

# Optional Protocol to the UN Convention on the Rights of the Child

## (UNCRC) on a communications procedure

Ireland signed and ratified the Protocol on 24th September 2014. Ratification of the Protocol by Ireland will have the effect of enabling the Committee to receive, consider and provide its views and recommendations in relation to alleged violations by Ireland of Convention rights as communicated by children or those acting on their behalf. In Ireland's case, the Protocol will be effective from 24th December 2014.

Please click [HERE](#) to see full text of Protocol.

The Optional Protocol makes available the means for violations of the rights of children as set out in the UNCRC to be communicated directly to the United Nations Committee on the Rights of the Child; a group of 18 international children's rights experts established under the UNCRC who report to the United Nations General Assembly.

In Ireland there are currently a number of ways open to children and their parents or guardians to pursue redress in cases of alleged violations of children's rights. These are provided through the complaint procedures of various State bodies and agencies (such as the Child & Family Agency and the Health Service Executive). In addition, independent statutory bodies have the power to investigate and determine complaints (such as the Ombudsman for Children's Office, the Garda Síochána Ombudsman Commission and the Equality Authority). There may also be the possibility of pursuing redress through a legal challenge in the courts.

While decisions by the UN Committee, arising from communications considered by it, are non-binding on States, Ireland, as a party to the UNCRC, is answerable to the United Nations for its implementation of the Convention.

### **The Protocol provides for three separate communication procedures:**

- The Individual Communications Procedure
- The Inter-State Communications Procedure
- The Inquiry Procedure

### ***Article 7 of the Protocol governs the Admissibility of communications and states as follows:***

The Committee shall consider a communication inadmissible when:

- The communication is anonymous;
- The communication is not in writing;
- The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention and/or the Optional Protocols thereto;
- The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

- All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- The communication is manifestly ill-founded or not sufficiently substantiated;
- The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned, unless those facts continued after that date;
- The communication is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit.

*Article 17 states as follows:*

Dissemination of and information on the Optional Protocol

Each State party undertakes to make widely known and to disseminate the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular with regard to matters involving the State party, by appropriate and active means and in accessible formats to adults and children alike, including those with disabilities.