

**SWANSEA UNIVERSITY  
OBSERVATORY ON HUMAN RIGHTS AND SOCIAL JUSTICE**

**Annual Lecture on Children's Rights**

**20 December 2024**

***Children's rights: A Rainbow Against the Dark Cloud***

**Bruce Adamson**

Diolch Professor Hoffman for that warm welcome

Prynhawn da everyone

It is my huge pleasure to be here in Swansea to deliver the annual observatory lecture on children's rights: A Rainbow Against the Dark Cloud

100 years ago, the first International Declaration on the Rights of the Child was adopted... forged in the fire of the first World War.

International recognition, adopted by the League of Nations, that hungry children should be fed, sick children should receive health care, and that in times of distress children should be the first to receive relief.

It was a time of global uncertainty with conflict and economic and political instability deeply affecting children. A time of dark clouds.

Global uncertainty... conflict... economic and political instability... deeply affecting children... I'll let that sit with you a moment.

In response, governments recognised that developing international standards to protect children's rights had to be a priority.

Today on World Children's Day we celebrate the progress we have made on children's rights – but also reflect on the work still to do.

In the 100 years since the first Declaration, the pace of change has increased rapidly.

Technology has radically changed our lives, bringing incredible opportunities, but also creating new unforeseen risks.

Crises such as climate change, global pandemic, and major conflicts have exacerbated poverty and impacted on physical and mental health causing devastating impact on children and their communities.

This has all raised serious questions about the effectiveness of the international human rights framework.

It's hard to escape the fact that earlier this month the US, the biggest contributor to the UN and other InterGovernmental Organisations, re-elected a leader who is openly hostile to the international human rights system. Whose views on climate change, science based health responses to the pandemic, and on the resolution of the current conflicts is a radical departure from human rights standards.

So, on this important day, World Children's Day, against the background of those very dark clouds, I want to talk about the rainbow that is children's rights.

The very fact that you are here, in person or online, is because you are already acting as a human rights defender. You are part of that rainbow.

I want to reflect on the harsh realities of the current situation and future trends in children's rights, but also present a picture of hope.

Reflecting on where we have strengthened children's rights protections, where we have developed our understanding of the human rights of children.

I also want to ensure that the voices of children provide a focus for our discussion.

## 1. Context

5 years ago, as part the 30<sup>th</sup> Anniversary of UNCRC we asked children in Scotland to come up with seven words stories about why children's rights were important to them.

They said things like:

“Rights are help before you even ask”

- explaining the positive obligation which rights place on states to Provide the things children need

“My rights are my armour to me.”

- demonstrating the Protective element of rights

“My rights give me power, freedom, courage.”

- highlighting that children can be empowered by rights and recognising their right to Participate in decision making

Another child said:

“Children have rights, dinosaurs don't, they died”

- which opens up lots of interesting discussions about the nature of human rights

I'm not suggesting there is a causal link between the lack of a strong rights framework for dinosaurs and their extinction... But building a strong children's rights culture and a Preventative rights based approach is essential to our future.

There are some very dark clouds. Across the world we are seeing attacks on the civil and political rights of children. The progressive realisation of economic social and cultural rights has slowed, and in some cases regressed.

The developing understanding of children's rights in the environmental context is being contested, and our longstanding commitments to humanitarian protection for children are being ignored.

So where is the rainbow?

The metaphor of the rainbow comes from a Māori proverb or Whakataukī “he pokeke uenuku i tu ai” which means “against a dark cloud, a rainbow stands out brightly”.

It symbolises the leadership that emerges in times of great challenge.

It became strongly associated with work that we were doing in Scotland with Child Human Rights Defenders. It even weaved its way into the official Child Human Rights Defender tartan which you can see on my tie. Developed by children in Scotland, it was a way that they could claim their identity as human rights defenders.

The tartan symbolises the bravery of human rights defenders. The background is grey to represent the dark clouds, the challenges that child human rights defenders face. But there is a rainbow of colours weaved against the grey: yellow for happiness, positive change and optimism; purple for youth, energy and Scotland’s thistle; green for growth, climate and nature; red for passion and the strength to stop injustices. Across the pattern to represent the support structures to their work is blue for the Council of Europe, and the United Nations – the human rights framework.

Child Human Rights Defenders have shown the powerful role that they can play in affecting change.

There is a developing understanding of the role that children’s participation can play in improving decision making.

There is slow but steady progress on incorporating rights into law.

New tools are being developed to assist decision making and to provide access to justice and effective remedies for breaches.

What role can we each play in harnessing these tools to combat the dark clouds ahead?

## 2. Dark Clouds

Ignoring the dark clouds doesn't make them go away. The polycrisis impacts children disproportionately. The impacts of war, climate change, poverty, inequality, and displacement are exacerbated by broader global issues such as demographic expansion and changing geopolitical alignments. The continual change that has been brought about by the evolution of digital technologies is having significant impact and will continue to do so.

Eurochild's Children's Realities in Europe: Progress & Gaps report issued today highlighted that several countries have made significant strides in their commitment to children's rights, but many still need to intensify their efforts to address the pressing challenges faced by children today. Gaps in addressing issues like climate change, mental health and digital safety persist, requiring urgent attention. Children and young people face mental health challenges and financial barriers to education, with inadequate support services and a lack of trained staff, particularly for disadvantaged, migrant, and LGBTQ+ children.

All of these factors are impacting children's reality, but also their perceptions as information through social media feeds fear and anxiety about the present and the future.

In a statement today from the Committee on the Rights of the Child Chair Professor Ann Skelton reiterated their concern about the dire situation facing 20% of the world's children who live in conflict situations.

In particular the Committee noted that despite its calls last year for a focus on ending conflict, and in a year where it reviewed Russia and Israel, things have gotten worse. The Committee called it a crisis which has not been seen in recent history.

Save the Children reports that more children are forcibly displaced globally than at any other time since the beginning of the century. Children's lives are being turned upside down by horrifying escalations in violence – from Sudan to Gaza, Myanmar to the Sahel region, Ukraine to the Democratic Republic of Congo.

Children's lives are disrupted and seriously affected when forced to leave their homes, whilst on the move, internally displaced and even once they have reached

a safe country. These circumstances make children particularly vulnerable to violence, sexual abuse and exploitation.

The ongoing Israel-Gaza conflict sees high child fatality rate with over a million Palestinian children at risk of famine and disease. Children are being killed at a devastating rate. The Committee on the Rights of the Child has issued a number of statements about the impact of the conflict on children in Palestine and Israel.<sup>1</sup>

This week we mark 1000 days since the Russian invasion of Ukraine. Two European countries. I worked in Ukraine prior to the invasion and this conflict really was unimaginable to my Ukrainian and Russian friends. What was even more unimaginable was idea that the Russian children's commissioner would be complicit in child abduction resulting her indictment by the International Criminal Court.

It is hard to see a rainbow, but I was the Chair of European Network of Ombudpersons for Children for during these challenging times, including covid, and I was really proud to see the support and solidarity that our network, and civil society, and European governments and IGOs gave to children in Ukraine and those seeking refuge. Many here in Wales and in Scotland.

One of the darkest clouds is the climate crisis

In January 2024 David R. Boyd The Special Rapporteur on the environment put it starkly that "Business as usual clearly is a recipe for climate chaos, millions of premature deaths, forced migration, ecosystem collapse and human rights violations on an unprecedented scale."

Children are being hit hardest by climate change, yet they are the least responsible for it. Nearly half of the world's children (1 billion) live in countries that are at extremely high risk from the impacts of climate change.<sup>2</sup>

2.2 billion children, almost 90% of children globally, are exposed to high levels of air pollution.

---

<sup>1</sup> <https://www.ohchr.org/en/statements/2024/02/child-rights-committee-statement-children-gaza>;  
<https://www.ohchr.org/en/press-releases/2023/11/un-child-rights-committee-condemns-killing-children-gaza-strip>

<sup>2</sup> [The Climate Crisis is a Child Rights Crisis: Introducing the Children's Climate Risk Index. \(UNICEF\), 2021.](#)

Almost 1 billion children are exposed to high or extremely high-water stress.

820 million children face high exposure to heatwaves.

815 million children are exposed to lead pollution due to contaminated air, water, soil, and food.

400 million children live in high-risk cyclone-prone areas.

240 million children face a high threat of coastal flooding.

40 million children are having their education disrupted every year because of disasters exacerbated by climate change.<sup>3</sup>

The list goes on and the clouds get darker and darker.

But a bright rainbow is that children and young people have been at the forefront of the fight for climate justice. Their leadership has been inspirational.

And there is an emerging trend of children filing lawsuits against governments for failing to address climate change which underscores a pivotal movement toward enforcing environmental justice and safeguarding future generations. These lawsuits leverage the argument that inaction on climate change violates children's fundamental rights to a healthy environment, life, and health.

Success in these legal battles helps establish a legal right to a healthy environment and compel governments to enact more stringent climate policies, including reducing greenhouse gas emissions and increasing investments in clean energy.

During its 93rd session, the CRC adopted General Comment 26 on children's rights and the environment, with a special focus on climate change, and which galvanised the call for urgent actions by states to tackle environmental degradation and climate change.

Broader issues present a mixed picture

---

<sup>3</sup> UNICEF, The World's Children Need Urgent Action on Climate Change (2 November 2023). [\(Link\)](#)

Technological change has been significant in the 35 years since the UNCRC was adopted. In its General Comment 25 on children's rights in relation to the digital environment, the Committee recognises that the digital environment is constantly evolving and expanding,

While the sometimes-hyperbolic excitement regarding the benefits for children of digital engagement continues to drive the market as well as adoption by families, it is the threats that drive policy and regulation.

As AI technology advances, it presents both opportunities and challenges, particularly for children.

There is also a growing digital divide in terms of access to technology and the advances that come with it, within our communities and at a global level.

What is clear is that children and their rights need to be at the heart of the development of law, policy and practice in relation to technology. Their ability to understand technology and adapt to it is a bright rainbow.

The UN Global Study on Children Deprived of Liberty published in 2019 found that children are being detained at a younger and younger age and held for longer periods of time.

My bright rainbow here is that just a few weeks ago all children were removed from Scottish Prisons and accommodated in welfare based secure care settings through the Children (Care and Justice) (Scotland) Act 2024.

It can be done.

Some rainbows emerge slowly. 65 countries now have fully prohibited physical punishment. Wales and Scotland worked closely together racing to see who would get our laws through first. Unfortunately that enthusiasm didn't extend to

the rest of the UK and with 87% of the world's children still lacking legal protection from violent punishment, there remains much to be done.

Some rainbows are quite faint. In Scotland we raised the age of criminal responsibility from being one of the lowest in the world, but only to 12, two years below the international minimum which has been long established by the UN and Council of Europe. Ignoring the very clear evidence that a higher age of criminal responsibility, early support and intervention, and welfare based responses to harmful behaviour by children delivers better results and keeps us all safer.

Yet while most states are happy to criminalise children, there is very little movement on voting rights.

Some countries are recognising older children's right to vote. Argentina, Austria, Brazil, Cuba, Ecuador, Malta, Nicaragua, and Scotland have set the age at 16. A smaller group allows voting to begin at age 17, including North Korea, Greece, and Indonesia.

But the voting age in most countries around the world sits at 18 and no country in the world allows under-16s to vote in national elections.<sup>4</sup>

There are important other ways to ensure that children's participation rights are facilitated. It is a very bright rainbow to see the development and understanding of children's participation in decision making. The growing participation of children in rights based budgeting, impact assessments, and policy development is key to effective decision making.

But voting does matter, especially to older children. In 2022 New Zealand children used strategic litigation to try to secure voting rights. The Supreme Court agreed with the Make It 16 campaign group that denying 16 and 17 year olds the vote was a breach of the NZ Bill of Rights. Unfortunately successive New Zealand Governments in the last few years have ignored the judgment – more content to have a declaration that they are breaching rights than they are to actually let older children vote.

---

<sup>4</sup> Child Rights International Network, Civil and Political Rights (2022). [\(Link\)](#)

Interestingly an Independent Election Review in New Zealand earlier this year also recommend lowering the age to 16. That recommendation was rejected by Government, while at the same time they did accept a recommendation that would extend their own terms from 3-4 years. It's not the bright rainbow that we saw in New Zealand in 1893 when it became the first country to recognise women's right to vote.

There are risks of regression. On 8 March 2024 the UN Secretary General said that "At our current rate of change, full legal equality for women is some 300 years away."<sup>5</sup>

The global crises we face are hitting women and girls hardest, from poverty and hunger to climate disasters, war and terror.

Expected demographic trends pose an uphill battle, since populations are growing most rapidly in areas where child marriage and FGM are most prevalent.

In a context of rising fundamentalisms, backlash against gains in women's equality have too often targeted sexual and reproductive health rights. Much of the discrimination that women and girls face in relation to their sexual and reproductive health rights can be ascribed to the instrumentalization and politicization of their bodies. Girls are at increased risk of sexual violence, early and unplanned pregnancy, coerced sex and harmful practices in general and in particular in situations of crisis.

The Committee on the Rights of the child has observed a clear trend across states all across the world where children's status as rights-holders is being questioned under the guise of culture, or religion, and traditions such as 'family values'.

Children's agency, autonomy and right to participation are subjugated to the dominance of parental guidance.

---

<sup>5</sup> <https://www.un.org/sg/en/content/sg/statement/2024-03-08/secretary-generals-remarks-the-observance-of-international-womens-day-delivered>

### 3. RAINBOWS

So against all those dark clouds, where are the rainbows that I promised?

The brightest rainbows of all are children themselves – particularly those that are acting as Human Rights Defenders.

A pivotal point was the 2018 the Committee on the Rights of Child held its Day of General Discussion (DGD) on the *Protecting and Empowering Children as Human Rights Defenders*.<sup>6</sup>

There were children from all over the world, including a disproportionately large contingent from Scotland with kilts and beautiful art in the form of paper mache shields representing incredible work from our children’s parliament.

Building on DGD2018, Child Rights Connect developed an Implementation Guide which has been endorsed by the CRC.<sup>7</sup>

Prior to 2018 there had been very little recognition of the role that children play as human rights defenders. The failure to recognise children with this designation meant that States were failing to put in place child specific mechanisms to ensure that children received the support, empowerment, and protection to which they were entitled.

The Committee recognised that:

“Children are already acting as human rights defenders. It is just that adults did not pay attention to their activities, their experiences, their roles, contributions, voices, needs, and challenges”<sup>8</sup>

It was a bright rainbow to see the March 2023 joint statement from more than 60 countries on CHRDs which called on States to increase efforts to ensure the protection and effective empowerment of child human rights defenders.

---

<sup>6</sup> <https://www.ohchr.org/en/events/days-general-discussion-dgd/2018/2018-day-general-discussion-protecting-and-empowering>

<sup>7</sup> <https://chrds.childrightsconnect.org/the-rights-of-child-human-rights-defenders/>

<sup>8</sup> United Nations Committee on the Rights of the Child (2018) 2018 Day of General Discussion Outcomes Report: Protecting and Empowering Children as Human Rights Defenders, p.10.  
[https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2018/crc\\_dgd\\_2018\\_outcomereport\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/CRC/Discussions/2018/crc_dgd_2018_outcomereport_en.pdf)

In November 2023 the UN General Assembly adopted a resolution on human rights defenders which referenced child and youth human rights defenders for the first time.<sup>9</sup>

In January 2024 Special Rapporteur on the situation of human rights defenders, Mary Lawlor, issued her report "*We are not just the future*": challenges faced by child and youth human rights defenders". The report highlighted that while child human rights defenders have become progressively more visible, they have also been facing growing repression, especially girls and gender-nonconforming children, and child climate activists.<sup>10</sup>

Looking forward the developing role of CHRDs must be seen as a key strength, both in terms of improving children's understanding of rights and the impact on law, policy and practice at every level of decision making.

Today is World Children's Day - There is a broad array of international instruments which set out the human rights of children, but the United Nations Convention on the Rights of the Child (UNCRC) is special.

The UNCRC is the first legally binding international instrument to incorporate a full range of civil, cultural, economic, political, and social rights, as well as aspects of humanitarian and environmental rights.

John Tobin's commentary on the UNCRC cites its impact as extensive seen in the content of national constitutions, judicial decision-making, the work of international and national institutions, law reform, policy development, advocacy efforts, service delivery, and research concerning children across a multitude of disciplines.<sup>11</sup>

However, the UN Secretary General has noted that despite progress across all regions:

---

<sup>9</sup> General Assembly resolution 78/216, para. 15

<sup>10</sup> <https://www.ohchr.org/en/documents/thematic-reports/ahrc5550-we-are-not-just-future-challenges-faced-child-and-youth-human> para 6

<sup>11</sup> John Tobin (Ed) The UN Convention on the Rights of the Child : A Commentary, edited by, Oxford University Press, Incorporated, 2019. P1

“children are still largely regarded as the objects of adults’ goodwill; mere recipients of services; or solely as a “vulnerable group”, rather than individual subjects of rights and empowered agents in the exercise of their rights. A normative pushback against child rights is taking place globally, including in intergovernmental fora, threatening to undermine the integrity of international standards pertaining to children”<sup>12</sup>

So we need to redouble our effort, and there has been an effort to mobilize (renewed) support for UNCRC.

Accountability is essential for change. If the growing focus on incorporation of UNCRC is accelerated and combined with tools such as Impact Assessment and Rights Based Budgeting, then domestic decision making will be strengthened but there will also be clear mechanisms of accountability.

Fully and directly incorporating the UNCRC into domestic law is one of the most powerful mechanisms for ensuring government accountability. The slow, but steady move towards incorporating the UNCRC is one of the most important trends in securing government accountability in the future.

Every jurisdiction is unique and operates within its own legal, economic, political and social context, and incorporation itself can take many forms. However, what has begun to emerge is the significant impact that legal incorporation can have on children’s lived experiences of their rights.<sup>13</sup>

The UN Committee on the Rights of the Child has highlighted the importance of incorporation<sup>14</sup> and consistently called on states to ensure that the provisions and principles of the UNCRC are directly applicable under domestic law.<sup>15</sup>

---

<sup>12</sup> <https://www.ohchr.org/sites/default/files/2023-09/Guidance-Note-Secretary-General-Child-Rights-Mainstreaming-July-2023.pdf>

<sup>13</sup> Kilkelly U, Lundy L, Byrne B. Introduction. In: Kilkelly U, Lundy L, Byrne B, eds. *Incorporating the UN Convention on the Rights of the Child into National Law*. Intersentia; 2021:1-8.

<sup>14</sup> CRC, General Comment No 5 on General Measures of Implementation of the Convention on the Rights of the Child (arts 4, 42, and 44, para 6), CRC/ GC/2003/5 (27 November 2003) paras 1, 20.

<sup>15</sup> Committee on the Rights of the Child, 9 October 2002 *Concluding Observations on the UK and Northern Ireland*, CRC/C/15/Add.188, para 8-9; Committee on the Rights of the Child, 3 October 2008, *Concluding Observations on the UK and Northern Ireland*, CRC/C/GBR/CO/4, para 10-11; Committee on the Rights of the Child, 12 July 2016, *Concluding Observations on the Fifth Periodic Report of the UK and Northern Ireland*, CRC/C/GBR/CO/5, para 7.

The right to an effective remedy applies to all of the rights in the UNCRC and no distinction should be made between civil, cultural, economic, political, and social rights in terms of justiciability.

The leading work that you did in Wales really inspired us in Scotland and exactly six years ago we presented our draft incorporation bill thanks to the incredible work of people here tonight, Professor Simon Hoffman who led the drafting, Juliet Harris Director of Together who coordinated the incredible civils society campaign, Dragan Nastic from Unicef – and many others.

It is a rainbow that I hope can be seen across the world... that our Incorporation Act came into force on 16 July this year.

We know from the research by Professors Laura Lundy and Ursula Killkelly, who were instrumental to our law, that legal incorporation is an effective means to advance the implementation of children's rights with trends indicating increasing state party interest in legal incorporation at a national level.<sup>16</sup>

Scotland's law creates a justiciable duty for public bodies to act compatibly with the UNCRC, as well as a requiring a range of other measures of implementation such as Children's Rights Impact Assessments, Children's Rights Schemes and domestic reporting of UNCRC implementation. It also specifically empowers courts to refer to General Comments, Concluding Observations and decisions under OPIC.<sup>17</sup>

A bright rainbow at the international level is Child Rights Mainstreaming. Children's rights are increasingly being mainstreamed into international commitments. The 2030 Agenda for Sustainable Development requires a children's rights-based approach for the realisation of all 17 Sustainable Development Goals.

The Secretary General issues his a Guidance Note on Child Rights Mainstreaming in July 2023.<sup>18</sup>

---

<sup>16</sup> Killkelly U, The UN Convention on the Rights of the Child: Incremental and Transformative Approaches to Legal Implementation, (2019) 23(3) International Journal of Human Rights 323

<sup>17</sup> <https://www.cypcs.org.uk/work-on-uncrc-incorporation/>

<sup>18</sup> <https://www.ohchr.org/en/documents/tools-and-resources/guidance-note-secretary-general-child-rights-mainstreaming>

The recently adopted Pact for the Future was a rather more faint rainbow, and while there was more focus on children in the Pact's final version, this tendency to group together children and youth remains. There is also a failure to fully reflect the specific obligations that States have to children under international human rights law.

A growing trend is the focus on a wider definition of youth at the expense of the clearly defined and protected category of child as defined in the UNCRC. This risks children's voices and their special status being lost. It is important that we recognise the leadership and contribution that young adults can bring to decision making at all levels, but in doing so we need to protect children's rights a distinct.

The Human Rights Council has adopted numerous resolutions concerning children's rights. Since 2009 has held an annual full-day meeting on the rights of the child. In 2024 they will focus on early years.

The Committee on the Rights of the Child does amazing work, and we have started to see wider engagement by other Treaty Bodies with children and young people. In 2019 two young people led the delegation of the Children and Young People's Commissioner Scotland to the Committee Against Torture.<sup>19</sup>

Children have played increasing roles in General Comments of other Treaty Bodies.

In September 2020, the Human Rights Committee's General Comment 37 on the right to peaceful assembly.<sup>20</sup>

In April 2022 a General Comment by the UN Committee on Economic, Social and Cultural Rights.<sup>21</sup>

We have also seen increased engagement with children by Special Procedures mandate holders.

---

<sup>19</sup> <https://www.cypcs.org.uk/news-and-stories/two-scottish-teenagers-are-youngest-ever-to-address-un-committee-against-torture/>

<sup>20</sup> <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-37-article-21-right-peaceful>

<sup>21</sup> <https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec12gc26-general-comment-no-26-2022-land-and>

The Committee on the Rights of the Child continues to be a brightest of rainbows, their ongoing work in reviews, General Comment, and other statements is absolutely essential and it inspires us all.

The Committee's next General Comment on Access to Justice and Effective Remedy has the potential to be a global catalyst in ensuring that there are effective systems of redress at all levels, but more importantly that at preventative approach is taken.

This year also marks the 10th anniversary of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OPIC).

Of the 196 parties to the UNCRC 51 states have ratified OPIC. Over the past decade, the CRC has received over 200 communications by or on behalf of children. A growing body of children's rights jurisprudence has emerged as the CRC has adopted more than 100 decisions and views on their merits.<sup>22</sup>

The CRC's engagement with OPIC demonstrates an active and evolving treaty body. It has rapidly adapted to the increasing number of cases, making decisions on challenging matters such as extraterritorial jurisdiction, which have had wider implications, and growing acknowledgement by other judicial bodies such as the European Court of Human Rights.<sup>23</sup>

OPIC allows the CRC to develop a broad approach to remedies for rights violations incorporating individual and general measures to address the specific rights violations.

Looking forward OPIC provides an important and growing mechanism for state accountability, but further work needs to be done to improve children's involvement in the process and strengthen the implementation of remedies and the engagement of States. There is also potential for further development of procedural issues such as speediness and accessibility for children, as well as a more child friendly approach to procedures and remedies.

---

<sup>22</sup> <https://www.ohchr.org/en/treaty-bodies/crc/individual-communications>

<sup>23</sup> Liefwaard, T. (2024). A Decade of the Optional Protocol to the CRC on a Communications Procedure: Progress, Challenges and the Pathways Ahead for Children's Access to Justice. *The International Journal of Children's Rights*, 32(1), 1-8

Another bright rainbow is the development of new tools like Children's Rights Impact Assessments

In 2020, the European Network of Ombudspersons for Children (ENOC) worked extensively on Child Rights Impact Assessment (CRIA), which is a key mechanism for implementing the UNCRC and a crucial tool for advancing children's rights. The common framework of reference we created provides an adaptable model which can be used dynamically in different contexts, but which retains a common methodology which will help drive culture change. The need to introduce a continuous process of CRIA has been recommended by the UN Committee on the Rights of the Child in several of its General Comments.

The ENOC study found while in some States child rights impact assessment is part of the existing human rights they were often limited to laws and policies targeting children and directly affecting them. There was little evidence of assessments being used where laws, policies and administrative decisions that might affect children indirectly.

We need to do better.

Another rainbow is the growth of Independent Children's Rights Institutions (ICRIs)

The origins of National Human Rights Institutions (NHRIs) can be said to date back to 1946. There was a rapid increase in the creation of NHRIs following the adoption of the UN Paris Principles in 1991, and the CRC General Comment 2 in 2002.

ENOC now has 44 members across Europe, there is significant growth of ICRIs in Asia and the Americas, and some inspiring practice from New Zealand, Australia and South Africa.

The last three decades have seen an explosion of academic, advocacy and policy-maker interest in both the theory and the practice of children's rights. There is a

growing global body of strategic litigation focused on the advancement of those rights through positive legal and/or social change.<sup>24</sup>

The three-year global research collaboration on Advancing Children's Rights in Strategic Litigation (ACRiSL) brought together partners from advocacy and academia to work on child rights strategic litigation. Its 2022 report from the project provides an invaluable resource for future work.<sup>25</sup>

Children are increasingly using strategic litigation as part of their work as human rights defenders.

As I said earlier, while there has been little appetite for allowing children to participate in democratic life through voting, there has been a sustained interest in children's right to participation from the earliest days of the UNCRC.<sup>26</sup>

There has been some powerful new work from the OECD, the Parliamentary Assembly of the Council of Europe and the European Commission.

There is a growing interest in child rights budgeting. Developing tools to ensure governments can make spending decisions that are sufficient, equitable, efficient, transparent and participatory. Children have unique insights into the ways in which their governments can and do allocate public funds for children and their families in ways that support or undermine the realisation of their rights. Children also face additional barriers, but not through lack of interest or capacity. If participatory budgeting is to be effective for children, it will require bespoke forms of social accountability.<sup>27</sup>

In South Africa the Western Cape Children's Commissioner has worked with Child Government Monitors to focus on the prioritisation of children in public

---

<sup>24</sup> Aoife Nolan, Ann Skelton, 'Turning the Rights Lens Inwards': The Case for Child Rights-Consistent Strategic Litigation Practice, *Human Rights Law Review*, Volume 22, Issue 4, December 2022.

<sup>25</sup> A. Nolan, A. Skelton and K. Ozah, 'Advancing Child Rights-Consistent Strategic Litigation Practice' (ACRiSL, 2022)

<sup>26</sup> Lansdown, Gerison (2001). Promoting Children's Participation in Democratic Decision-Making, *Innocenti Insights*, no. 6.

<sup>27</sup> L Lundy, K Orr & C Marshall 'Children's rights budgeting and social accountability: Children's views on its purposes, processes and their participation' (2020) 4 *Global Campus Human Rights Journal* 91-113

budgeting processes.<sup>28</sup> This has led to the creation of a budget guide for children from the National Treasury.<sup>29</sup>

Children have consistently demonstrated the value that they bring to decision making. The new frameworks that are being created have huge potential, but in order for this to be effective it requires adequate resources and expertise. We cannot expect that children will simply fit into adult systems. A properly funded co-designed approach will lead to a much more inclusive approach to decision making over the coming decades.

Working alongside children, you are the brightest of rainbows, the incredible role that civil society, academia and practitioners, play in the ensuring children's rights are respected, protected, and fulfilled.

It's easy to let the dark clouds overwhelm us.

Existential crisis such as climate degradation and conflict.

Growing pushback against rights

Technological change which outpaces our ability to assess its risks.

BUT there is a rainbow against those dark clouds... it's you... and the children across the world fighting against the darkness. The adults working with and for them.

The improvements to law policy and practice that we fight for every day...

The work we do to ensure that we Provide that "rights are help before you even ask", that Protect children so that they feel that "my rights are my armour to me" and do we see more Participation of children so they feel that "My rights give me power, freedom, courage".

---

<sup>28</sup> <https://www.westerncape.gov.za/childrens-commissioner/news/western-cape-commissioner-children-calls-prioritisation-children-national-public-budgeting>

<sup>29</sup> <https://www.treasury.gov.za/2024%20Children%20Budget%20Guide%2024%20June.pdf>

And perhaps most important of all – this bright rainbow that you are part of creates a proactive children’s rights culture of Prevention and a connection to the international community that ensures that we aren’t left behind – like the dinosaurs.