The role of ombudspersons, mediators and other national human rights institutions (NHRIs) in the promotion and protection of human rights

This submission is made on behalf of the Child Rights International Network - CRIN (www.crin.org), 24 April 2017.

The Child Rights International Network is a global research, policy and advocacy organisation working on the human rights of children. This submission will focus on national human rights institutions dedicated to children or with mandates covering children. In 2016 we published global research on access to justice for children (www.crin.org/home/law/access) including analysis of NHRIs in 197 jurisdictions, including all UN member states. Statistics included in this submission draw on this research.

This submission is intended to give a brief overview of the prevalence and powers of NHRIs for children globally, but we would be able to provide more detailed information if this would be useful in preparing the report.

**Question 1**

Do you consider that an independent and autonomous ombudsman, mediator or other national human rights institution has been created or strengthened at the national and, where applicable, the local level in your country?

Our research found that 130 countries have a national human rights institute that has a mandate broad enough to cover children's rights, whether in the form of a national human rights commission, ombudsperson, children's ombudsperson or another form of independent body that can address human rights more broadly.¹ Only 83 States have child specific NHRI, a department within a broader NHRI or a position within the NHRI specifically for children.²

129 States have a NHRI empowered to receive complaints or pursue a complaint through the courts.³ See question 4 below for examples of how these mechanisms can be designed to enforce human rights. According to our research, 73 NHRIs have a mandate that includes reviewing the State's progress in realising children's rights, whether expressed as a power to review compliance with human rights in general or ratified international treaties specifically.

**Question 2**

Is the ombudsman, mediator or other national human rights institutions endowed with an adequate constitutional and legislative framework, as well as financial and all other appropriate means in order to ensure the efficient and independent exercise of the ombudsman's mandate and to strengthen the legitimacy and credibility of its actions?

Our research did not analyse all of the issues covered in this question, but did examine appointment procedures, considering whether they were transparent. Of the 130 countries with NHRIs, we considered that only 82 had an appointment procedure that was broadly

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²List of child specific NHRIs or NHRIs with departments or deputy ombudspersons for children listed in the Annex at the end of this document.
³CRIN, Rights, Remedies and Representation: A global report on access to justice for children, February 2016. Available at: www.crin.org/node/42383.
transparent. In making this determination, we excluded institutions where commissioners or ombudspersons were unilaterally appointed by the relevant president or prime minister without additional review or oversight.

**Question 4**

Please share best practices on the work and functioning of the ombudsman, mediator or other national human rights institutions in your country.

Complaint mechanisms within national human rights institutions or the power for NHRIs to launch legal proceedings to protect rights can be among the most effective means of using these bodies to protect the human rights of vulnerable groups, particularly children. These mechanisms vary significantly in terms of their scope and effectiveness. The examples given below are illustrative of the ways that national human rights institutions have been empowered to address complaints and some of the key features of these mechanisms and are by no means exhaustive:

- **Constitutional rights protection.** Public Defenders in Georgia for example, can receive complaints that state, local government authorities, public institutions or officials have violated the rights provisions of the Georgian constitution. The Public Defender of Kyrgyzstan has a similar power, as well as the authority to appeal to the Constitutional Chamber of the Supreme Court to declare unconstitutional laws concerning human rights.

- **Class actions.** Fiji's Human Rights Commission, the New Zealand Director of Human Rights and Ireland's Human Rights and Equality Commission all have a similar power to bring proceedings on behalf of a class of persons to vindicate their human rights.

- **Anonymity for victims.** Human rights bodies in Scotland, Northern Ireland, Ireland and Slovenia, among others, can initiate court proceedings in their own name without identifying a victim.

- **Intervention in cases affecting human rights.** The Ombudsman for Bosnia and Herzegovina is empowered to intervene in ongoing cases where he or she considers that the relevant administrative act constituted a human rights violation.

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6 Constitution of Fiji, Article 45(4)(e) and the Human Rights Commission Decree 2009, Section 12(1) (j).
9 For fuller discussion, see corresponding country reports, available at: [www.crin.org/node/42362](http://www.crin.org/node/42362).
Annex: NHRIs for children

This is a list of national human rights institutions specifically for children or with departments or deputies with a mandate that explicitly covers children. Links are provided to the official websites of the organisations where available.

Afghanistan
Afghanistan Independent Human Rights Commission, Children’s Rights Protection Unit.
http://www.aihrc.org.af/

Albania
People’s Advocate (Subsection for Children’s Rights)
http://www.avokatipopullit.gov.al/

Argentina
Defensoría del Pueblo de la Nación (Jefe Área Derechos Humanos, Mujer, Niñez y Adolescencia)
http://www.dpn.gob.ar/index.php

Defensor de Derechos de Niños, Niñas y Adolescentes

Regional Children's Ombudspersons (Defensor de Derechos de Niños, Niñas y Adolescentes) in Córdoba Province, Corrientes Province, Misiones Province, Neuquén Province.

Armenia
Office of the Human Rights Defender (Defender of Children’s Rights)
http://www.pashtpan.am/

Australia
Australian Human Rights Commission (National Children's Commissioner)

Australian Capital Territory Human Rights Commission (ACT Children and Young People Commissioner)

New South Wales Commission for Children and Young People

New South Wales Children's Guardian

Northern Territory Children’s Commissioner

Queensland Commission for Children and Young People and Child Guardian
South Australia Guardian for Children and Young People  

Tasmania Commissioner for Children  

Victoria Child Safety Commissioner  

Western Australia (WA) Commissioner for Children and Young People  

**Austria**
Regional Ombudspersons for Children and Youth (Burgenland, Carinthia, Lower Austria, Salzburg, Styria, Tyrol, Upper Austria, Vienna, Vorarlberg).

**Azerbaijan**
Office of the Commissioner for Human Rights (Child Rights Centre)  
http://www.ombudsman.gov.az/az/

**Belgium**
Children's Rights Commissioner (Flemish Community)  
https://www.kinderrechten.be/

Délégué général de la Communauté française aux droits de l'enfant  
http://www.dgde.cfwb.be/

**Bhutan**
National Commission for Women and Children (an autonomous agency of the government of Bhutan)  

**Bolivia**
Defensoría del Pueblo (Adjuntia para Niñez y Adolescencia)

**Bosnia and Herzegovina**
Human Rights Ombudsman (Department for the Protection of the Rights of the Child)  

Ombudsman for Children of the Republic of Srpska  
http://www.djeca.rs.ba/

**Bulgaria**
The Office of the Ombudsman (Rights of Children, Disabled and Against Discrimination)  
http://www.ombudsman.bg/

**Canada**
Regional Offices of the Child and Youth Advocate in Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Québec, Saskatchewan, Yukon.

**Colombia**
Defensoría del Pueblo (Defensoría Delegada para los Derechos de la Niñez, la Juventud y las Mujeres)
http://www.defensoria.gov.co/

**Costa Rica**
Defensoría de los Habitantes (Dirección de Niñez y Adolescencia)
http://www.dhr.go.cr/index2.html

**Croatia**
Ombudsman for Children
http://www.dijete.hr/

**Cyprus**
Commissioner for Children's Rights

**Denmark**
National Council for Children
http://www.boemeraadet.dk/

**Dominican Republic**
Defensor del Pueblo (Defensor Adjunto para la Niñez y la Juventud)

**Ecuador**
Defensoría del Pueblo (Defensoría Adjunta de la Mujer y de la Niñez)

**El Salvador**
Procuraduría para la Defensa de los Derechos Humanos (Procuraduría Adjunta para la Defensa de los Derechos de la Niñez y la Juventud)
http://www.pddh.gob.sv/

**Estonia**
Chancellor of Justice (Ombudsman for Children)
http://www.oiguskantsler.ee/et/laste-ja-noorte-%C3%B5igused/

**Ethiopia**
Ethiopian Institution of the Ombudsman (Ombudsman for Women and Children).
http://www.ethombudsman.gov.et/

**Finland**
Ombudsman for Children
http://www.lapsiasia.fi/
France
Défenseur des Droits (Défenseur des enfants)
http://www.defenseurdesdroits.fr/

Georgia
Public Defender (Child’s and Women’s Rights Centre)
http://www.ombudsman.ge/ge/

Ghana
Commission on Human Rights and Administrative Justice (no specific children’s rights department, but the human rights division action plan focuses on the rights of vulnerable groups, including children, women and people living with HIV/AIDs).
http://www.chrajghana.com/

Greece
Greek Ombudsman (Deputy Ombudsman for Children’s Rights)
http://www.0-18.gr/

Guatemala
Procuraduría de los Derechos Humanos (Defensoría de la Niñez y la Adolescencia)
http://www.pdh.org.gt/

Guyana

Honduras
Comisionado Nacional de Derechos Humanos (Programa Especial de Derechos Humanos de la Niñez y la Adolescencia)
http://conadeh.hn/

Hungary
Commissioner for Fundamental Rights (Deputy-Commissioner for Fundamental Rights (Future Generations))
http://www.ajbh.hu/

Iceland
Ombudsman for Children
https://www.barn.is/

Ireland
Ombudsman for Children
https://www.oco.ie/

India
National Commission for Protection of Children’s Rights
http://ncpcr.gov.in/

Indonesia
Komnas HAM - National Human Rights Commission (Sub-Commission for the Protection of the Rights of Children)
https://www.komnasham.go.id/

Italy
National Ombudsman for Children and Adolescents

Jamaica
Office of the Children's Advocate
http://www.ocajamaica.gov.jm/

Japan
City based Ombudspersons for Children exist in Kawanishi, Saitama Prefecture, Tajimi City, Akita Prefecture, Shime Town, Nabari City, Meguro City, Toyota City, Sapporo City, Chikuzen Town.

Kosovo
Ombudsperson (Children's Rights Team)

Kyrgyzstan
Office of the Ombudsman (Young People and Children's Rights Protection Department)
http://www.ombudsman.kg/

Latvia
Ombudsman (Department for Children's Rights)
http://www.tiesibsargs.lv/

Liechtenstein
Ombudsperson for Children
http://www.oskj.li/

Lithuania
Ombudsperson for Children
http://www3.lrs.lt/pls/inter/vaikai

Luxembourg
Ombuds-Comité pour les Droits de l'Enfant
http://ork.lu/index.php/fr/

Macedonia (FYRO)
Ombudsman (Department for Protection of Children’s Rights, headed by a Deputy Ombudsman)

Malawi
Human Rights Commission (Child Rights Unit and Child Rights Committee)

Malta
Office of the Commissioner for Children

**Mauritania**
Commission Nationale de Droits de l'Homme (Children’s Rights Unit)

**Mauritius**
Ombudsperson for Children’s Office

**Mexico**
Comisión Nacional de Derechos Humanos (Programa sobre Asuntos de la Niñez y la Familia)
http://www.cndh.org.mx/

**Moldova**
Center for Human Rights (Ombudsman for Children’s Rights)

**Mongolia**
National Human Rights Commission (Commissioner with specific mandate on children’s rights)
http://www.mn-nhrc.org/

**Montenegro**
Ombudsman- Protector of Human Rights and Freedoms (Deputy Ombudsman for Children)
http://www.ombudsman.co.me/

**Nepal**
National Human Rights Commission (Child Rights Desk)
http://www.nhrcnepal.org/

**Netherlands**
National Ombudsman (Deputy Ombudsman for Children)
http://www.dekinderombudsman.nl/

**New Zealand**
Office of the Children's Commissioner
www.occ.org.nz

**Nicaragua**
Procuraduría para la Defensa de los Derechos Humanos (Procuraduría Especial de la Niñez y la Adolescencia)

**Nigeria**
National Human Rights Commission (Special Rapporteur on Child Rights)

**Norway**
Ombudsman for Children
http://barneombudet.no/
Pakistan
National Ombudsman
Provincial Ombudsman - Sindh (Children Complaints Office)

Panama
Defensoría del Pueblo (Unidad Especializada de Niñez y Adolescencia)

Paraguay
Defensoría del Pueblo (Departamento de la Niñez y la Adolescencia)
http://www.defensoriadelpueblo.gov.py/

Peru
Defensoría del Pueblo (Adjuntía para la Niñez y la Adolescencia)
http://www.defensoriagob.pe/

Philippines
Commission on Human Rights (Child Rights Centre)

Poland
Ombudsman for Children
http://brpd.gov.pl/

Portugal
Provedor de Justiça (Work Unit on Minors, Elderly People, Persons with Disabilities and Women)

Romania
People’s Advocate (Deputy for Rights of Children, Family, Youth, Retired Persons and Disabled Persons)

Russian Federation
Children’s Rights Commissioner for the President of the Russian Federation

Serbia
Ombudsman / Protector of Citizens (Deputy Ombudsman for Children’s Rights)
http://www.ombudsman.rs/

Provincial Ombudsman's Office for the Province of Vojvodina (Deputy Ombudsman for the Protection of Children's Rights)
http://www.ombudsmanapv.org/

Sierra Leone
Human Rights Commission (Women and Children's Rights Unit)
http://www.hrcsl.org/
Slovakia
Office of the Public Defender of Rights (integrated within the Defender’s office)
http://www.vop.gov.sk/

Slovenia
Human Rights Ombudsman (Special Group on Children’s Rights, headed by a Deputy
Ombudsman)
http://www.pravice-otrok.si/

South Africa
South African Human Rights Commission (Coordinator for Children’s Rights)
http://www.sahrc.org.za/

Spain
Defensor del Menor de Andalucía
Síndic de Greuges de Catalunya (Adjunto para defensa de niños y adolescentes)
http://www.sindic.cat/ca/page.asp?id=113
Valedor do Pobo De Galicia (Vicevaledor de menores)
http://www.valedordopobo.gal/

Ararteko País Vasco (Oficina de la Infancia y la Adolescencia)
http://www.ararteko.net/home.jsp?language=eu&codResi=1

Sweden
Ombudsman for Children and Young Persons
https://www.barnombudsmannen.se/

Tanzania
Commission for Human Rights and Good Governance (Children’s Desk)

Turkey
The Ombudsman Institution (Ombudsman for women's and children's rights, disability and
education)
https://www.ombudsman.gov.tr/English/

Ukraine
Children’s Ombudsman under the President of Ukraine

United Kingdom
Children’s Commissioner for England
http://www.childrenscommissioner.gov.uk/

Northern Ireland Commissioner for Children and Young People
http://www.niccy.org/

Scotland’s Commissioner for Children and Young People
https://www.cypcs.org.uk/
Children's Commissioner for Wales
http://www.childcomwales.org.uk/

United States
The National Conference of State Legislatures maintains details of Children’s Ombudspersons and Child Advocates across the jurisdictions of the United States:

Venezuela
Defensoría del Pueblo (Defensoría Delegada Especial en materia de Niños, Niñas y Adolescentes)
http://www.defensoria.gob.ve/

Zambia
Human Rights Commission (Office of the Commissioner for Children’s Rights)