National human rights institutions (NHRIs) Series:
Tools to support child-friendly practices.

SURVEY FINDINGS FROM NHRIS ON USAGE OF CHILDREN’S RIGHTS TOOLS
ACKNOWLEDGEMENTS

This survey was conducted by Vanessa Sedletzki and Gerison Lansdown as part of ECARO’s ongoing initiatives to support the work of National Human Rights Institutions to promote and protect children’s rights. Many thanks to the UNICEF colleagues in Armenia, Bulgaria, Malaysia, Montenegro, North Macedonia, Serbia, Tajikistan and Turkey who responded to the questionnaire and provided feedback on their use of the tools to date. The survey was coordinated by Phenny Kakama, ECARO child protection specialist.

UNICEF ECARO, November 2020
National human rights institutions (NHRIs) Series:
Tools to support child-friendly practices.

SURVEY FINDINGS FROM NHRIS ON USAGE OF CHILDREN’S RIGHTS TOOLS
Background

In 2018 UNICEF commissioned the development of a series of practical tools to support efforts by National Human Rights Institutions (NHRIs) and their partners, including UNICEF to apply a child rights approach to fulfilling their mandate to monitor and promote children’s rights. The process was supported by a reference group comprising representatives from UNICEF Geneva and New York, the European Network of Ombudspersons for Children (ENOC), the Global Alliance of National Human Rights Institutions (GANHRI) and NHRIs from both Western Europe and the Europe and Central Asia region (ECAR). Two key initiatives were completed:

1. The collation and analysis of positive practices by NHRIs in the areas of child participation, complaint mechanisms, outreach/promotion, mainly in ECAR.
2. The development of a set of tools providing guidance on applying a child rights-based approach to child participation, complaints and outreach/promotion. The toolkit drew on the findings of the positive practices analysis and evidence from the global GANHRI survey and other sources.

The tools were published in early 2019 and have thus been available for use by UNICEF, NHRIs and partners for some time. It was agreed to undertake a follow-up survey of UNICEF offices to obtain feedback on the value of the tools, how they have been used and what additional support might be helpful to strengthen the work of NHRIs in monitoring and promoting children’s rights. Accordingly, a short questionnaire was distributed to UNICEF offices in ECAR in June 2020 to solicit this information. Because this process had to be undertaken during the COVID-19 crisis, the response was more limited than might otherwise have been anticipated. However, the eight offices that contributed their experiences provided invaluable information to improve understanding of how the tools can be used and further developed. One of the eight (Malaysia) is located outside ECAR, demonstrating the relevance of the tools to a broader audience.

Survey findings

1. How were the tools used?

Overall, the tools have served as an invaluable resource for capacity building both within UNICEF itself and in outreach to NHRIs and partners, enhancing their understanding of a child rights-based approach to promoting children’s rights.

In Montenegro, for example, application of the tools resulted in strengthened awareness of children’s rights issues and capacity to address them and contributed to increased advocacy for children’s participation. They were also used to help strengthen the outreach work of the country’s Ombudsman’s Office. UNICEF’s focal point on children’s rights ran a series of webinars for Ombudsman staff based on the tools, after which the Ombudsman’s office produced a webinar to share its subsequent work on child participation with a group of child advisers.

1 Armenia, Bulgaria, Malaysia, Montenegro, North Macedonia, Serbia, Tajikistan and Turkey.
2 Network of Golden Ombudsman Advisors
UNICEF offices in Serbia and Bulgaria used the tools to build technical knowledge and expertise and to share with the Ombudsman; UNICEF North Macedonia plans to use the tools to develop a project on justice for children. In Malaysia, where an Office of the Children’s Commissioner (OCC) was recently established within a generic NHRI, the tools provided an accessible and practical foundation to help UNICEF develop terms of reference to support capacity building for staff of both the OCC and NHRI.

The original expectation was that the tools would be translated into relevant local languages, making them more accessible to a wider audience and encouraging and facilitating their use. However, to date none of the UNICEF offices have done so, although Bulgaria has plans to do so in 2020. As the COVID-19 crisis diminishes, investment in translation may become a higher priority.

2. How could the tools be improved?

Feedback on suggested improvements fell into two broad areas:

a) **Style and content:** One UNICEF office proposed that it would be useful to have slightly shorter tools with a very strong focus on clear and simple steps to facilitate understanding of some of the processes. It is always challenging to find the appropriate balance between simplicity and sufficiency – shorter materials do make for easier reading but can require omitting some important guidance. Translation into local languages might be helpful to address some difficulties related to accessibility. In addition, it might be possible to produce executive summaries of the tools, highlighting key steps and concepts.

Another suggestion was to undertake a further round of consultations to explore new ideas or updates that could be incorporated into a second edition of the tools; for example, innovative approaches being adopted by NHRIs.

b) **Dissemination:** Survey respondents also suggested expanding dissemination of the tools; for example, uploading them onto more resource portals. UNICEF Malaysia recommended that social media be used more effectively to achieve greater outreach and awareness. UNICEF Bulgaria shared the tools with a key partner, the National Network for Children, whose members are drawn from wide range of NGOs working in the field of children’s rights across the country. This resulted in wide circulation of the tools throughout the children’s rights community – and hopefully contributed to strengthening the work of NGOs.

3. Has practice changed as a result of using the tools?

Survey results indicated that the tools have resulted in a number of significant improvements in practice. Several countries have given serious thought to the issues addressed in the tools and their guidance on how to apply a child rights-based approach to their work.

In Tajikistan, for example, the tools were used to develop child-friendly complaint mechanisms. This led to the development of guidelines that are now used by staff at the Office of the Children’s Rights Commissioner to receive and address complaints from children. Moreover, child participation
in these processes also increased – for example, through meetings between children and ‘experts’. The outcomes of these meetings were shared in an official report by the Ombudsman, showing that children’s right to be heard is being respected.

In Turkey, the tools stimulated an initiative in which UNICEF worked with the Ombudsman to introduce a peer-learning training of trainers (ToT) course for children of different ages. Training materials were prepared in advance and, as part of the process, met with adolescents and university students to ensure that the materials reflected children’s perspectives. Three sets of ToTs were conducted: for children aged 11–14 years, 15–18 years and those over age 18. Topics covered included the CRC and child rights, rights violations, communications and the role of the Ombudsman in handling complaints. Participants were encouraged to make their own presentations and received feedback. After the training, students were asked to develop child rights and Ombudsman sessions for their school or university. Some of these sessions were attended by the original trainers, to enable them to assess the TOTs’ effectiveness and revise and improve the training materials accordingly. Overall the process received very positive feedback from the children, schools and Ombudsman’s Office, and a continuation of the programme has been proposed, with new groups, to increase children’s potential to advocate for their rights.

Other initiatives undertaken include steps in Bulgaria to use the tools to strengthen the child complaints mechanisms and improve children’s participation. However, Malaysia observed that although the tools are useful, their impact will be limited until the NHRI receives the technical support needed to put the tools into practice. UNICEF Bulgaria is currently investing in an initiative to provide such support.

4. Have the tools helped NHRIIs to increase their knowledge and skills for promoting and protecting children’s rights?

It was found that the tools have helped NHRIIs to strengthen their capacities to promote and protect children’s rights.

In Turkey, the tools paved the way for the inclusion of more child participation activities in the Ombudsperson’s work-plan, as well as supporting a stronger focus on local-level child rights monitoring. The Armenia country office noted that examples and inspiring practices mentioned in the tools were useful in guiding the work of the Human Rights Defender’s Office.

5. Additional demand for support as a result of the tools

The tools have paved the way for increased efforts by NHRIIs to support and promote children’s rights.

In Armenia, for instance, demand for a comprehensive child rights monitoring tool has become stronger. The Human Rights Defender’s Office is now seeking a methodology and tools that could be used to consolidate its role as an independent monitoring body to oversee implementation of the CRC and CRPD. This function is actually foreseen in the law, but is currently implemented through annual and
ad hoc reports based on the results of monitoring activities, outreach to children and data from the analysis of complaints related to child rights. The Office now envisions a more systematic monitoring approach.

In Bulgaria the tools are being translated into an action plan, while in Tajikistan they raised awareness about the need for: involving other national stakeholders to obtain a fully operational child-friendly complaint mechanism and seeking additional financial support to promote child rights with and for children, as well as highlighting the importance of liaising with existing child participation platforms.

In Turkey the Ombudsperson’s institution has become more willing to share its experience with international peers. While this shift can be attributed to a combination of factors, it can be inferred that the availability of tools produced at the regional level, with illustrative examples from existing institutions, helped to demonstrate the value of exchange of practices, knowledge and reflection among institutions.

6. Unmet NHRI capacity needs and type of support the Regional Office could provide

The survey provided an opportunity to gather information from country offices about NHRIs’ need to further strengthen their capacity to promote and protect children’s rights. The many responses on this topic highlighted both the key daily challenges faced by NHRIs and possible avenues for UNICEF to support independent institutions.

Methodological approaches & tools

Various country offices pointed to the need for additional tools and guidance on specific issues.

Adequate tools are needed to support NHRI s role in monitoring child rights. In Armenia for instance, the Human Rights Defender’s Office needs assistance in developing a child rights monitoring framework or monitoring index tailored to its human and financial resources and capacity. In Bulgaria, where a system is in place to register child-related petitions, more guidance is required on how to use that system to generate disaggregated information and data to monitor the overall status of child rights. Although a tool for monitoring children’s rights in closed settings is currently being finalized, broader guidance on data collection and analysis to facilitate monitoring at the national level is still needed.

A second area of support is related to technical support for interactions with children and the promotion of children’s direct involvement through child participation mechanisms and further outreach. In Armenia, the Human Rights Defender’s Office requires support to establish a children’s council or other similar advisory body, as well as to introduce other child participation models that ensure sustainable, representative and structured participation by children in planning the Office’s advocacy, outreach and prioritization of child rights issues. Similarly, Bulgaria’s NHRI is looking for ways to facilitate the submission of complaints by children directly, through standard procedures and the development of an online tool. It also seeks guidance to develop ethical guidelines for addressing child-related complaints.
The need for online technologies was also clear in Montenegro, where the Ombudsperson's Office is seeking tips and examples of how to reach out to the new generation of children using digital approaches and social media. Finally, an issue raised by the Montenegro country office – and often raised in discussions with NHRI s – is the persistent challenge of reaching out to younger children (generally those under eight years old), as capacity to do so is limited and requires further development.

**Internal management**

An ongoing concern for NHRI s is their limited capacity, especially in terms of size, in comparison with their extensive mandates and the imperative of reaching out to all children, including the most marginalized and excluded. As was highlighted in relation to Turkey, more guidance is needed on how to ensure effectiveness with limited capacity, and in particular how to enhance coordination with other units of the NHRI (when the child rights office is integrated into a broad-based human rights institution) and other relevant institutions.

Hands-on advice on steps needed to ensure the office's sustainability was also identified as a need, particularly in Turkey, but past research suggests that this is a shared concern for NHRI s in general, especially for child rights offices.

**External support**

As regularly highlighted during meetings, external contributions through the exchange of practices among institutions and/or external expertise, and the opportunity to participate in regional or global events are perceived as very helpful to institutions seeking inspiration for strengthening their approaches and enhancing their effectiveness. The UNICEF country office in Turkey suggested that Ombudsperson institutions be invited to relevant online webinars/meetings or other events as observers or speakers, while UNICEF Malaysia mentioned the need for a pool of consultants and institutions capable of supporting NHRI implementation of the tools already produced.

7. **Key developments related to the work of NHRI s**

The survey provided an opportunity to gather information about recent developments in, or resulting from, NHRI s work on child rights. Elements collected could valuably inform future efforts at the regional level and/or help identify inspiring practices as potential contributions to tools and events. In addition, the survey highlighted several ongoing challenges.

**Internal developments in NHRI s**

Various NHRI s are developing internal strategies and tools to support their child rights work, often with UNICEF support. For example:

- The Montenegro Ombudsperson’s Office is in the process of drafting a five-year strategy, as well as working protocols for handling cases related to child rights, with UNICEF support. The Ombudsperson’s child participation initiatives, especially the ‘network of Golden Advisors,’ played a significant role in outreach activities and awareness-raising.
In Armenia the Human Rights Defender (HRD) and UNICEF are in the process of designing and publishing official standards for protecting children’s rights, in line with the best interests of the child, to be disseminated and used by state bodies. The standards will build on the HRD’s work in the field of child rights since 2015 and further strengthen its role as an independent child rights monitoring mechanism.

In the context of the COVID-19 crisis, the Ombudsman in North Macedonia adopted a work-plan to allow the institution to continue to function during a state of emergency and declared pandemic, in order to pursue its activities without disrupting normal work performance (http://Ombudsman.mk/upload/documents/2020/Plan%20za%20rabota-angliski.pdf)

NHRIs’ involvement in key developments at country level

NHRIs in several countries have been involved in processes designed to strengthen the legal and policy framework for children’s rights – a function integral to their advocacy mandate. However, attribution of the final outcome to the NHRI itself remains challenging, since a given result can derive from a range of factors and interventions by various actors.

In Serbia, the NHRI has made several public interventions with regard to the strategy on violence against children and the law on social cards, among others.

The Human Rights Defender in Armenia has worked towards implementation of legislation on domestic violence, the rights of children with disabilities, the enforcement of judicial decisions on child custody, visitation rights and child protection orders and the rights of children in closed institutions. In all of these areas HRD activities either created momentum and provoked policy discussion on legislative amendments, or resulted in the implementation of legislative provisions that were not being properly implemented or enforced.

Challenges

NHRIs face numerous challenges, particularly in relation to child rights, which can affect their ability to successfully advocate for change.

Politization of NHRIs poses a significant challenge, as it affects their ability to advance a human rights agenda by fostering opposition and resistance, as has occurred in Serbia.

COVID-19 has posed a serious challenge in Bulgaria – and probably in other countries – because it has kept most reforms on hold. However, it has also meant that NHRIs have been able to monitor the impact of COVID-19 restrictions on access to rights, as well as attention to domestic violence.

8. Key lessons learnt and recommendations for future engagement

The tools have served as an invaluable support for UNICEF country offices’ engagement with NHRIs, providing the basis for joint activities and events and supporting capacity-building in the field of children’s rights. The analysis of survey responses suggests that they have given country offices something concrete to offer to NHRIs, in particular their children’s offices, paving the way for strengthened collaboration.
Translation of the tools into local languages remains a challenge and probably impedes their use at country level.

The tools are sometimes perceived as too lengthy. Given the need to balance usability with comprehensive information, a solution could be to produce shorter versions, such as fact sheets with key points. This could also facilitate translation.

Further attention to dissemination would be valuable, as the tools are considered difficult to find online. Further outlets for publication could be identified, using regional networks (e.g., ENOC, Asia Pacific Forum, Council of Europe, European Commission) and global networks (UNICEF HQ, CRC Committee, global NGOs such as Save the Children), and dissemination to national partners could be further encouraged.

The tools have resulted in concrete change in the practice of NHRI, especially for developing child-friendly approaches (e.g., in relation to complaint mechanisms) and engaging children directly.

The tools have served as a stepping stone to engage NHRI in expanding their child rights work through the development of comprehensive strategies and greater outreach to other national actors.

The inspiring practices and illustrative examples contained in the tools further demonstrate the value of exchanges of practices, knowledge and reflection among institutions, which the Regional Office could further promote (e.g., in conjunction with ENOC) by co-organizing capacity-building events and meetings that allow institutions to share experiences and discuss issues of common interest.

Further guidance tools and technical material could valuably focus on:

- Coordination among departments within the NHRI: How can the child rights department work with other departments within the NHRI? (Cross-cutting departments, e.g. complaint handling, and topic-based departments, e.g. persons with disabilities or racial discrimination)
- National-level child rights monitoring by NHRI: Framework (or index), data collection and analysis (This could also valuably be linked to the CRC reporting process)
- Engaging young children in the work of NHRI
- Model SOPs for handling complaints submitted by children
- Use of digital tools by NHRI to engage with children
- Ethical guidelines for interacting with children.

ECARO could explore with ENOC the possibility of developing a repository of inspiring practices.

The tools could be utilized in the context of fundraising strategies by NHRI and UNICEF to demonstrate to potential donors the relevance of approaches and as the basis for a hands-on programme of work.