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**INDEPENDENT HUMAN RIGHTS INSTITUTIONS
FOR CHILDREN AND THE COMMITTEE ON THE
RIGHTS OF THE CHILD REPORTING PROCESS**

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IWP-2009-22

May 2009

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ISSN: 1014-7837

This paper presents an overview of the reporting process to the Committee on the Rights of the Child in relation to independent human rights institutions for children. It examines the Committee's approach towards independent human rights institutions for children, in particular through an analysis of concluding observations. The paper also looks at the involvement of these institutions at various stages of the reporting process. It has been prepared as a background paper to the Global Study on Independent Human Rights Institutions for Children. This initiative is part of UNICEF IRC Study on the General Measures of Implementation of the Convention on the Rights of the Child.

Readers citing this document are asked to use the following form:

Steward, Rébecca (2009), 'Independent Human Rights Institutions for Children and the Committee on the Rights of the Child Reporting Process', *Innocenti Working Paper* No.2009_22, UNICEF Innocenti Research Centre, Florence.

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INDEPENDENT HUMAN RIGHTS INSTITUTIONS FOR CHILDREN AND THE COMMITTEE ON THE RIGHTS OF THE CHILD REPORTING PROCESS

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Abstract: The Committee on the Rights of the Child has been one of the main instigators for the development of independent human rights institutions for the promotion and protection of children's rights. Relying on article 4 of the Convention on the Rights of the Child, it adopted a general comment on this issue in 2002, and now consistently encourages State parties to establish or strengthen such institutions in its concluding observations. Efforts have been made recently with human rights treaty bodies to enhance the involvement of independent institutions at each stage of the reporting process. For independent institutions specifically in charge of monitoring children's rights, this implies an important contribution to the work of the Committee. Their status of independence from their government in the reporting process has been emphasized and some institutions submit a separate report to the Committee. Importantly, institutions have a critical role to play in the follow-up and monitoring of the implementation of the concluding observations of the Committee. Finally, there are other instances where independent institutions can interact with the Committee, beyond the reporting process. These include days of general discussion, the drafting of general comments, and support to campaigns such as the campaign for a CRC complaints mechanism. In conclusion, both the Committee and independent institutions can significantly build on each other to strengthen their capacity to promote the realization of children's rights.

Keywords: independent human rights institutions for children, Committee on the Rights of the Child, reporting process, Convention on the Rights of the Child, monitoring of children's rights

Acknowledgements: Overall management advice and guidance for this paper has been provided by Trond Waage and Vanessa Sedletzki. Special thanks are due to Ines Cerovic for her review of the draft.

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1. INTRODUCTION

The Committee on the Rights of the Child (hereafter CRC Committee) has been one of the main instigators for the development of independent human rights institutions for the promotion and protection of children's rights (hereafter IHRICs). The existence of a specific general comment devoted to this issue constitutes a clear indication of the special importance given to this subject by this treaty body.¹

The concept of independent children's rights institutions has been developed within the framework of article 4 of the Convention on the Rights of the Child (hereafter CRC), which requires States parties to "undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention." The creation of independent institutions is therefore listed by the CRC Committee as a general measure of implementation of the CRC. General measures of implementation are considered by the Committee as "human rights implementation infrastructure, at the core of the process in the full realization of the human rights of children."² Implementation is understood as "the process whereby States Parties take action to ensure the realization of all rights in the Convention for all children in their jurisdiction."³

A comparative and regional analysis of concluding observations (hereafter COBs) issued by the CRC Committee contributes to understanding the Committee's vision and approach on the role, mandate and main characteristics of IHRICs. The Committee's recommendations are, in a way, guidelines for States Parties to put General Comment No. 2 into practice. In this context, there is no doubt that concluding observations play a crucial role in the CRC Committee's strategy to promote the creation and strengthening of IHRICs.

The present paper will also underline that the CRC Committee and IHRICs are key partners in monitoring the effective implementation of the Convention and encouraging the translation of international standards into practice. The reporting and follow-up process provides IHRICs with various strategic opportunities for promoting lasting changes on the ground.

This working paper seeks to provide evidence-based answers to the following questions:

- Is the CRC Committee promoting a specific model of institution for promoting and protecting children's rights?
- Is there a regional approach in the COBs related to independent monitoring?
- What are the main subjects of concerns and recommendations related to independent monitoring?
- Does the explicit reference to the CRC in the legislation that establishes IHRICs influence the degree of interaction between these institutions and the CRC Committee?

¹ Istituto degli Innocenti, *Survey on the CRC Committee's Concluding Observations on the last EU Countries' Reports*, June 2006, p. 11, available at <www.childoneurope.org/activities/pdf/su00-Survey.pdf>.

² Report of the Committee on the Rights of the Child to the General Assembly, Official Records Fifty-Seventh Session, Supplement No. 41 (A/57/41), 2002, para. 14, p. 12.

³ Committee on the Rights of the Child, General Comment No. 5 (2003): General Measures of Implementation of the Convention on the Rights of the Child, CRC/GC/2003/5, para. 1.

- Are IHRICs interacting differently from general national human rights institutions (hereafter NHRIs) with the CRC Committee?
- When and how can IHRICs intervene in the CRC Committee reporting process? Is the model of institutions (separate or integrated) influencing the degree of interaction with the CRC Committee? (Separate institutions are independent institutions whose mandate is solely focused on children's rights. In other instances, an independent institution covering all human rights has an integrated office or division working specifically on children's rights.)
- Are IHRICs addressing and working on the same issues as the CRC Committee and vice versa? What is the impact of COBs on the substantive issues examined by IHRICs? Are IHRICs using COBs to select priority issues to be addressed at the national level? How do COBs influence and inform IHRICs?
- Why should IHRICs be encouraged to engage with the CRC Committee?

2. ANALYSIS OF CRC COMMITTEE CONCLUDING OBSERVATIONS ON INDEPENDENT HUMAN RIGHTS INSTITUTIONS FOR CHILDREN

The CRC Committee now consistently encourages State Parties, whose periodic reports on the application of the CRC it examines, to establish or strengthen independent human rights institutions for children. The Committee recommends that these be in line with the 'Paris Principles', the main guiding standards on human rights institutions adopted by the UN General Assembly in 1993, and CRC Committee General Comment No. 2 focusing on the role of independent institutions for children's rights.⁴ This treaty body also addresses this specific issue when it monitors the implementation of two optional protocols to the CRC, on involvement of children in armed conflict (hereafter OPAC) and on sale of children, child prostitution and child pornography (hereafter OPSC).⁵

The format of the CRC Committee's COBs has evolved slightly since the beginning of its work. Generally speaking, efforts have been made to increasingly standardize concluding observations issued by treaty bodies, and by 2002 a more or less common structure had emerged.⁶ The CRC Committee's COBs usually contain the same aspects, namely, introduction; positive aspects (including progress achieved); factors and difficulties impeding implementation; principal subjects of concerns and recommendations addressed to the State Party.⁷ This common structure facilitates a comparative analysis of their content. Since 1999,

⁴ UNICEF, *Implementation Handbook for the Convention on the Rights of the Child*, fully revised 3rd ed., Sept. 2007, p. 66. The 'Paris Principles' relating to the status and functioning of national institutions for protection and promotion of human rights were adopted by the UN General Assembly in its Resolution A/RES/48/134 of 20 Dec. 1993.

⁵ See, for instance, COBs on Chile (CRC/C/OPSC/CHL/CO/1, 1 Feb. 2008, paras 17–18 and CRC/C/OPAC/CHL/CO/1, 1 Feb. 2008, paras 8–9); on Ireland (CRC/C/OPAC/IRL/CO/1, 1 Feb. 2008, paras 8–9) and on United States of America (CRC/C/OPSC/USA/CO/1, 6 June 2008, paras 17–18).

⁶ O'Flaherty, M.C., 'The Concluding Observations of United Nations Human Rights Treaty Bodies', *Human Rights Law Review*, Vol. 6, No. 1, 2006, p. 31.

⁷ 'Committee on the Rights of the Child: Working methods', <www2.ohchr.org/english/bodies/crc/workingmethods.htm#a2c>.

the last section entitled ‘Principal areas of concerns and recommendations’ is divided into various thematic subsections. The first thematic subsection on general measures of implementation almost systematically contains specific recommendations on the establishment and mandate of independent human rights institutions for children under the title ‘independent monitoring’. Since 2000, there have been very few concluding observations that completely ignore the issue of IHRICs.⁸ However, sometimes the CRC Committee only refers to the issue by welcoming and acknowledging their establishment and work, without expressing any specific subjects of concerns or recommendations.⁹

From a chronological perspective, Jaap E. Doek has pointed out that, although the CRC Committee paid attention to the establishment of independent human rights institutions from the beginning of its work, its recommendations on this specific issue did not show a consistent approach.¹⁰ Indeed, the range of the content of the CRC Committee’s concerns and recommendations reflected a mixed picture that can be systematized as follows:

- (a) No explicit mention of any monitoring system.¹¹
- (b) Stressing the need to ensure the effective monitoring of the Convention without drawing a clear distinction between self-monitoring and independent monitoring.¹²
- (c) Expressing concern at the absence of an independent mechanism to address violations of children’s rights.¹³
- (d) Recommending setting up an independent monitoring mechanism for children.¹⁴
- (e) Welcoming the establishment of an independent national human rights institution, such as an Ombudsman, or/and an independent mechanism for children.¹⁵

⁸ Examples include COBs on Peru (CRC/C/15/Add.120, 22 Feb. 2000); on Guatemala (CRC/C/15/Add.154, 9 July 2001), on Portugal (CRC/C/Add.162, 6 Nov. 2001), on Austria (CRC/C/15/Add.251, 31 Mar. 2005).

⁹ Examples include COBs on Macedonia (CRC/C/15/Add.118, 23 Feb. 2000, para. 3), on Norway (CRC/C/15/Add.126, 28 June 2000, para. 4), on Spain (CRC/C/15/Add.185, 13 June 2002, para. 7), on France (CRC/C/15/Add.240, 30 June 2004, para. 3) and on Costa Rica (CRC/C/15/Add.266, 21 Sept. 2005, para. 10).

¹⁰ Doek, Jaap E. (2008), ‘Independent Human Rights Institutions for Children’, *Innocenti Working Paper* No. 2008-06, UNICEF Innocenti Research Centre, Florence.

¹¹ Examples include COBs on Egypt (CRC/C/15/Add.5, 18 Feb. 1993), on Costa Rica (CRC/C/15/Add.11, 18 Oct. 1993), on El Salvador (CRC/C/15/Add.9, 18 Oct. 1993), on France (CRC/C/15/Add.20, 25 Apr. 1994), on Ecuador (CRC/C/15/Add.93, 26 Oct. 1998).

¹² Examples include COBs on Bolivia (CRC/C/15/Add.1, 18 Feb. 1993, para. 7), on Mexico (CRC/C/15/Add.13, 7 Feb. 1994, para. 7), on Chile (CRC/C/15/Add.22, 25 Apr. 1994, para. 15), on Pakistan (CRC/C/15/Add.18, 25 Apr. 1994, para. 25), on Paraguay (CRC/C/15/Add.27, 24 Oct. 1994, para. 5), on Colombia (CRC/C/15/Add.30, 15 Feb. 1995, paras 10 and 14), on Jamaica (CRC/C/15/Add.32, 15 Feb. 1995, para. 8), on Philippines (CRC/C/15/Add.29, 15 Feb. 1995, para. 20), on Belgium (CRC/C/15/Add.38, 20 June 1995, para. 13), on Canada (CRC/C/15/Add.378, 20 June 1995, para. 9), on Australia (CRC/C/15/Add.79, 10 Oct. 1997, para. 24), on Venezuela (CRC/C/15/Add.109, 2 Nov. 1999).

¹³ Examples include COBs on Belize (CRC/C/15/Add.99, 10 May 1999, para. 11).

¹⁴ Examples include COBs on Argentina (CRC/C/15/Add.35, 15 Feb. 1995, para. 15), on Nicaragua (CRC/C/15/Add.36, 20 June 1995, para. 29), on Croatia (CRC/C/15/Add.52, 13 Feb. 1996, para. 22), on Finland (CRC/C/15/Add.53, 15 Feb. 1996, para. 23), on Panama (CRC/C/15/Add.68, 24 Jan. 1997), on Ireland (CRC/C/15/Add.85, 4 Feb. 1998, para. 9), on Luxembourg (CRC/C/15/Add.92, 24 June 1998, para. 25).

¹⁵ Examples include COBs on Norway (CRC/C/15/Add.23, 25 Apr. 1994, para. 3), on Denmark (CRC/C/15/Add.33, 15 Feb. 1995, para. 6), on Portugal (CRC/C/15/Add.45, 27 Nov 1995, para. 6), on Iceland (CRC/C/15/Add.50, 13 Feb. 1996, para. 6), on Guatemala (CRC/C/15/Add.58, 7 June 1996, para. 5), on Austria (CRC/C/15/Add.98, 7 May 1999, para. 4).

According to Jaap E. Doek, the adoption of General Comment No. 2 in 2002 constituted a turning point, since it contributed to conceptual clarification and to harmonizing the content of the concluding observations. A general overview of the CRC Committee's recommendations related to independent monitoring shows that the harmonization process has been progressive and started a couple of years before the adoption of General Comment No. 2 in 2002.¹⁶ The idea of developing a general comment on IHRICs was officially raised by the Committee during a general discussion meeting entitled 'Tenth Anniversary of the Convention on the Rights of the Child Commemorative Meeting: Achievements and challenges' held on 30 September and 1 October 1999.¹⁷ Therefore, it could be argued that the harmonization process may have started during the process of elaboration of the general comment.

A review of subjects of concerns and recommendations expressed by the CRC Committee related to IHRICs during the period 2000–2008, shows that the Committee has been addressing a limited number of issues related to the establishment, functioning and mandate of such institutions.¹⁸ There is a clear tendency to prioritize some of the essential elements that have been developed in General Comment No. 2. Recommendations to States Parties to establish a specific independent mechanism for children, to provide adequate political, human and financial support, to ensure geographical coverage and accessibility to children, to confer explicit powers to monitor the implementation of the Convention and to deal with individual complaints of violations of children's rights and provide remedies in a child-sensitive and expeditious way, as well as to seek technical assistance from UNICEF and the Office of the High Commissioner for Human Rights (OHCHR) are the most common recommendations issued by the Committee during the period under consideration. This trend reflects the CRC Committee's view on the nature and role of independent human rights institutions for children as independent monitoring entities. According to the CRC Committee, a system for receiving and addressing individual complaints by children of violations of their rights is "integral to independent monitoring."¹⁹

Issues related to the establishment process of IHRICs, pluralistic representation, participation and cooperation with the Committee and non-governmental organizations (hereafter NGOs) are not or are very rarely addressed in the concluding observations, while they are included in General Comment No. 2. For instance, concerning the countries analysed in the matrix, the CRC Committee only once recommended ensuring that "children and children's organizations are effectively involved in their establishment and activities."²⁰ In addition, the critical issue of independence is little examined by the Committee. In this context, the

¹⁶ Examples include COBs on Gambia (CRC/C/15/Add.165, 6 Nov. 2001, para. 18), on India (CRC/C/15/Add.115, 23 Feb. 2000, para. 13), on Malta (CRC/C/15/Add.129, 28 June 2000, para. 12), and on Colombia (CRC/C/15/Add.137, 16 Oct. 2000, para. 25).

¹⁷ "Guidelines should be developed for the effective promotion of the human rights of children by national human rights institutions," Tenth Anniversary Commemorative Meeting, excerpted from CRC/C/87, Annex IV, 22nd Session, 30 Sept.–1 Oct. 1999, para. 291u).

¹⁸ For an analysis of COBs on European countries, see Istituto degli Innocenti, *Survey on the CRC Committee's Concluding Observations*, op. cit., pp. 11–13.

¹⁹ Report of the Committee on the Rights of the Child to the General Assembly, Fifty-Seventh Session, op. cit., para. 25, p. 14.

²⁰ COBs on United Kingdom (CRC/C/15/Add.188, 9 Oct. 2002, para. 17).

recommendation to Norway to “further enhance the independence of the Children’s Ombudsman” in 2005 appears exceptional.²¹

Specialized human rights institutions for children have been established in a growing number of States Parties, especially in Europe. In its biannual report to the General Assembly submitted in 2002, the CRC Committee acknowledged that “some countries have ombudspersons, ombudspersons for children, child rights commissioners, or national human rights commissions,” but also stressed that “no one specific model is favoured by the Committee.”²² According to Jaap E. Doek, in its General Comment No. 2 the CRC Committee implicitly expressed a preference for separate independent monitoring institutions, rather than integrated ones.²³ However, in a context of limited resources, the best approach, in the CRC Committee’s view, is the “development of a broad-based NHRI that includes a specific focus on children.”²⁴ Is this approach clearly reflected in its concluding observations since 2000?

There is no clear-cut reply to this question. Tables 1.1 and 1.2 are intended to summarize the CRC Committee’s approach related to models of IHRICs. According to table 1.1, when there is no national independent human rights institution in the country concerned, the CRC Committee has almost always shown a preference for an integrated model; it recommends establishing a national institution, whose mandate explicitly includes monitoring the CRC and dealing with individual complaints for violations of children’s rights.²⁵ This marked preference may be explained by various factors, including the expression of precaution from the CRC Committee as well as the fact that most of the countries concerned have limited resources.

According to table 1.2, when there is already a national independent human rights institution in the country under consideration, the CRC Committee’s approach is less clear than in table 1.1. In some cases, the treaty body is rather neutral; it does not express a preference for a specific model of institution, and instead often explicitly points out both models. For instance, in 2006, the Committee recommended to the Republic of Congo that it “establish a special commissioner within the National Human Rights Commission or a separate child

²¹ COBs on Norway (CRC/C/15/Add.263, 21 Sept. 2005, para. 11). The issues of Norwegian ombuds for children’s independence and approval of its budget by Parliament were raised by Committee’s members during the public session; for additional information, see ‘Compte-rendu analytique de la 1036ème séance du Comité des Droits de l’Enfant’, CRC/C/SR.1036, 31 May 2005, paras 23, 58–60.

²² Report of the Committee on the Rights of the Child to the General Assembly, Fifty-Seventh Session, op. cit., para. 24, p. 14.

²³ Doek, Jaap E., ‘The Implementation of the CRC’, op. cit., p. 11.

²⁴ Committee on the Rights of the Child, General Comment No. 2 (2002): The Role of Independent National Human Rights Institutions in the Promotion and Protection of the Rights of the Child, CRC/GC/2002/2, para. 6

²⁵ Examples include COBs on Saudi Arabia (CRC/C/15/Add.148, 22 Feb. 2001, para. 18), on Japan (CRC/C/15/Add.231, 26 Feb. 2004, para. 15), on Guyana (CRC/C/15/Add.224, 26 Feb. 2004, para. 13), on Brazil (CRC/C/15/Add.241, 3 Nov. 2004, para. 20), on Angola (CRC/C/15/Add.269, 30 Sept. 2005, para. 17), on China (CRC/C/15/Add.271, 30 Sept. 2005, para. 17), on Lebanon (CRC/C/LBN/CO/3, 8 June 2006, para. 16), on Chile (CRC/C/CHL/CO/3, 23 Apr. 2007, para. 15), and on Uruguay (CRC/C/URY/CO/2, 5 July 2007, para. 15). However, in the specific case of Benin, the Committee pointed out both models (CRC/C/BEN/CO/2, 29 Sept. 2006, para. 16); for additional information about Benin, see ‘Compte-rendu analytique de la 1181ème séance du Comité des Droits de l’Enfant (CRC/C/SR.1181, 21 Nov. 2006, paras 18, 31, 33, 42, 48–9, 57).

commissioner outside the Commission.”²⁶ In other cases, the Committee explicitly recommends an integrated model.²⁷

One conclusion that can be drawn from both tables is that, in the case of the countries under consideration there, the CRC Committee has never exclusively recommended the establishment of specialized human rights institutions for children. From a ‘political point of view’, the CRC Committee may show precaution on this issue.

Table 1.1: CRC Committee recommendations: case 1, country where there is no national human rights institution

Country	Date COBs	Both models	Integrated model	Separate model
Saudi Arabia	Feb. 2001		x	
Egypt	Feb. 2001		x	
Guyana	Feb. 2004		x	
Japan	Feb. 2004		x	
Brazil	Nov. 2004		x	
Angola	Sept. 2005		x	
China	Sept. 2005		x	
Lebanon	June 2006		x	
Benin	Sept. 2006	x		
Chile	April 2007		x	
Suriname	June 2007		x	
Uruguay	July 2007		x	
Eritrea	June 2008		x	

Table 1.2: CRC Committee recommendations: case 2, country where there is a national human rights institution without any specific mandate on children’s rights

Country	Date COBs	Both models	Integrated model	Separate model
Gambia	Nov. 2001	x		
Argentina	Oct. 2002	x		
Slovenia	Feb. 2004	x		
Antigua and Barbuda	Nov. 2004	x		
Bolivia	Feb. 2005	x		
Belize	Mar. 2005	x		
Philippines	June 2005		x	
Algeria	Sept. 2005		x	
Uganda	Sept. 2005	x		
Congo	Sept. 2006	x		
Mali	May 2007		x	
Kenya	June 2007		x	
Kazakhstan	June 2007		x	
Maldives	July 2007		x	
Timor Leste	Feb. 2008		x	
Bulgaria	June 2008	x		
Serbia	June 2008	x		
Sierra Leone	June 2008		x	

²⁶ COBs on Republic of Congo (CRC/C/COG/CO/1, 29 Sept. 2006, para. 13); other examples include COBs on Gambia (CRC/C/15/Add.165, 6 Nov. 2001, para. 18), on Argentina (CRC/C/15/Add.187, 9 Oct. 2002, para.22), on Slovenia (CRC/C/15/Add.230, 26 February 2004, para.9), on Antigua and Barbuda (CRC/C/15/Add.247, 3 Nov. 2004, para. 16), on Belize (CRC/C/15/Add.252, 31 Mar. 2005, para. 14), on Bolivia (CRC/C/15/Add.256, 11 Feb. 2005, para. 12), and on Uganda (CRC/C/15/Add.270, 30 Sept. 2005, para. 19).

²⁷ Examples include COBs on Philippines (CRC/C/15/Add.258, 3 June 2005, para. 13) and on Kenya (CRC/C/KEN/CO/2, 19 June 2007, para. 13).

As mentioned earlier, the adoption of General Comment No. 2 enables the CRC Committee to better develop a consistent approach regarding IHRICs in its concluding observations. This harmonization process has left little room for regional diversity. A systematic comparison clearly shows formal and substantial similarities of concerns and recommendations whether among countries in the same region or among countries in different regions. Therefore, up to now, the CRC Committee has not adopted a regional approach to the issue of IHRICs. Indeed, there is no clear indication that the treaty body is either formulating subjects of concern and recommendations specific to each region, or prioritizing issues according to the region. National specificities, especially the institutional framework, seem to explain slight differences and variations in the CRC Committee's concluding observations. In other words, concerns and recommendations may vary slightly from country to country and not from region to region.

Broadly speaking, the CRC Committee's approach to IHRICs may be summarized in four typical case scenarios, as depicted in table 1.3. The key factor of variation is the existence of an independent national human rights institution in the country concerned.

It would be interesting to assess the impact of these recommendations related to IHRICs at national level. This complex issue will be further addressed in the following section of this paper. However, it is noteworthy that the CRC Committee sometimes acknowledged that the establishment of an IHRIC was a follow-up measure to its previous recommendations.²⁸

The CRC Committee's recommendations related to independent monitoring contribute to raising awareness and increasing visibility of these mechanisms at both international and national levels. From the point of view of the IHRICs, the CRC Committee's strong support and advocacy may contribute to enhancing their legitimacy and credibility at national level. On the other hand, the existence of strengthened IHRICs is beneficial for the CRC Committee, as these institutions become trustworthy partners responsible for monitoring, promoting and protecting the implementation of children's rights.

²⁸ Examples include COBs on Sweden (CRC/C/15/Add.101, 10 May 1999, para. 8), on Costa Rica (CRC/C/15/Add.117, 24 Feb. 2000, para. 6) and on France (CRC/C/15/Add.240, 30 June 2004, para. 3). Concerning the Commission for Children's Rights in the Flemish Community of Belgium, "the creation of the Commission was motivated not only by the existence of the Convention, but by any effort to respond to the recommendations of the Committee on the Rights of the Child in its concluding observations on Belgium's report"; in Alston, Philip and John Tobin, *Laying the Foundations for Children's Rights: An independent study of some key legal and institutional aspects of the impact of the Convention on the Rights of the Child*, Innocenti Insight, UNICEF Innocenti Research Centre, Florence, 2005, p. 42.

Table 1.3: CRC Committee recommendations: four typical case scenarios

	Main recommendations	Examples of country and date of COBs
Case 1: Country where there is no independent national human rights institution	<ul style="list-style-type: none"> • to establish an independent national human rights institution explicitly empowered to monitor implementation of the CRC and to deal with complaints from children in a sensitive manner • to provide adequate political, human and financial support • to seek technical assistance from UNICEF and OHCHR 	Angola (2004) Benin (2006) Brazil (2005) Chile (2002) China (2005) Egypt (2001) Guyana (2004) Japan (2004) Lebanon (2006) Saudi Arabia (2001) Uruguay (2007) ...
Case 2: Country where there is an independent national human rights institution without any specific mandate on children's rights	<ul style="list-style-type: none"> • to establish independent mechanism with a specific mandate to monitor implementation of the CRC and to deal with complaints from children in a sensitive manner (integrated or separate model) • to provide adequate political, human and financial support • to seek technical assistance from UNICEF and OHCHR 	Algeria (2005) Antigua and Barbuda (2004) Argentina (2002) Belize (2005) Bolivia (2005) Gambia (2001) Kenya (2007) Pakistan (2003) Paraguay (2001) Philippines (2005) Republic of Congo (2006) Slovenia (2004) Uganda (2005) ...
Case 3: Country where there is an independent national human rights institution with a specific mandate on children's rights (integrated model)	<ul style="list-style-type: none"> • to provide adequate political, human and financial support • to ensure geographical coverage • to ensure access to a child friendly complaint mechanism • to enhance independence 	Colombia (2006) Costa Rica (2000) Ecuador (2005) El Salvador (2004) Guatemala (1996) Malawi (2002) Mexico (2006) Nicaragua (2005) Panama (2004) Venezuela (2007) ...
Case 4: Country where there is an independent human rights institution for children (separate model)	<ul style="list-style-type: none"> • to provide adequate political, human and financial support • to enhance independence • to confer power to deal with individual complaints • to ensure access to child friendly complaint mechanism • to ensure geographical coverage (including at provincial level) • to conduct an awareness-raising campaign to promote use of the mechanism by children • to clearly define the role of national institutions • to have formal advisory functions and present an annual report to Parliament 	Australia (2005) Belgium (2002) Canada (2003) Croatia (2004) Finland (2005) France (2004) Malta (2000) New Zealand (2003) Norway (2000) ...

3. INTERACTIONS BETWEEN INDEPENDENT HUMAN RIGHTS INSTITUTIONS AND THE CRC COMMITTEE

Some general remarks

The issue of interactions between IHRICs and the CRC Committee should be analysed within the more general ongoing discussion of interaction between independent national human rights institutions and human rights treaty bodies. However, the specificity of IHRICs, their sound expertise on children's rights and realities on the ground, as well as their special interaction and partnerships with children and adolescents at national level, must be also taken into account in this analysis.

The inter-committee meeting of human rights treaty bodies has regularly addressed the role played by NHRIs in the work of treaty bodies.²⁹ For the first time in 2005, the inter-committee met with representatives of national human rights institutions.³⁰ During this meeting, members of treaty bodies called for more and deeper involvement by national human rights institutions in their work. Furthermore, in 2007, the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights highlighted

the importance for NHRIs to engage with the international human rights system, in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms and following up at the national level to the recommendations resulting from the international human rights system.³¹

Representatives of NHRIs, civil society and treaty bodies met in Berlin in November 2006 to discuss interaction between NHRIs and treaty bodies. This international roundtable led to the adoption of a draft harmonized approach to NHRI engagement with the treaty body process, to be submitted for consideration and adoption by the inter-committee meeting of human rights treaty bodies.³² This draft document stressed that "NHRIs and United Nations human rights treaty bodies are close partners in the common pursuit of the promotion and protection of human rights" and recommended a number of common proposals to be followed by treaty

²⁹ "In light of the important role played by national human rights institutions (NHRIs) in encouraging States to report, as well as in monitoring the implementation of concluding observations, the establishment of well-functioning and independent NHRIs was encouraged." Report of the third inter-committee meeting of human rights treaty bodies (21–22 June 2004), A/59/254, 11 Aug. 2004, para. 12; see also Report of the fourth inter-committee meeting of human rights treaty bodies (20–22 June 2005), A/60/278, 19 Aug. 2005, paras 28–32; Report of the fifth inter-committee meeting of human rights treaty bodies, A/61/385, 25 Sept. 2006, para. 12; Report of the sixth inter-committee meeting of human rights treaty bodies, A/61/385, 13 Aug. 2007, paras 37–39.

³⁰ Report of the fourth inter-committee meeting (2005), *op. cit.*, para. 28.

³¹ General Observation developed by the subcommittee at its October 2007 session, Interaction with the International Human Rights System, Report and Recommendations of the Sub-Committee on Accreditation (Geneva, 22–26 Oct. 2007) submitted at the 20th Session of the International Coordinating Committee, p. 16, <<http://nhri.net/2008/6%20-%20Report%20Sub-Committee%20October%202007%20FINAL-English.pdf>>.

³² Conclusions of the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies (Berlin, 23–24 Nov. 2006), HRI/MC/2007/3, 7 Feb. 2007.

bodies related to reporting, petitions and enquiry, follow-up, thematic engagement, and protection capacity. Efforts to harmonize treaty bodies' practices and enhance their engagement with NHRIs are still needed, as reflected by this document.

The United Nations, in close collaboration with treaty bodies, organized a number of workshops on reporting to treaty bodies and follow-up to and implementation of concluding observations.³³ These training workshops are directed at governments and other relevant stakeholders, including NHRIs, NGOs and media. Since 2003, OHCHR and UNICEF have also been organizing regional and sub-regional workshops to follow up on implementation of the concluding observations of the CRC Committee.³⁴ Other similar activities have also been directed specifically at NHRIs.³⁵ The following statement clearly reflects the value-added of interaction between NHRIs and treaty bodies: "While NHRIs are the key element of strong national human rights protection systems, the international role is critically important. The more NHRIs are able to contribute information to, participate actively in the international human rights system, and follow up to their recommendations, the more they enhance and strengthen their national position. NHRIs and UN human rights Treaty Bodies are natural partners in the protection and promotion of human rights."³⁶

The main function of the CRC Committee is to monitor the implementation of the CRC by States Parties through the examination of periodic reports. Therefore, interactions between IHRICs and the CRC Committee mainly occur during the reporting process. However, as will be explained below, there are other opportunities for engagement with the treaty body yet to be further explored by IHRICs.

Involvement in the reporting process

In compliance with article 44 of the CRC, States Parties periodically submit to the CRC Committee reports on the measures they have adopted which give effect to the rights recognized in the Convention and on the progress made on the enjoyment of those rights. The reporting system is "an important tool for a State in assessing what has been achieved, and what more needs to be done, to promote and protect human rights in the country."³⁷

³³ Examples include the Pilot Workshop for Dialogue on the Concluding Observations of the Human Rights Committee (Quito, Ecuador, Aug. 2002), HRI/TB/FU/1.

³⁴ Workshops in Syria (2003), Thailand (2004), Qatar (2005), Argentina (2005), Fiji (2006), Costa Rica (2006), Burkina Faso (2007); additional information at <www2.ohchr.org/english/bodies/crc/follow-up.htm>.

³⁵ Examples include Workshop on Implementation of International Recommendations by NHRIs (Cartagena de Indias, Colombia, 16–19 Apr. 2007) <www.portalfio.org/inicio/content/view/29/116>; Workshop on National Human Rights Institutions and Treaty Bodies (Geneva, 26–28 Nov. 2007).

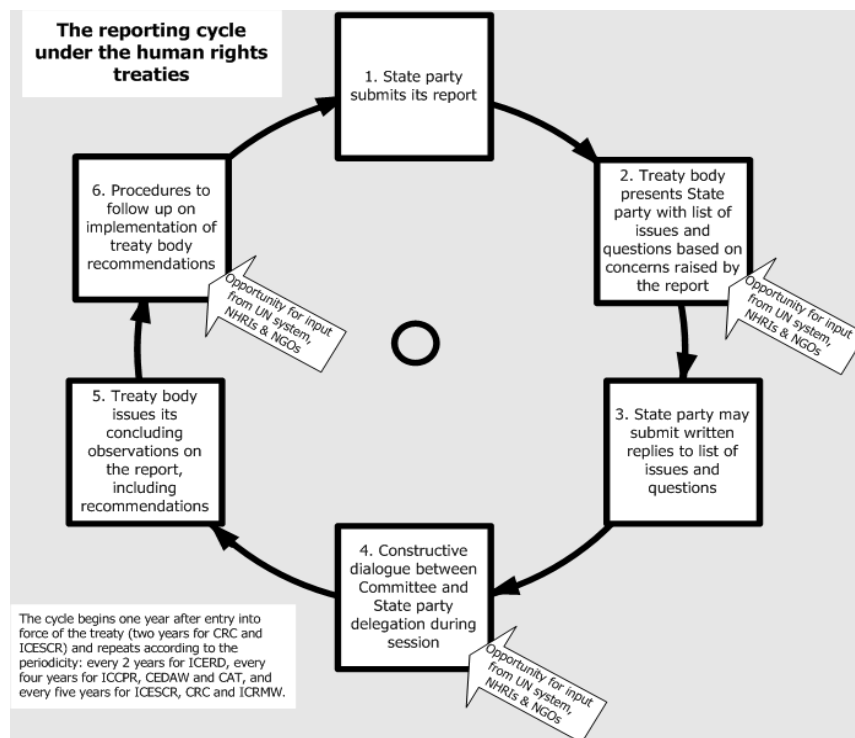
³⁶ 'Conclusions of the Workshop on National Human Rights Institutions and Treaty Bodies' (Geneva, 26–28 Nov. 2007), para. 3, <www.nhri.net/default.asp?PID=281&DID=0>.

³⁷ OHCHR, Fact Sheet No. 30: 'The United Nations Human Rights Treaty System', p. 19, <www.ohchr.org/Documents/Publications/FactSheet30en.pdf>; "The reporting process should be seen as a means for States to assess achievements and identify implementation gaps. Ideally, this process informs national debates on human rights issues and creates new constituencies in support of human rights. This is, indeed, its *raison d'être*." 'OHCHR Plan of Action: Protection and Empowerment', Geneva, May 2005, para. 95, <www2.ohchr.org/english/planaction.pdf>.

Under article 45(a) of the CRC, the CRC Committee may invite “specialized agencies, UNICEF and other competent bodies it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.” The term “other competent bodies” includes NGOs as well as NHRIs and IHRICs. The Convention is the only international human rights treaty that expressly gives to other entities a role in monitoring its implementation.³⁸ This explicit provision in the CRC provides a legal ground for IHRICs in order to interact with the CRC Committee. However, it is noteworthy that information for partners available at the CRC Committee’s website is expressly directed only at NGOs.³⁹

The reporting process is an ongoing and cyclical process that also enables various stakeholders other than governmental representatives to play a crucial and active role; it “should be the catalyst for national reflection and review.”⁴⁰ As shown by figure 3.1, there are various entry points in this process for other actors, including IHRICs.

Figure 1.



Source: OHCHR, <www2.ohchr.org/english/bodies/docs/ReportingCycle.gif>.

According to the Paris Principles, one of the responsibilities of NHRIs is “to contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations, and, where necessary, to express an

³⁸ Guidelines for the Participation of Partners (NGOs and individual experts) in the Pre-sessional Working Group of the Committee on the Rights of the Child, CRC/C/90, Annex VIII, para. 1.

³⁹ See <www2.ohchr.org/english/bodies/crc/partners.htm>.

⁴⁰ Tenth Anniversary Commemorative Meeting, excerpted from CRC/C/87, op. cit., para. 27.

opinion on the subject, with due respect for their independence.”⁴¹ The Standards for Independent Children’s Rights Institutions set by the European Network of Ombudspersons for Children (ENOC) provide that IHRICs must “contribute independently to the monitoring and reporting process under the CRC and other relevant instruments.” Furthermore, in General Comment No. 2, the CRC Committee stressed:

NHRIs should contribute independently to the reporting process under the Convention and other relevant international instruments and monitor the integrity of government reports to international treaty bodies with respect to children’s rights, including through dialogue with the Committee on the Rights of the Child at its pre-sessional working group and with other relevant treaty bodies.⁴²

To sum up, the Paris Principles, ENOC Standards, and General Comment No. 2 highlight the fact that these institutions must interact independently with the CRC Committee, since independence is one of their core features and strengths.

The role of children’s ombudspersons in the process of examination of national reports on the implementation of the CRC was discussed during the Tenth Annual Meeting of ENOC held in Athens in September 2006.⁴³ International and regional networks of IHRICs, such as ENOC, could offer an adequate space for members to exchange knowledge and experiences on the reporting process. In this regard, it has been suggested that “ENOC could play a similar role as the NGO Group for the Convention on the Rights of the Child has done for NGOs in facilitating communications from a central place to help ombudsmen and the Committee on the Rights of the Child.”⁴⁴

In this context, it may be interesting to assess whether the explicit reference to the UN Convention on the Rights of the Child in the law that establishes an IHRIC influences the degree of interaction between this institution and the CRC Committee. In the specific case of Europe, 19 institutions from 14 countries said in their answers to the UNICEF IRC online survey that their respective legislation explicitly refers to the CRC, namely Austria, Belgium (Flemish community), Croatia, Finland, France, Ireland, Luxembourg, Malta, Norway, Poland, Russia, Spain (Madrid), Sweden, United Kingdom.⁴⁵ As will be analysed below, some of these institutions have actually played an active role in the CRC Committee reporting process.

⁴¹ Paris Principles, para. 3(d).

⁴² Committee on the Rights of the Child, General Comment No. 2, op. cit., para. 20.

⁴³ Report of the Tenth Annual Meeting of ENOC, Athens, 26–28 Sept. 2006, pp. 12–14, <www.ombudsnet.org/docs/ENOC_Athens_report_2006_text%20FINAL.doc>.

⁴⁴ Report from a seminar on the development of independent human rights institutions for children, Stockholm, 18 Feb. 2008, Save the Children Sweden, p. 7.

⁴⁵ In the context of its global study on independent human rights institutions for children, UNICEF IRC developed an online survey to be filled in by IHRICs, the Ombudsperson Survey conducted in 2007. Question 16 (integrated institution) and question 90 (separate institution) asked whether the law establishing the ombudsman for children explicitly refers to the UN Convention on the Rights of the Child. Independent institutions in Belgium (French Community), Greece, Iceland, Lithuania and Spain (Cataluña) gave a negative answer.

The developments below analyse practical ways for IHRICs to participate in and influence the reporting process.⁴⁶ Interaction in the reporting process encompasses a wide range of initiatives and activities undertaken by IHRICs at both national and international levels. This analysis also constitutes an opportunity to highlight the degree of proactiveness of IHRICs as well as the value added of their work in comparison with general human rights institutions.

In-country preparatory phase

IHRICs could contribute in the preparatory phase of the reporting process in various ways, including:

- reminding the State Party of its reporting obligations and encouraging submission of the State Party official report in a timely manner;
- encouraging the State Party to conduct an open and participative process for the elaboration of the official report and to involve non-state actors, especially NGOs, children and children's organizations;
- promoting respect for the views of children in the drafting of the official report;
- being consulted during the drafting of State Party report;⁴⁷
- holding consultative meetings with children and adolescents;
- elaborating and submitting a supplementary report (also called 'shadow' or 'alternative' report) to the CRC Committee prior to the public consideration of the State Party report.

Although NHRIs must function independently in line with the Paris Principles, they are public institutions that 'belong' to the State. Consequently, the CRC Committee requests that State Parties include "detailed information on the legislative basis and mandate and principal relevant activities of NHRIs in their reports to the Committee."⁴⁸ In practice, State Parties' reports often contain detailed information about independent monitoring, including about establishment, mandate and activities.⁴⁹ This fact constitutes an additional argument for IHRICs to take part in the reporting process.

In practice, as evidenced in table 2.1, IHRICs from Europe, Latin America and the Pacific have been submitting supplementary reports to the CRC Committee, on their own initiative or upon the CRC Committee's request. IHRICs have the ability to recommend changes in legislation, policies and practices to the CRC Committee based on knowledge, expertise and evidence they have gathered about the situation of children and violations of their rights,

⁴⁶ See Conclusions of the International Roundtable, 7 Feb. 2007, op. cit., para. 3 (regarding treaty body reporting);

Doek, Jaap E. (2008), 'Independent Human Rights Institutions for Children', *Innocenti Working Paper No. 2008-06*, UNICEF Innocenti Research Centre, Florence.

⁴⁷ "It is appropriate for States parties to consult with independent human rights institutions during the preparation of reports to the Committee. However, States parties must respect the independence of these bodies and their independent role in providing information to the Committee. It is not appropriate to delegate to NHRIs the drafting of reports [...]" Committee on the Rights of the Child, General Comment No. 2, op. cit., para. 21.

⁴⁸ Ibid.

⁴⁹ For instance, see Second Periodic Report of Canada, CRC/C/83/Add.6 12 Mar. 2003, paras 595–596, 827, 831, 894, 900, and 1029–1032.

from their work on the ground and especially from handling and resolving individual and collective cases.⁵⁰

Table 2.1: Supplementary reports submitted by IHRICs to the CRC Committee

Date	Country	Supplementary report submitted to the CRC Committee
Nov. 2001	Belgium	Submission of supplementary report to CRC Committee by the Children's Rights Commissioner, Flemish Community, regarding the Second Report of Belgium ^a
2002	Sweden	The opinion of the Children's Ombudsman concerning the Swedish Government Report of 2002 to the CRC Committee
June 2003	New Zealand	Commissioner for Children, Report to CRC Committee ^b
Jan. 2005	Denmark	Supplementary report to Denmark's third periodic report to the CRC Committee, as well as a child and youth report 'Children's Vision', submitted by the National Council for Children ^c
2006	Guatemala	Submitted input on implementation of OPSC and OPAC upon the CRC Committee's request for a pre-session working group held in February 2007 ^d
2006	Costa Rica	Submitted 23 comments to State's official report under OPAC ^e
Apr. 2006	Ireland	Report of the Ombudsman for Children to the CRC Committee on the occasion of the examination of Ireland's Second Report to the Committee ^f
Oct. 2007	Ireland	Report of the Ombudsman for Children on the occasion of the examination of Ireland's First Report under OPAC ^g
2007	Norway	The Ombudsman for Children's Supplementary Report to OPAC
June 2008	United Kingdom	UK Children's Commissioners' Report to the CRC Committee

^aReport at <www.ombudsnet.org/enoc/resources/InfoDetail.asp?ID=2706>.

^bReport at <www.occ.org.nz/_data/assets/pdf_file/0014/3326/OCC_Report_to_United_Nations.pdf>.

^cReport at <www.crin.org/resources/infoDetail.asp?ID=5870>.

^dInforme Anual circunstanciado Tomo I Situación de los derechos humanos (Procuraduría de Derechos Humanos), 2007, p. 169, at <www.pdh.org.gt/index.php?option=com_content&task=view&id=236&Itemid=65>.

^eInforme Anual de Labores 2006–2007 de la Defensoría de los Habitantes de la República (Costa Rica), p. 433, at <www.dhr.go.cr/informe.html>.

^fReport at <www.oco.ie/whatsNew/publications.aspx>.

^gReport at <www.oco.ie/policyResearch/policy_documents.aspx>.

On the other hand, in the Statement of Intent 2007/08, the New Zealand Children's Commissioner reminded the government that the next periodic report was due to be presented to the CRC Committee in 2008.⁵¹ In addition, the Bolivian Defensoría del Pueblo expressly requested the Government to submit overdue reports to treaty bodies, in particular to the CRC Committee under both optional protocols.⁵²

In January 2005, the Danish National Council for Children not only submitted an alternative report to the CRC Committee, but also conveyed a children and youth report entitled 'Children's Vision'. This last report collected discussions held during two conferences (80

⁵⁰ Report, Preparatory Meeting for the Second Global Meeting of Independent Human Rights Institutions for Children (11–12 Nov. 2007, Florence), p. 3.

⁵¹ Children's Commissioner (New Zealand), Statement of Intent 2007/08, presented to the House of Representatives pursuant to section 149 of the Crown Entities Act 2004, June 2007, p. 24.

⁵² IX Informe del Defensor del Pueblo (Bolivia) al Congreso Nacional – Gestión 2006, pp. 87–88, <www.defensor.gov.bo/files/noveno79987501.pdf>.

children and young people aged 13–16) that the National Council for Children organized in Køge and Horsens on 22 September 2004 and 7 October 2004 jointly with the two local authorities. The children and young people discussed four themes: Angry Adults, Schools, Healthy in Denmark, and Who is in Charge Here? These four issues were previously selected on the basis of input from about 2000 young people around Denmark.⁵³ This experience clearly evidences the specificity and value added of the contribution of IHRICs in the reporting process. On its website, the Danish National Council for Children published a letter to the CRC Committee written by a young Danish person who participated in one of the previously mentioned conferences.⁵⁴ Stine Harrekilde finished his letter with the following statements:

I think that it is quite cool of the Danish National Council for Children that they have let the children be heard now because it is children that it is all about. I also think that it is logical to do so and therefore I can only ask other countries to follow. It is us that it is about and I think, therefore, that our opinion should be heard.⁵⁵

Child participation and the promotion of the right of children to express their views on all matters affecting them (article 12 of the CRC) are one of the major concerns of IHRICs.⁵⁶ These institutions are working hard to change social mindsets and perceptions of childhood by giving children a voice and speaking out on their behalf.⁵⁷ The right to express views in line with article 12 of the CRC is both one of the four general principles of the Convention, as well as an unequivocal right of the child.⁵⁸ According to the CRC Committee, IHRICs “must ensure that they have direct contact with children and that children are appropriately involved and consulted.”⁵⁹ Consequently, the reporting process can give the opportunity to

⁵³ Annual Update for Report of Tenth Annual Meeting of ENOC, *op. cit.*, p. 44; <www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/PDF%20FILER/boernekonvention_dokumenter/BRD_Children_s_Vision_report_ENG.pdf>.

⁵⁴ The National Council for Children translated this letter and presented it to the Committee during the meeting, see World Vision, *Children as Change Agents: Guidelines for child participation in periodic reporting on the Convention on the Rights of the Child*, p. 37.

⁵⁵ <www.boerneraadet.dk/FN's++b%3%b8rnekonvention/Brev+fra+Stine+Harrekilde++UK+version> (Apr. 2005).

⁵⁶ Article 12 of CRC: “1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.”

⁵⁷ Report, Preparatory Meeting for the Second Global Meeting, *op. cit.*, p. 5.

⁵⁸ Committee on the Rights of the Child, Day of General Discussion on the Right of the Child to be Heard, 29 Sept. 2006, para. 2.

⁵⁹ Committee on the Rights of the Child, General Comment No. 2, *op. cit.*, para. 16; “The Committee recommends that independent national human rights institutions and or children’s ombudsmen or commissioners ensure that children are given easy access to raise their concerns and that adequate resources are dedicated to involve children in their monitoring of the implementation of children’s rights,” in Committee on the Rights of the Child, Day of General Discussion, *op. cit.*, para. 27; the “fundamental task of the Children’s Ombudsman is to represent children and young people. That is to say, to be the ‘voice’ of children and young people in society, to assert their point of view and insist on respect for their human rights,” in ‘Inquiry into the Role and Function of the Children’s Ombudsman in Sweden’, Swedish Government Official Report No. 1999:65, <www2.ombudsmen.org/Ombudsmen/Sweden/SwedenOmb.htm>.

IHRICs to hold direct consultations with children and adolescents in order to draft alternative adult-written reports.⁶⁰ On the other hand, these institutions can promote and support children and adolescents and their organizations to submit their own children-written report. “Having children participate in the writing of the report, and/or including direct quotes from the children, helps to give the report weight; it brings an added sense of reality to the information being processed.”⁶¹ Indeed, the CRC Committee encourages involvement of children in monitoring the implementation of all rights enshrined in the Convention⁶² and direct submissions of information by children and youth representatives in the context of periodic reviews.⁶³ Gerison Lansdown has acknowledged that “appropriate balance between protecting children from harm while respecting their capacities for emerging autonomy and participation in decision-making will differ according to the maturity of children and the social, economic, cultural and political environment in which they live.”⁶⁴ Up to now, children’s participation in the reporting process has not yet been common practice, but there are increasing efforts to support it, either independently or through participation in adult-led alternative reports, often elaborated by NGOs.⁶⁵

Pre-sessional working group

The main objectives of the pre-sessional working group for the Committee’s members and its Secretariat is to review State Party reports and identify in advance the main questions that would need to be discussed with the representatives of the reporting State Party during the public debate. The working group draws up a list of issues which is sent to the respective government, who has to provide the answers in writing and in advance of the session. In accordance with a decision of the Committee at its first session, this preparatory meeting is

⁶⁰ See, for instance, NGO Group for the Rights of the Child, *A Guide for Non-governmental Organizations Reporting to the Committee on the Rights of the Child*, 3rd ed., Geneva, 2006, pp. 12–13; “While children want to have their own space in which their ideas and collective strategies can emerge, they also want adults to help create the enabling environment for them to participate independently in civil society,” in International Save the Children Alliance, *So You Want to Consult with Children?*, 2003, p. 75.

⁶¹ World Vision, *Children as Change Agents*, op. cit., p. 35.

⁶² Committee on the Rights of the Child, Day of General Discussion, 29 Sept. 2006, op. cit., para. 31; “The Committee encourages non-governmental organizations to further promote child participation and facilitate international exchanges of experiences and best practices. In particular, the Committee encourages non-governmental organizations, including national alliances on children’s rights, to engage directly with children in the process of parallel reporting under the Convention and also encourages the presence of children during pre-session country briefings with the Committee.” Ibid., para. 34.

⁶³ Ibid., para. 57; “The Committee encourages States parties, non-governmental organizations, and others preparing reports, to include the views of children, in particular on the status of children’s rights and the impact of the Convention on their lives, in monitoring and reporting on the implementation of the Convention,” Tenth Anniversary Commemorative Meeting, excerpted from CRC/C/87, op. cit., para. 291x.

⁶⁴ Gerison Lansdown, *The Evolving Capacities of the Child*, Innocenti Insight, UNICEF Innocenti Research Centre and Save the Children, 2005, p. 57; “The starting point is to emphasize that children’s participation does not mean children playing the same roles as adults, by being invited to conferences where they will be unable to make an effective contribution or by being invited to make submissions which require skills that most will not possess. Rather, the challenge is to devise new and appropriate ways to involve children, based on the contexts in which children are comfortable and to ensure that when these views are fed into broader policy processes, they are accorded full weight, rather than being noted as token contributions ‘to which every consideration will certainly be given’,” in Alston, Philip and John Tobin, *Laying the Foundations for Children’s Rights*, op. cit., p. 49.

⁶⁵ World Vision, *Children as Change Agents*, op. cit., p. 62.

closed to the public; therefore, no governmental representatives or observers are allowed to attend it. In addition, there are no formal records.⁶⁶

The CRC Committee's guidelines for the participation of partners in the pre-sessional working group encourage national, regional and international NGOs as well as individual experts to submit written information to the Secretariat of the Committee at least two months prior to the beginning of the pre-sessional working group concerned.⁶⁷ In addition, the Committee can invite selected organizations to participate in the pre-sessional working group. According to the previously mentioned guidelines, the Committee gives preference to partners "whose information is particularly relevant to its consideration of the State Party's report."⁶⁸

In each report of a session, the CRC Committee usually includes a couple of paragraphs devoted to the pre-sessional working group. It is usually stated that representatives of OHCHR, the International Labour Organization, UNICEF and the UN High Commissioner for Refugees participated in the working group and that a representative of the NGO Group for the Convention on the Rights of the Child, as well as representatives of various national and international NGOs, also attended.⁶⁹ For evident reasons of confidentiality, the Committee does not provide details about the exact identity of organizations. That may explain why, up to now, no report of a session has ever acknowledged the presence of representatives of IHRICs.⁷⁰ However, according to data collected, the Danish National Council for Children attended the pre-sessional meeting held in June 2005,⁷¹ while the Irish Ombudsman for Children participated in pre-sessional meetings in June 2006 and October 2007. As evidenced in the replies to the UNICEF IRC survey, limited human and financial resources are permanent problems faced by IHRICs. Therefore, presence in the pre-sessional working group could be costly for IHRICs, especially for those from non European countries.

Public session

State party reports are discussed in open and public meetings. The objective is that state representatives and the CRC Committee have a frank and constructive dialogue about the children's rights situation and CRC compliance in the country concerned.⁷² The Committee often recommends the presence of a cross-sectoral and highly representative delegation of state representatives directly involved in the implementation of the CRC.

⁶⁶ For additional information, see Overview of the Reporting Procedures, CRC/C/33, 24 Oct. 1994, paras 7–13.

⁶⁷ Guidelines for the Participation of Partners, op. cit., para. 2.

⁶⁸ Ibid., para. 4.

⁶⁹ Committee on the Rights of the Child, Report on the Forty-Sixth Session (Geneva, 17 Sept–5 Oct. 2007), CRC/C/46/3, 22 Apr. 2008, para. 11.

⁷⁰ According to Nevena Vuckovic Sahovic, member of the CRC Committee, "there have been 18 submissions and six delegations of ombudsmen participating in pre-sessions," Report from seminar, Stockholm, 18 Feb. 2008, Save the Children Sweden, op. cit., p. 6.

⁷¹ Speech at the pre-session

<www.boerneraadet.dk/files/Brd.dk%20Filbibliotek/pdf%20filer/boernekonvention_dokumenter/BRD_speech_8_june_2005.pdf>; the report on this session did not explicitly acknowledge the presence of the Danish National Council for Children: Committee on the Rights of the Child, *Report on the Thirty-Ninth Session*, CRC/C/150, 21 Dec. 2005, paras 12–14.

⁷² For additional information, see Overview of the Reporting Procedures, op. cit., paras 14–22.

In order to protect their independence, IHRICs should not be part of the official government delegation.⁷³ However, IHRICs can attend the public session as observers, as with the Procuraduría para la Defensa de los Derechos Humanos (El Salvador) in the 36th session in September 2004, the Croatian Office of the Ombudsperson for Children in the 37th session in September 2004,⁷⁴ or the Irish Ombuds in the 43rd session in September 2006.⁷⁵ IHRICs could also promote and support the direct participation of children in the public session, maybe in partnership with international or national NGOs.

After the public session, the CRC Committee adopts concluding observations in a closed meeting. COBs are made public on the last day of the session during the adoption of the report of the session.⁷⁶ During the General Discussion about the Tenth Anniversary Commemorative Meeting, some of the children present at the meeting “complained that the language of the recommendations had been extremely hard to follow and that some of their key proposals had not been included.”⁷⁷

Follow-up and implementation of concluding observations

States Parties are called on to implement the recommendations contained in the concluding observations.⁷⁸ In its COBs, the CRC Committee systematically recommends to State Parties that they widely publicize and disseminate concluding observations, along with the state report and summary records, in order to generate debate and awareness of the Convention, its implementation and monitoring. Dissemination to the public at large also increases the impact of the reporting process at the national level. According to the CRC Committee, the “reporting process provides a unique form of international accountability for how States treat children and their rights. But unless reports are disseminated and constructively debated at the national level, the process is unlikely to have substantial impact on children’s lives.”⁷⁹ General Comment No. 5 (2003) explicitly emphasized that COBs should be “disseminated to the public including children and should be subject of detailed debate in Parliament.”⁸⁰ Independent human rights institutions can play a crucial role in “helping to ensure widespread debate.”⁸¹

⁷³ “It is not appropriate to delegate to NHRIs the drafting of reports or to include them in the government delegation when reports are examined by the Committee.” Committee on the Rights of the Child, General Comment No. 2, *op. cit.*, para. 21.

⁷⁴ COBs on Croatia (CRC/C/15/Add.243, 3 Nov. 2004, para. 13): “The Committee welcomes the establishment of the Office of the Ombudsperson for Children in 2003 and the presence of the Ombudsperson at the dialogue, but the Committee is concerned at the need for ongoing and sufficient political, human and financial support for the functioning of this office.”

⁷⁵ See Annual Report of the Ombudsman for Children’s Office, Apr. 2005–Dec. 2006.

⁷⁶ Overview of the Reporting Procedures, *op. cit.*, para. 21.

⁷⁷ Tenth Anniversary Commemorative Meeting, excerpted from CRC/C/87, *op. cit.*, para. 288.

⁷⁸ Regarding the legal status of concluding observations, see O’Flaherty, M.C., ‘The Concluding Observations’, *op. cit.*

⁷⁹ Committee on the Rights of the Child, General Comment No. 5, *op. cit.*, para. 71.

⁸⁰ *Ibid.*, para. 73.

⁸¹ *Ibid.*

The Guidelines to follow up on recommendations in concluding observations elaborated by the Committee on the Elimination of Racial Discrimination (CERD) invites State Parties to involve NHRIs in the process of implementation of the Convention and of its concluding observations, including by “convening roundtables and workshops on a regular basis with the aim of assessing the progress in the implementation of the concluding observations and recommendations.”⁸²

The CRC Committee has been active in undertaking follow-up activities to its concluding observations through country visits and regional workshops with key stakeholders.⁸³ Concluding observations will remain dead letters unless there is an ongoing follow-up process at international and national levels. It is commonly agreed that COBs issued by treaty bodies serve as a monitoring tool for the effective implementation of the human rights instruments. According to the Defensoría de los Habitantes in Costa Rica, COBs constitute guidelines for state action.⁸⁴ The extent of the impact of COBs within a State “depends not only on the government, but also on other actors capable of influencing the way in which human rights are protected and promoted within the country, including national and regional parliaments, NHRIs, judges and lawyers as well as civil society.”⁸⁵

Follow-up is understood to cover a wide range of “procedures put in place to ensure that States Parties act upon the recommendations contained in the concluding observations of treaty bodies.”⁸⁶ Neither ENOC Standards nor General Comment No. 2 explicitly mentions that IHRICs should follow up on COBs. But this activity is implicit in the statement that “the role of NHRIs is to monitor independently the State’s compliance and progress towards implementation and to do all it can to ensure full respect for children rights.”⁸⁷ From the CRC Committee’s point of view, since IHRICs are viewed as independent monitoring mechanisms, follow-up to concluding observations could be interpreted as a “natural” competence of IHRICs. Participants in the subregional workshop on the implementation of the concluding observations of the CRC Committee, held in Argentina in 2005, emphasized “the crucial role and commitment of national human rights institutions to promoting the Convention and disseminating and following-up on the Committee’s recommendations.”⁸⁸

⁸² Committee on the Elimination of Racial Discrimination, ‘Guidelines to Follow-up on Concluding Observations and Recommendations’, CERD/C/68/Misc.5/Rev.1, 2 Mar. 2006, <www2.ohchr.org/english/bodies/cerd/docs/CERD.C.68.Misc.5.Rev.1.pdf>.

⁸³ Oral report on the work of the CRC Committee, presented by Yanghee Lee, Chairperson of the Committee on the Rights of the Child, Sixty-Second session of the United Nations General Assembly, Item: 66 (a), New York, 17 Oct. 2007, p. 4; additional information on follow-up activities undertaken by the CRC Committee: <www2.ohchr.org/english/bodies/crc/follow-up.htm>.

⁸⁴ “Lineamientos para la acción estatal” in Informe Anual de Labores 2006–2007 de la Defensoría de los Habitantes de la República (Costa Rica), p. 434.

⁸⁵ OHCHR, Fact Sheet No. 30, op. cit.

⁸⁶ Ibid.

⁸⁷ Committee on the Rights of the Child, General Comment No. 2, op. cit., para. 25.

⁸⁸ Report of the Sub-regional Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child (Buenos Aires, 28–30 Nov. 2005), HRI/ARG/SEM/2006/1, 3 Feb. 2006, p. 9; see also Report of the Sub-regional Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child (San José, 30 Oct.–1 Nov. 2006), HRI/CRI/SEM/2006/1, 3 May 2007.

In 2006, the international roundtable on the role of national human rights institutions and treaty bodies recommended several follow-up procedures:

- NHRIs should monitor state dissemination of information to all relevant actors on concluding observations and recommendations of treaty bodies and support public awareness thereon;
- NHRIs should support and host follow-up meetings to concluding observations and recommendations of treaty bodies with the participation of Parliament, ministries and public authorities, NGOs and other relevant actors in civil society;
- NHRIs should monitor⁸⁹ the effective implementation of the concluding observations and recommendations of treaty bodies and provide guidance on possible courses of action;
- NHRIs should engage with members of Parliament and ministries and other public authorities regarding the implementation of concluding observations and recommendations.⁹⁰

What are the possible/recommended ways for IHRICs to play an active role in the follow-up process? What is the added value of IHRICs in the context of the follow-up and implementation process? In addition to the previously listed procedures, other activities to be undertaken by IHRICs could include disseminating COBs in a child friendly format and generating awareness among the public at large; organizing follow-up meetings or debriefings for children who participate in the reporting process;⁹¹ encouraging government to follow up and implement recommendations; galvanizing other stakeholders, including NGOs and children-driven organizations, to follow up and monitor recommendations, developing quantitative and qualitative indicators to identify obstacles to implementation of recommendations; and using the COBs as a tool for prioritizing issues worth considering.

Following up COBs is an ongoing exercise and can take place at various stages of the reporting process, such as after the adoption by the CRC Committee of the COBs or during the preparation of the next State Parties' report. IHRICs can carry out follow-up activities on their own initiative or by invitation to collaborate in a specific activity. Stakeholders other than IHRICs play a critical role in this process and IHRICs could learn from them.⁹²

What has already been done by IHRICs in practice? Question 52 of the UNICEF IRC survey asked whether an integrated institution promotes the follow-up to the CRC Committee's

⁸⁹ Monitoring consists in assessing progress achieved and difficulties encountered, in order to measure the level of implementation.

⁹⁰ See Conclusions of the International Roundtable, 7 Feb. 2007 op. cit., para. 5.

⁹¹ "Following up with the children who participated in the Alternative Report should not be given any less attention than the creation of the report itself. [...] Following up can be a source of motivation and learning for all who were involved in the reporting process. Children will have a deeper sense of satisfaction with respect to their participation if they are able to see the fruits of their labour. Not conducting a follow-up or debriefing, however, can leave the children feeling disappointed and unsatisfied, as they would have exerted a lot of themselves and their energies into the reporting process."

⁹² See, for example, NGO Group for the Convention on the Rights of the Child, *The Use of Concluding Observations for Monitoring the Implementation of the Convention on the Rights of the Child: The experiences of NGO coalitions in nine country case studies*, CRIN-NGO Group Joint Working Paper No. 2, Jan. 2005.

concluding observations. In Europe, six institutions out of a total of seven gave positive answers.⁹³ Table 3.2 shows specific initiatives undertaken by IHRICs worldwide.

Are IHRICs addressing and working on the same issues as the CRC Committee and vice versa? What is the impact of COBs on the issues examined by the IHRICs? Are IHRICs using COBs to select priority issues to be addressed at the national level? Are the CRC Committee's recommendations incorporated into IHRICs' daily work? These questions are crucial but extremely complex to answer. It is difficult to identify cause-effect relationships (multiple factors have an impact).⁹⁴ Several factors might explain thematic similarities, including the submission of supplementary reports and follow-up activities by IHRICs. In its concluding observations, the CRC Committee has sometimes explicitly acknowledged activities of dissemination and awareness raising (Ireland, Denmark, Poland) or specific work on violence and bullying in schools (Denmark, Norway, Sweden) undertaken by IHRICs. The Committee has also mentioned sharing the same concerns as IHRICs (in France concerns about minors in prisons and the protection of children in danger, and in Finland concerns about violence against children and sexual abuse within families).

⁹³ Institutions in Georgia, Greece, Portugal, Macedonia, Spain Cataluña, Spain Basque Region replied "yes" to question 52. The ombuds in Slovenia did not reply.

⁹⁴ "The effects of the implementation of an international human-rights treaty are not readily measured. To attribute causality to a single convention, or even to a series of actions triggered by the application of that convention, is difficult," in Santos Pais, Marta and Susan Bissell, 'Overview and Implementation of the UN Convention on the Rights of the Child', *The Lancet*, Vol. 367, Feb. 25, 2006, p. 689.

Table 2.2: Examples of follow-up activities undertaken by IHRICs worldwide

Type of initiative	Country	Specific activities
Disseminating CRC Committee's COBs	Luxembourg	In February 2005, the Ombuds Committee held a press conference about the main issues addressed in 2005 COBs and published them in its 2005 Annual Report ^a
	Ireland	The Irish Ombudsman for Children included the content of COBs issued in Sept. 2006 in appendices of its Annual Report (Apr. 2005–Dec. 2006)
	New Zealand	2003 CRC Committee's COBs are available at the New Zealand Commissioner for Children's website ^b
Monitoring and evaluating state compliance with recommendations	Malta	The Office of the Commissioner for Children reviewed and assessed the implementation of recommendations issued by the CRC Committee in 2000. This document was later sent to the Prime Minister and the Minister for Family and Social Solidarity ^c
	Denmark	On its website, the Danish National Council for Children specifies that the institution "follows up the recommendations of the UN Children's Committee to the Danish government and presses for them to be implemented" ^d
	New Zealand	The Commissioner for Children has recently carried out a systematic review of all legislation and regulations for compliance with the CRC, reporting to Parliament, and recommending a plan and timeframe for achieving compliance. Issues pertaining to the UN Committee's 2003 and 1997 concerns and recommendations are addressed. The completed report was due to be released by 30 June 2008 ^e
	United Kingdom (Wales)	The Children's Commissioner for Wales is observer of the United Nations Convention on the Rights of the Child (UNCRC) Monitoring group, which was established in 2002, convened by Save the Children Wales and composed of representatives from voluntary organizations and academics concerned with children's rights issues in Wales and from Funky Dragon (the Children and Young People's Assembly for Wales). The UNCRC Monitoring Group submitted an alternative report to CRC Committee ^f
	Various countries	A number of alternative reports and annual reports of activities submitted by IHRICs assessed the status of implementation of past recommendations ^g
Using COBs in carrying out advisory activities	Ireland	The Irish Ombudsman for Children quoted the content of CRC Committee's COBs in advice to the Government on a referendum on children rights (Dec. 2006) and on the General Scheme of the Criminal Law (Trafficking in persons and sexual offences) ^h

^a Annual Update for Report of Tenth Annual Meeting of ENOC, 2006, p. 80.

^b <www.occ.org.nz/publications/reports_documents>.

^c Commissioner for Children in Malta, Annual Report 2006: *Children Are Now*, pp. 39 and 47–50.

^d <www.boerneradet.dk/English>.

^e Children’s Commissioner (New Zealand), Annual Report 2007, pp. 14–15; Children’s Commissioner (New Zealand), Statement of Intent 2007/08, presented to the House of Representatives pursuant to section 149 of the Crown Entities Act 2004, June 2007, p. 31.

^f Wales NGO Alternative Report, *Stop, Look, Listen: The road to realizing children’s rights in Wales, Save the Children*, 2007; Welsh Assembly Government, *Rights in Action: Implementing children and young peoples’ rights in Wales*, 2007, p. 11.

^g See, for example, Annex 3 in 2004 shadow report submitted by the National Coalition for the Implementation of the CRC in Austria (status of implementation of the 1999 COBs as of Jan. 2004); Annex of the Children’s Ombudsman’s opinion concerning the Swedish Government Report of 2002 to the UN Committee on the Rights of the Child (2002); the Defensoría de los Habitantes (Costa Rica) included extracts of 2007 COBs on Costa Rica in annual report (see Informe Anual de Labores 2006–2007 de la Defensoría de los Habitantes de la República (Costa Rica), p. 434); the Procuraduría para la Defensa de los Derechos Humanos (El Salvador) repeatedly referred to 2004 COBs on El Salvador in Second Report on Situation of Children’s Rights in the country (May 2007); there are explicit references to the CRC Committee’s recommendations issued in 2006 in the 2006 and 2007 annual reports submitted by the Defensoría del Pueblo (Peru) (see Décimo informe anual de la Defensoría del Pueblo, Jan.–Dec. 2006, p. 182; Undécimo informe anual de la Defensoría del Pueblo, Jan.–Dec. 2007, pp. 206 and 484); there are explicit references to the CRC Committee’s recommendations issued in 2004 in Procuraduría para la Defensa de los Derechos Humanos, Segundo Informe sobre los Derechos de la Niñez en El Salvador, 30 May 2007; “However, unfortunately, we have to report that, not only do some of the Committee’s Concluding Observations of 2002 still lack any effective implementation, but some things have actually got worse,” in UK Children’s Commissioners’ Report to the UN Committee on the Rights of the Child (June 2008), p. 4.

^h <www.oco.ie/policyResearch/statistics_.aspx>.

Other instances of interaction

The reporting process is the main space for interaction between the CRC Committee and IHRICs, but there are other instances of interactions, as listed and analysed below.

- *Participating in the day of general discussion*

In conformity with rule 75 of rules of procedures, the CRC Committee devotes one day of general discussion to a specific article of the Convention or to a child rights theme. Up to now, as acknowledged in the CRC Committee’s reports of sessions, various IHRICs or regional networks of IHRICs have attended such important events and submitted written information.⁹⁵ The majority of IHRICs that have already participated in days of general

⁹⁵Examples include Ombudsoffice for Children and Youth (Upper Austria), in Tenth Anniversary Commemorative Meeting, 30 Sept.–1 Oct. 1999, op. cit.; attendance of Ombudsman for Children’s Bureau (Poland) in the 2004 Day of General Discussion on Implementing Child Rights in Early Childhood (Committee on the Rights of the Child, *Report on the Thirty-Seventh Session*, CRC/C/143, 12 Jan. 2005, para. 563, p. 116); attendance of the Northern Ireland Commissioner for Children and Young People (NICCY), Children’s Commissioner for Wales, Ombudsman for Children (Poland), Children’s Ombudsman (Ireland), Scotland’s Commissioner for Children and Young People, Office of the Children’s Ombudsman (Sweden), Scotland’s Commissioner for Children and Young People and Office of the Children’s Commissioner (UK) in Day of General Discussion on Children without Parental Care (Committee on the Rights of the Child, *Report on the Fortieth Session*, CRC/C/153 17 Mar. 2006, Annex II); attendance of Northern Ireland Commissioner for Children and Young People, Norwegian Ombudsman for Children, and Office of the Commissioner for Human Rights Council of Europe in the Day of General Discussion on To Speak, Participate and Decide – the Child’s Right to be Heard, and submission of information by Saskatchewan Children’s Advocate Office (Canada) and Northern Ireland Commissioner for Children and Young People (Committee on the Rights of the Child, *Report on the Forty-Third Session*, CRC/C/43/3, 16 July 2007, Annex III); attendance of Scotland’s Commissioner for Children and Young People in the Day of General Discussion on Resources for the Rights of the Child – Responsibility of States (Committee on the Rights of the Child, *Report on the Forty-Sixth Session*, CRC/C/46/3, 22 Apr. 2008, Annex II).

discussion are from the European region. A number of factors may influence this trend, including year of establishment of institution, geographical proximity and specific model (separate institutions). On the other hand, children have already participated in general debates and submitted information to the CRC Committee.⁹⁶ Therefore, IHRICs could foster and facilitate child participation in this context.

- *Contributing to drafting general comments*
The CRC Committee closely consulted with ENOC in the drafting process of the General Comment on the role of national human rights institutions with regard to children's rights.⁹⁷
- *Supporting campaigns for CRC complaints mechanism*
ENOC is officially supporting the international campaign that is aimed at the establishment of a mechanism for individual communications under the CRC.⁹⁸
- *Holding informal meetings with the CRC Committee*
The Iberoamerican Federation of Ombudsmen and ENOC held informal meetings with the CRC Committee during its periods of session.⁹⁹

It is noteworthy that there is a lack of uniformity concerning the denomination or categorization of IHRICs in the CRC Committee's reports of session and summaries of days of general discussion. Sometimes they are listed as "non-governmental organizations"¹⁰⁰ (1999), "ombudsmen and commissioners for children"¹⁰¹ or "others."¹⁰² This lack of uniformity may affect the visibility of the role played by these institutions in the work of the CRC Committee. This problem raises the crucial issue of the official status and independent standing of IHRICs within the United Nations.¹⁰³ In 2006, the international roundtable highlighted that "treaty bodies should recognize the independent standing of NHRIs in their consideration of State Party reports, distinct from Government and civil society."¹⁰⁴

Mutual benefits

IHRICs and the CRC Committee mutually benefit from interacting during the reporting process.

The CRC Committee gains additional information, evidence and sound expertise in order to get a comprehensive picture of the domestic state of children's rights. In addition, the involvement of IHRICs contributes to enhancing the role and impact of the concluding

⁹⁶ Committee on the Rights of the Child, *Report on the Forty-Third Session*, op. cit., p. 224.

⁹⁷ Report of the Committee on the Rights of the Child to the General Assembly, Fifty-Seventh Session, op. cit., para. 58.

⁹⁸ For additional information see <www.crin.org/law/crc_complaints/>.

⁹⁹ Report of the Committee on the Rights of the Child to the General Assembly, Fifty-Seventh Session, op. cit., para. 63; Report of the Committee on the Rights of the Child to the General Assembly, Official Records Sixty-First Session Supplement No. 41 (A/61/41), 2006, para. 40.

¹⁰⁰ Tenth Anniversary Commemorative Meeting, op. cit., para. 274.

¹⁰¹ See CRC/C/153, 2006, Annex II; and CRC/C/43/3, 2007, Annex III.

¹⁰² A/57/41, 2002, para. 63; and A/61/41, 2006, para. 40.

¹⁰³ See Chart of Status of National Institutions Accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (16 June 2008), <www.ohchr.org/Documents/Countries/ChartStatusNHRIsDec2007.pdf>.

¹⁰⁴ See Conclusions of the International Roundtable, 7 Feb. 2007, op. cit., Annex p. 24.

observations at national level and resolving the problem of poor implementation of recommendations.¹⁰⁵

From the IHRICs' perspective, the reporting process is an additional channel for expressing concerns ('sound box') and advocating changes. For instance, during the Tenth Annual Meeting of ENOC, the Children's Rights Commissioner for the Flemish Community explained that she brought to the attention of the CRC Committee questions that the Parliament previously failed to answer. Then the treaty body asked the Government for answers during the public session.¹⁰⁶

Furthermore, the active role played by IHRICs during the reporting process may influence the content of the concluding observations issued by the Committee after the consideration of the state report. The Committee can include in its concluding observations concerns and recommendations from IHRICs' supplementary reports. This possibility may also explain the existence of slight variations in the concerns and recommendations related to independent monitoring among the CRC Committee's concluding observations. In the concluding observations on Ireland's Second Report, the CRC Committee raised concerns about financial independence and limitations and exclusions related to the investigative mandate of the Ombudsman for Children. Both issues were thoroughly developed in the report submitted by the Ombudsman before the consideration of the state report.¹⁰⁷ This example is a clear indication that IHRICs' input can have a direct impact on the content of the concluding observations.

Moreover, IHRICs benefit from following up on COBs, because of their political and moral weight. They constitute an authoritative tool that may provide international credibility and legitimacy for these institutions to address or consider further a specific violation of children's rights.¹⁰⁸

4. CONCLUDING REMARKS

To sum up, IHRICs and the CRC Committee can mutually benefit from enhanced interaction. There is no doubt that "involvement of NHRIs at the international level increases their visibility, knowledge and capacity to influence action at the country level."¹⁰⁹ IHRICs play a unique role within the national protection system for children's rights. The independence of

¹⁰⁵ "The concluding observations adopted by the treaty bodies often lack the precision to guide reform efforts, and are too often given insufficient attention by States," OHCHR Plan of Action, op. cit., para. 96.

¹⁰⁶ Report of the Tenth Annual Meeting of ENOC, op. cit., p. 14.

¹⁰⁷ Compare the report of the Ombudsman for Children to the UN Committee on the Rights of the Child on the occasion of the examination of Ireland's Second Report to the Committee (Apr. 2006), pp. 7–13, and COBs on Ireland (CRC/C/IRL/CO/2, 29 Sept. 2006), paras 13, 15, 72.

¹⁰⁸ 'Final Summary of E-Discussion: The role of UN agencies and UN country teams in supporting national human rights institutions (Mar. 2008)', prepared by Emilie Filmer-Wilson, 27 Mar. 2008, p. 4.

¹⁰⁹ Extract of OHCHR Opening Statement, Workshop on National Human Rights Institutions and Treaty Bodies (Geneva, 26–28 Nov. 2007), <www.demotemp360.nic.in/2008/OHCHR_Statement_NI_TB_workshop_Final2.pdf>.

human rights institutions for children enables them to be trusted by a wide range of actors and build bridges between them.¹¹⁰

The effectiveness and impact of their work often depends on their capacity to interact in synergy with the other national actors. In this context, it may be interesting to assess the added value of IHRICs in comparison with other stakeholders, such as NGOs, during the reporting and follow-up process.

¹¹⁰ Report, Preparatory meeting for the Second Global Meeting, *op. cit.*, p. 3.