for Human Rights	A
Georgia	Office of the Public Defender of Georgia	A
Great Britain	Equality and Human Rights Commission	A
Greece	National Commission for Human Rights	A
Hungary	Commissioner for Fundamental Rights	A
Ireland	Irish Human Rights and Equality Commission	A
Kosovo	not listed	Other status
Latvia	Ombudsman of the Republic of Latvia	A
Lithuania	Seimas Ombudsmen Office	A
Luxembourg	Commission consultative des droits de l'homme	A
Macedonia	The Ombudsman	B

Norway	Norwegian National Human Rights Institution	A
Portugal	Provedor de Justiça	A
Serbia	Protector of Citizens	A
Slovakia	National Centre for Human Rights	B
Spain	El Defensor del Pueblo	A
The Netherlands	Netherlands Institute for Human Rights	A

Table 8 GANHRI accreditation of survey participants and all NHRIs, in numbers

GANHRI accreditation status*	Survey respondents	All NHRIs (including those without Status)
A Status	52	78
B Status	9	32
No/-other Status	3	39
Not listed	1	
Total	65	149

* Accreditation status per May 2017. <https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20.pdf> (accessed 28.12.2017)

Table 9 Survey respondents, by region and GANHRI membership, in numbers and per cent

Region	Survey participants	GANHRI members (A and B Status)	In % of GANHRI members	All NHRIs (including those without Status)
Africa	16 (incl. 2 non GANHRI members)	30	47	43
Americas	8	17	47	29
Asia Pacific	17	23	73	27
Europe	24 (incl. 2 non GANHRI members)	40	55	50
Total	65	110	55	149

Table 10 **Membership of survey participants in cross-regional and sub-regional networks, per continent**

Africa
The Arab Network of National Human Rights Institutions (Comoros, Morocco, Egypt)
Association Francophone des Commissions Nationales des Droits de l'Homme (Comoros, Morocco, Rwanda, Togo)
Network of the NHRIs of the West African Economic and Monetary Union (Cote D'Ivoire)
Forum of National Human Rights Institutions of East African Community (EAC) (Rwanda)
Commonwealth Forum of National Human Rights Institutions (Rwanda)
Americas
Federación Iberoamericana del Ombudsman (FIO); Red de Niñez y Adolescencia de la FIO (Costa Rica, Ecuador, Mexico, Nicaragua, Peru, Bolivia)
Observatorio de Derechos Humanos de las Defensorías del Pueblo de America del Sur (Bolivia)
Red Iberoamericana de Oganismos y Organizaciones contra la Discriminación (Bolivia)
Consejo Centroamericano de Procuradores y Procuradoras de Derechos Humanos (CCPDH) (Nicaragua)
Diálogo Árabe Iberoamericano de Instituciones Nacionales de Derechos Humanos (Nicaragua)
Consejo Centroamericano de Procuradores y Defensores de Derechos Humanos (Costa Rica)
Consejo Andino de Defensores del Pueblo (CADP) (Ecuador, Bolivia)
Instituto Latinoamericano del Ombudsman (ILO) (Ecuador)
Asia
ASEAN Intergovernmental Commission on Human Rights (AICHR) (Malaysia)
Southeast Asia National Human Rights Institutions Form (SEANF) (Myanmar, Thailand)
Asian Ombudsman Association (AOA), The International Ombudsman Institute (Timor-Leste)
The Arab Network of National Human Rights Institutions (Jordan, Qatar, Palestine)
Europe
European Ombudsman Institute (EOI) (Albania, Macedonia, Kosovo)
Association of Ombudsman and Mediators of the Francophonie (AOMF) (Albania, Macedonia, Kosovo)
United States Ombudsman Association (USOA); (Albania)
International Ombudsman Association (IOA); Albania, Azerbaidjan
l'Association des Ombudsmans de la Méditerranée (AOM) (Albania, Macedonia)
European Network of Ombudspersons for Children (ENOC) (Serbia, Armenia, Portugal, Hungary, Azerbaijan, Kosovo as observer, Latvia)
The International Ombudsman Institute (IOI) (Latvia, Albania, Macedonia, Kosovo)
Network of Children Ombudspersons in Southeast Europe (CRONSEE) (Serbia, Kosovo, Macedonia)
Iberoamerican Federation of the Ombudsman (Portugal)
National Human Rights Commissions and other Human Rights Institutions of the Community of Portuguese Speaking Countries (Portugal)
European Network of Equality Bodies, Eurochild (Hungary)
Asian Ombudsman Association (AOA) (Azerbaijan)
Commonwealth Forum of National Human Rights Institutions (Great Britain)

Table 11 Activities of NHRI on children's rights, per frequency in numbers and per cent

Selected activities as mentioned in CRC General Comment No. 2					No alternative chosen
	Regularly	Sometimes	Never	No answer	
Investigate violations of children's rights	66% (43)	17% (11)	8% (5)	8% (5)	2% (1)
Conduct inquiries on matters relating to children's rights	49% (32)	35% (23)	3% (2)	9% (6)	3% (2)
publicize reports, opinions or recommendations on matters relating to the promotion and protection of children's rights	74% (48)	17% (11)	0% (0)	8% (5)	2% (1)
Promote harmonization of national legislation with the CRC and its Optional Protocols	68% (44)	26% (17)	0% (0)	5% (3)	2% (1)
Review and report on the government's implementation and monitoring of children's rights	72% (47)	20% (13)	2% (1)	3% (2)	3% (2)
Work to ensure that statistics on children are appropriately disaggregated	28% (18)	31% (20)	17% (11)	22% (14)	3% (2)
Assist in the formulation of programmes for the teaching, researching, and integrating of children's rights in the curricula of schools and universities and in professional circles	43% (28)	37% (24)	9% (6)	8% (3)	3% (2)
Provide human rights education for relevant target groups which focus on children	52% (34)	29% (19)	1% (7)	6% (4)	2% (1)
Promote the general public's knowledge about children's rights	72% (47)	20% (13)	3% (2)	2% (1)	3% (2)

Table 12 Work of NHRI on the protection and monitoring of human rights during the past five years

	in general			with respect to children's rights		
	yes	no	no answer	yes	no	no answer
Consider individual complaints and petitions	86% (56)	12% (8)	2% (1)	77% (50)	18% (12)	5% (3)
Carry out investigations	80% (52)	14% (9)	7% (4)	77% (50)	18% (12)	5% (3)
Legal aid or legal support for individual or collective claims	65% (42)	29% (19)	7% (4)	54% (35)	34% (22)	13% (8)
Intervene in court cases ("amicus curiae")	53% (35)	40% (26)	7% (4)	43% (28)	40% (26)	17% (11)
Bring test cases to court	22% (14)	58% (38)	20% (13)	12% (8)	60% (39)	28% (18)
Monitor public institutions	85% (55)	9% (6)	6% (4)	80% (52)	6% (4)	14% (9)
Monitor public and private institutions	72% (47)	20% (13)	8% (5)	52% (34)	25% (16)	23% (15)
Monitor the development of human rights situation in your country	97% (63)	2% (1)	2% (1)	85% (55)	3% (2)	13% (8)

Figure 14 **Existence of other institutions or bodies with a mandate to protect and/or promote children's rights in numbers and per cent**

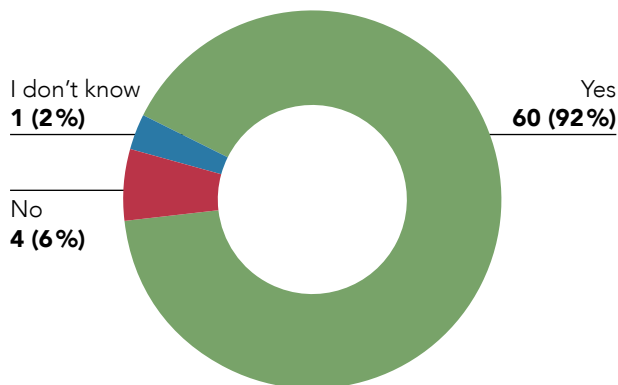


Figure 15 **Collaboration with the other institutions with a mandate to protect and/or promote children's rights, in numbers and per cent**

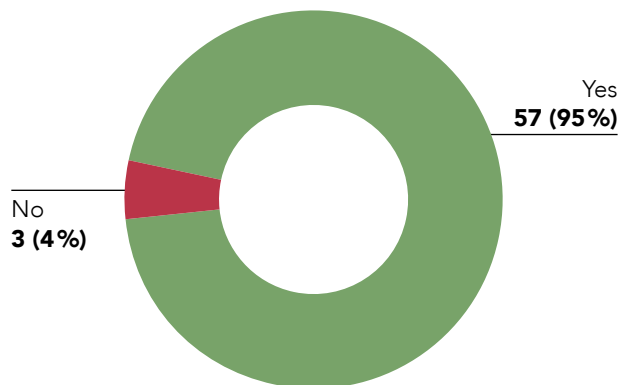


Table 13 **Members of the Task Force**

Name	Country	Function	Institution
Patricia Nduru	Uganda	Director, Monitoring and Inspections	Uganda Human Rights Commission
Noris Mangulama	Malawi	Director for Children's rights	Malawi Human Rights Commission
Mah Weng Kwai	Malaysia	Commissioner	National Human Rights Commission Malaysia (SUHAKAM)
Jerland Joseph	Malaysia	Commissioner	National Human Rights Commission Malaysia (SUHAKAM)
Luz Mila Cardona	Colombia	Deputy Ombudsman for Children, Youth and the Elderly	Ombudsman of Colombia
Mary Lys Silva Popa	Colombia	Chief Office International Affairs	Ombudsman of Colombia
Mr. Eduard Israyelyan	Armenia	Head of Child Rights Protection Unit	Human Rights Defender's Office Republic of Armenia
Ricardo Carvalho	Portugal	Advisor to the Ombudsman	Portuguese Ombudsman
Mitra Motlagh	UNICEF, NYC	Human Rights Specialist	UNICEF
Ileana Bello	GANHRI	Operations Manager	GANHRI Geneva Representative
Agnès Gràcia Corberó	GANHRI	Geneva Representative Assistant	GANHRI Geneva Representative

7.2 | Questionnaire

Mapping of NHRIs roles, activities, experiences with regards to children's rights: Questionnaire for National Human Rights Institutions (NHRI)

Basic information on your National Human Rights Institution

1. Name of your institution

2. Country

3. Name and position of respondent

Work of your NHRI on children's rights

4. Does your institution have: (Please click the ones applicable)

- A commissioner or Ombudsperson responsible for children's rights
- A department, division or unit responsible for children's rights
- A national CRC monitoring mechanism
- A focal person for children's rights
- All units work on children's rights
- None of the above, we do not work on children's rights (Please answer additionally 4a)
- Others, please specify

Comments:

4a) If your NHRI does not work on children's rights, could you please explain why?

5. Does your NHRI have the mandate to receive individual complaints?

- yes
- no
- Others, please explain:

Comments:

6. What were the reasons for your institution to work on children's rights?

(Please click the ones applicable)

- To respond to the broad mandate of an NHRI in line with the Paris Principles
- The ratification of the CRC and/or protocols
- Recommendations in the Concluding Observations by the Committee on the Rights of the Child
- To respond to a specific children's rights related situation (such as child soldiers, child labour, child trafficking); please specify:

- Recommendations as outlined in the Universal Periodic Review (UPR)
- Others, please specify:

- I do not know
- Comments:

7. Please chose up to five children's rights related topics your institution has worked on during the past two years. (Please answer not more than five)

- Child labour
- Migration/Asylum
- Violence against children
- Child trafficking
- Education
- Health care
- Right to be heard (Article 12 CRC)
- Bullying
- Children's rights and SDGs
- Child-related legislation
- Rights of children in conflict with the law
- Child poverty
- Children in armed conflict
- Others, please specify:

- Comments:

Work of your NHRI on other human rights topics

8. Has your NHRI been designated as the monitoring-body under (Please click and list the ones applicable)

- CRPD
- OPCAT (National Preventive Mechanisms, NPM)
- Others, namely:

- Comments:

9. Does your institution work on the rights of specific groups in focus?

(If yes, please click the ones relevant.)

- Women
- Minorities or indigenous peoples
- Persons with disabilities
- Migrants and refugees
- LGBTI (Lesbian, gay, bisexual, transgender and intersex) people
- Elderly people
- Human Rights Defenders
- Others, please specify:

- Comments:

10. Has your institution been working on the 2030 Agenda/Sustainable Development Goals (SDGs) in combination with children's rights?

- Yes
- No
- I do not know
- Comments:

- If so, please outline in which way:

Key aspects of your work on children's rights

11. Does your NHRI do any of the following in your work on children's rights?

General Comment No. 2 on "The Role of Independent National Human Rights Institutions in the Protection and Promotion of the Rights of the Child"⁴⁵ of the Committee on the Rights of the Child sets out a list of the types of activities which NHRIs should carry out in relation to the implementation of children's rights in light of the general principles of the Convention. Which of the ones are you doing mainly?

	regularly	sometimes	never	no answer
Investigate violations of children's rights				
Conduct inquiries on matters relating to children's rights				
publicize reports, opinions or recommendations on matters relating to the promotion and protection of children's rights				
Promote harmonization of national legislation with the CRC and its Optional Protocols				
Review and report on the government's implementation and monitoring of children's rights				

⁴⁵ See CRC/GC/2002/2, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2002%2f2&Lang=en.

	regularly	sometimes	never	no answer
Work to ensure that statistics on children are appropriately dis-aggregated				
Assist in the formulation of programmes for the teaching, re-searching and integrating of children’s rights in the curricula of schools and universities and in professional circles				
Provide human rights education for relevant target groups which focus on children				
Promote the general public’s knowledge about children’s rights				

Comments:

Work of your NHRI on protection and monitoring of children’s rights

12. Did your NHRI do the following work on the protection and monitoring of children’s rights during the last 5 years:

	in general			with respect to children’s rights		
	yes	no	No answer	yes	no	No answer
Consider individual complaints and petitions						
Carry out investigations						
Legal aid or legal support for individual or collective claims						
Intervene in court cases („amicus curiae“)						
Bring test cases to court						
Monitor public institutions						
Monitor public and private institutions						
Monitor the development of human rights situation in your country						
Others						

12a) Please give two examples of your children’s rights activities in the above mentioned fields:

12b) If applicable: What percentage of complaints handled by your institution were brought forward?

by children/youth

on behalf of children

not applicable, we do not have the mandate to receive individual complaints.

12c) Comments

Work of your NHRI on the promotion of children's rights

13. Has your NHRI carried out the following activities during the last 5 years?

	in general			with respect to children's rights		
	yes	no	No answer	yes	no	No answer
Issue reports on the state of human rights in your country						
Contribute to the UPR						
Contribute independently to the reporting process under human rights treaties						
Follow up on recommendations made by regional and international human rights mechanisms (for example Treaty bodies, Human Rights Council)						
Human rights education and training						
Research and policy advice						
Follow up on SDG monitoring						

14. Please provide some examples of your children's rights activities in the following areas:

 Promotion

 Protection

 Monitoring

 Education

 Others

15. Does your NHRI involve children and youth directly in your work?

 Yes

 No

 No answer

15a) If yes, in which way does your NHRI ensure that children and youth can access your institution and be heard by your institution? (Please click the ones applicable)

- We have a children's and young people's advisory council
- We involve children and young people in research activities
- We invite children and young people to events
- We organise awareness raising campaigns about the role of the NHRI among children and youth
- We make sure that information is made available in a child-friendly way (on websites, publications, etc.)
- Others, please specify

- Further comments:

15b) Please describe one successful example of children's participation in your NHRI's work:

16. Please describe one general children's rights activity in your NHRI which you consider as most successful:

17. Did the last round of UPR recommendation/treaty body recommendations on children's rights have an impact the work of your NHRI?

- If yes, please explain how and why

- No
- Not applicable
- Comments:

Your work as an NHRI in regional offices

18. Does your NHRI have regional offices (i.e. offices in places other than the main seat of the NHRI)?

- Yes
- No
- No answer
- Comments:

18a) If yes, what kind of work these regional offices do on children's rights?

- Receiving complaints
- Human rights education (for example at schools, youth centres, etc.)
- Others, please specify:
- Your involvement in NHRI networks

19. Is your NHRI a member in any NHRI-network? (Please click the ones relevant)

- European Network of National Human Rights Institutions (ENNHRI)
- Network of African National Human Rights Institutions (NANHRI)
- Network of the NHRIs of the Americas (RED)
- Asia Pacific Forum of National Human Rights Institutions (APF)
- Other sub regional or cross-regional networks, please specify

20. Which types of activities of an NHRI-network are or would be most useful for your NHRI's work on children's rights?

- Training on children's rights related topics. Please specify which topics
- Training on SDG related topics
- Training on statistics or methods
- Exchange of experiences with other NHRIs
- Others, please specify

- Comments

Challenges you are facing within your NHRI

21. Do you believe your NHRI could work more effectively on children's rights?

- Yes
- No
- No answer
- Comments

21 a) If yes: What are the main challenges facing your NHRI to work more or less effectively on children's rights? (Please click the ones applicable)

- Lack of effective processing of complaints
- Lack of specialized staff
- No means to secure implementation of your recommendations
- Insufficient financial resources
- Others, please specify
- Comments:

Other institutions in your country working on children's rights

22. Are there any other institutions or bodies in your country that have the mandate to protect and/or promote children's rights?

- Yes
- No
- I do not know

22 a) If yes, please specify (name, mandate, and legal basis)

23. Do you collaborate with the above institutions or bodies?

- Yes
- No
- I do not know

23a) If yes, please explain in which way.

23b) Please provide any additional comment, idea, question or remark

Thank you very much for filling in the questionnaire!

Please send the completed questionnaire by Thursday, 31st of August 2017
to the following e-mail address: survey@ganhri.org

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