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Independent children's human rights institutions 'in the middle' between local and global perspectives

Roberta Ruggiero and Karl Hanson

Keywords: *CRC, Independent children's human rights institutions, State compliance, Decentralization, Two-way translations of human rights*

ABSTRACT

Independent children's human rights institutions (ICHRI) developed rapidly worldwide over the last three decades. Their implementation was aided by the adoption of the Convention on the Rights of the Child (CRC), the diffusion of participatory practices, and the growth of children's rights advocacy. In addition, ICHRI are supported by the emergence and subsequent consolidation of children's rights studies as a field within academia, and the increase of political will to further develop evidence-based policies dedicated to children. This article will explore the positioning of ICHRI between the local and the global, especially regarding trends towards decentralisation of State structures as well as relating to two-way translations of human rights. First, we will analyse the evolution of European State structures towards decentralization. We will then examine the extent to which State decentralization dynamics affect children's human rights fulfilment. The next part will look at how ICHRI can be conceptualised as institutions that stand 'in the middle' between local and global human rights perspectives. Our main idea is that, since their creation, independent human and children's rights institutions have been particularly constructive to facilitate a two-way dynamic between local and global perspectives on children's rights, especially in decentralized states.

INTRODUCTION

In their general comments, the Committee on the Rights of the Child (hereafter CRC Committee or the Committee) only piecemeal refers to how children's rights implementation and monitoring should consider a State Party's subnational, decentralized entities. In General Comment no. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the CRC Committee considers, echoing similar provisions in the Paris Principles (UN General Assembly 1993), that their establishment falls "within the commitment made by States parties upon ratification to ensure the implementation of the Convention" (para. 1). State Parties that establish general independent human rights institutions (IHRIs) as well as independent children's human rights institutions (ICHRIs), comply with international standards that call to implement international human rights norms domestically (Cardenas 2012). ICHRIs are meant to routinize compliance with the children's rights international legal framework and facilitate their local level implementation through the institutionalization of practices designed to regulate children's human rights locally. General Comment No. 2 limits the notion of local implementation to the national level. By underlining that 'every State' needs an independent human rights institution, it similarly downplays, if not completely disregards, the complexity of ongoing forms of State decentralization and multi-level governance. The CRC Committee vaguely urges decentralized States to create ICHRIs at each State administrative juncture and stresses the necessity to create a formal network of standardized vertical and horizontal cooperation between the different ICHRIs created on the State's territory¹ (CRC Committee 2002; CRC Committee 2003). However, the CRC Committee does not provide any kind of suggestions or guidelines as to the role of these institutions, or their institutional position among local, central State, and international actors.

In its recommendations and guidelines for the establishment of ICHRIs the CRC Committee largely focuses on central government responsibility and encourages States to adopt what Hoffman (2019) defines as a 'regulative approach' to the legal integration of the CRC. The regulative approach calls for the integration of the CRC within a State's national legal system, thereby ensuring justiciability and enforcement before national courts and providing remedies to violations (Hoffman 2019). By emphasizing the establishment of a central monitoring process and the creation of coordination and collaboration mechanisms, the CRC Committee wishes to ensure the coherence of the State's CRC compliance strategy (CRC Committee 2003; CRC Committee 2002). The core ambitions of the regulative approach, which are to enhance democracy and respect for children's rights and to ensure that children's rights are applied equally on the whole territory of each State party, are of course important normative objectives. However, the CRC Committee's position does not appear to take into consideration the complexity of decentralized States, which heavily impacts the fulfilment of human rights at the local level.

In addition to being silent on how to govern the decentralization of human rights, the regulatory approach also overlooks how local perspectives on human rights can rework or initiate human rights claims, which refers to questions about the legitimacy of human rights. The importance to address as a central concern the legitimacy of human rights implementation and monitoring mechanisms – to ask in how far ICHRIs are actually relevant for concrete social actors in particular local settings – builds upon empirical insights from social science research on human rights in the fields of international relations, sociology, socio-legal studies and anthropology (e.g., De Feyter et al. 2011; de Sousa Santos and Rodríguez-Garavito 2005; Liebel et al. 2012; Goodale and Merry 2007; Hanson and Nieuwenhuys 2013). A common

¹ Vertical coordination: between the central and local ones and Horizontal coordination among ICHRIs existing at the local level.

thread in this work is the ambition to address human rights no longer solely as a top-down process, but to also attend to human rights and children's rights 'from below'. In its General comments and recommendations pertaining to State periodic reporting, relying on the regulative approach to children's rights standards, the CRC Committee mobilizes a *unidirectional dynamic* looking only at shifts from the global to the local. It adopts a norm diffusion or top-down perspective (Zwingel 2012) and thereby overlooks the complexity inherent to decentralization and 'human rights localization' that implies the 'return to the global' from local human rights experiences (De Feyter 2007; De Feyter and Parmentier 2011). In other words, in addition to processes that translate global rights into local systems, the localization of human rights implies a transfer from local to global, of knowledge and experiences stemming from local human rights practices to national and international human rights institutions. These in turn impact the development and interpretation of human rights laws and policies at the international level (De Feyter 2007; De Feyter and Parmentier 2011; Oré 2011).

To address these challenges, this article will explore the positioning of ICHRIs between the local and the global, especially regarding trends towards decentralisation of State structures as well as relating to two-way translations of human rights. Considering the scarcity of literature pertaining to ICHRIs, to develop our analysis we borrowed ideas from research on independent national human rights institutions (INHRI) as well as from authors having discussed the impact of decentralization dynamics in relation to children's rights. First, we will analyse the evolution of European State structures towards decentralization. We will then examine the extent to which State decentralization dynamics affect children's human rights fulfilment. The next part will look at how ICHRIs can be conceptualised as institutions that stand 'in the middle' between local and global human rights perspectives. Our main idea is that, since their creation, independent human and children's rights institutions have been particularly constructive to facilitate a *two-way dynamic between local and global* perspectives on children's rights, especially in decentralized states.

THE DECENTRALIZATION OF EUROPEAN STATE STRUCTURES

Decentralization is currently under consideration or attempted in an astonishing diversity of countries. Both from a social and economic standpoint, varieties of decentralization exhibit different developmental stages and implications. Decentralization is under particular scrutiny by countries possessing developed, developing and transition economies, in democracies, in regimes undergoing a transition to democracy, or otherwise attempting to avoid or undermine this transition. It is being attempted by countries with both strong and weak civil societies, and is supported by representatives of the left, centre and right parties (Manor 1999). In other words, decentralization is being used to overcome widely observed governance deficiencies which undermine the quality of services provided to communities, with attention paid to the needs of a specific local reality.

Local government reforms, which have been carried out since the 1970s, have witnessed an increased speed in the last decade. Decentralization has emerged as one of the leading principles of State structural reorganization in developing and transition countries. Such forms of State organization are supported by the United Nations and international financial institutions as the essential precondition for good governance, poverty reduction and conflict resolution between minorities (ICHRP 2002; USAID 2000). While intervention by the United Nations and World Bank has supported the idea of decentralism as a new form of government structure in developing and transition countries, decentralization has also gained momentum throughout large parts of the Western world for other reasons. Until the 1970s, prevailing economic thought underlined the need for a strong centralized State, capable of

collecting and reallocating considerable resources to meet the needs of its population. In recent years this idea has been replaced by a dominant economic ideology emphasising the virtues of a competitive, deregulated and decentralised economic framework. This stance is supported by monetary economists, who argue that decentralised fiscal policies provide stronger market signals and strengthen the accountability of public policies (Weingast 1995).

Focusing on the European context, the varieties of decentralization have become increasingly problematized and debated topics. Two major developments have brought varieties of decentralization to the forefront of current analyses. First, the European integration process has given birth to a political and economic structure which cannot be typified as a State. While it was initially designated as a classic international organization, following the proposal by the European constitutional treaty and the EU's increased intervention in matters covered by the sovereignty of the Member States, such as monetary policy, transnational justice and policing, several authors drew attention to the need to classify the organizational structure of the EU (Nicolaidis 2002; Hooge and Marks 2001; McKay 2001; Kelemen 2004; Swenden 2004; Delaney and Smith 2005). Secondly, in Central and Eastern Europe the collapse of authoritarian regimes provided particular groups the possibility to reassert nationalist identities, which has inter alia participated to the dissolving of the Soviet Union or the disintegration of Yugoslavia. The development of these new decentralised forms of States created the need to reassess comparative studies in this field, and to reconsider the relevance of traditional federal States structures such as Switzerland and the USA, which until then represented the benchmark against which emerging federal States should be evaluated (Swenden 2006).

To better analyse and understand the decentralization phenomenon, we can distinguish between three types of decentralisation: political, administrative and fiscal (ICHRP 2002). Political decentralisation involves a transfer of power, with the effect of increasing the power of subsidiary governmental authorities. Administrative decentralisation takes place when government offices and infrastructure are established in local communities or regions along with control over staffing. Fiscal decentralisation happens when financial resources and the power to raise taxes are transferred to local authorities. Only when the decentralization process includes all of the above-mentioned dimensions can the phenomenon be considered a *complete* State decentralization process, with the possibility of a positive impact on the quality of State governance (ICHRP 2002). For the purpose of this article, decentralization is understood as a process of State re-organization that involves transfer of power and responsibility from the national or central government to subsidiary governmental levels, which can be regional, municipal or local (ICHRP 2002).

Finally, in order to provide further clarity to the European context, we can emphasize that although the EU is fostering a process of integration among its Members that mobilizes the idea of European citizenship, we are also witnessing, at the same time, the weakening of the idea of a national or central State as the sole frame of reference for territorial identification giving rise to a new and contrary process, that of *glocalization* or *glocalism*. The processes of Europeanization or globalization, along with the resurgence of the regional identities and authorities in the EU, are the twofold expressions of the same process of *glocalization* (Swenden 2006). In other words, while the EU is fostering an ideal of integration based on sharing certain aspects of State sovereignty and competency, in some of the EU Member States in which regional identities are present, (such as Spain, Belgium and the United Kingdom) the weakening of the central State as the frame of reference of territorial identification has not produced the shift of such identification toward the European Union. On the contrary, given the weakening of the central State, subnational entities with strong collective identities which are present in these States (such as Catalonia, Basque Country and Galicia in Spain; Flanders and Wallonia in Belgium, Scotland and Wales in the United Kingdom) have seized the opportunity to strengthen their regional identity and claim greater autonomy within the State.

Decentralisation cannot be portrayed as a planned and rational process, undertaken by central government as a matter of policy. In fact, the process is not always orderly or pre-organised. As hinted at before, a number of countries decentralised after the collapse of central government or central governmental authority. This was the case in Russia after the dissolution of the Soviet Union (ICHRP 2002). Decentralisation may also happen *de facto*, for example when local authorities claim and secure new powers without the approval of central government through a highly politicized movement (ICHRP 2002). As a consequence, authors have labelled decentralization in different ways according to the specificity of the process or its outcomes (federalism/federation, confederalism/confederation, regionalism, constitutional decentralized union, associated States, etc.) (Elazar 1987). In the following discussion pertaining to independent children’s human rights institutions created in decentralized States, we use the terms ‘decentralization’ and ‘decentralized states’ to refer to States characterized by a high decentralization of powers between the central state and its devolved entities.

Current trends have witnessed a progressive change in decentralization’s dynamics and aims. The birth of federal systems was originally integral to constitutive moments – for example, those born out of the aggregation of sovereign entities – thus expressing a fundamental constitutional value in itself. Today, decentralization dynamics have lost the essential elements of constitutional values and are thereby mostly becoming a governmental technique (Palermo 2007a; Carrozza 2007). This latter implied the fragmentation of the centralised decision-making process and devolution of the related power between the central state and the local authorities, making the reassessment and adjustment of ‘multi-level’ governmental instruments and strategies necessary (Palermo 2007b). This division of power between central and local governments is a real division of activities among territories (Rotelli 1998). The dynamics of decentralization unfold through a variegated range of processes. No matter their form, the distribution of powers between different levels of governance affects the regulation and implementation of the human rights of children within the States’ territory.

Decentralization has attracted increasing political and academic attention, leading to work dedicated to the study and promotion of local governance by two different categories of authors: (1) economic analysts and development agencies seeking to improve the effectiveness of poverty-reduction and basic services delivery strategies; (2) political scientists and legal scholars, who study decentralization as a form of governance or of government administrative organization, focusing on the role that decentralization can play in relation to democratic reforms (Scott 2006). This second group mainly claims that devolution of powers from the central government to local entities should be promoted, “not just because it strengthens the performance or quality of democracy, but because democracy itself requires devolved government” (ICHRP 2002:9). In other words, in applying the principle of subsidiarity to the implementation process, decisions should be taken at the lowest possible governmental level, in order to be guided by the needs of the local community and foster effective respect and exercise of the community’s rights, and decision-makers should be accountable at that level. An example thereof is the European Charter on Local Self-Government of 1985, which states in Article 4(3) that “Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen”. Its Preamble supports the principle of enhanced democracy as a core aim of decentralization. This view enshrines the right to participate in the conduct of public affairs as one of the democratic principles shared by all Member States of the Council of Europe, and recognizes that it is at the local level that this right can be most directly exercised. At the international level, similar norms have been approved, including the Worldwide Declaration of Local Self-Government, adopted by the governing council of the International Union of Local Authorities (IULA) on 17 June 1993. This Declaration explicitly links local government and political rights, stating in its Preamble that “Article 21 of the Universal Declaration of Human Rights recognises that the will of the people is the basis of

authority of government". In other words, it would appear that devolution should be promoted, not simply because it strengthens the performance or quality of democracy, but because democracy itself requires devolved government to achieve the objective of respect for human rights (ICHRP 2002).

THE IMPACT OF STATE DECENTRALIZATION ON CHILDREN'S HUMAN RIGHTS IMPLEMENTATION

The democratic legitimization of the decentralization of political powers renders the role of independent children's human rights institutions (ICHRI) particularly interesting. They are indeed perceived as actors of local regulation and implementation of children's human rights and as a bridge between the national and international human rights systems. Regarding the implementation of ICHRI, the CRC Committee embraces, to a certain extent, this same logic - decentralism as a new technique of good governance also applies to children's rights implementation strategies at the local level. As a consequence, ICHRI should be established both at the central level as well as at each level of the States' administrative structure (Ruggiero 2013). The goal is to ensure a positive impact on the quality of implementation regarding children's human rights at all levels of the State's administrative junctures, and throughout the entire territory of the State in an equal manner.

Notwithstanding the acknowledgment of the importance to associate ICHRI with the strengthening of democracy and the rule of law, links between decentralization and human rights have not figured prominently in ongoing discussions on the worldwide phenomenon of State decentralization. Except in relation to self-determination and minority rights, little analysis has indeed been carried out on decentralization in relation to human rights and children's rights (Treisman 2007; Swenden 2006). To date, the work carried out by human rights advocates tends to romanticise the advantages of the local management of human rights, while downplaying the devolution of powers from the central government to local authorities. We attribute this stance to two probable factors: (1) human rights advocacy actions are essentially dedicated to addressing central governments and bringing them to accept the basic principles of human rights as enshrined by international instruments; (2) UN treaty bodies, including the CRC Committee primarily focus on central governments and encourage them to adopt a regulative approach to implementation through legal integration of the CRC.

Research on the impact and effects of decentralization on fundamental human rights has established that such processes generate new opportunities to endorse and protect human rights and children's rights. The effects on the fulfilment of human rights can be positive and/or negative (ICHRP 2002; Hoffman 2019). In terms of benefits, the devolution of powers influences the respect for human rights and creates opportunities to increase accountability of local governments as decision-makers, who are likely to be more visible and accessible to child service users or their representatives (such as parents, legal guardians, and ICHRI). Transparency and the response capacity of government institutions are said to be increased, equally laying the groundwork for the coalescence of new political ideas, which may lead to more creative and innovative programmes. Close proximity increases the opportunity for local children, NGOs, and researchers to participate in practices, evaluate their outcomes, develop alternatives, and advocate for both law and policy reform (Hoffman 2019; Tobin 2010; Rees 2013; ICHRP 2002). Even though the benefits of decentralization are difficult to demonstrate empirically, decentralization can improve respect for human rights and their effective exercise, given the heightened degree of citizen involvement in local level decision-making processes. In addition, decentralization potentially enhances the quality of the provided services, such as education or health care (Pietermaat-Kros 1993). This also applies to children's rights, as "service planning and delivery are in the hands of local administrations, planners are usually

closer to users, civil society and non-governmental organizations (NGOs)” (Hoffman 2019: 376).

However, while decentralization introduces benefits for CRC implementation, there are also potential risks. Some authors have argued that decentralization is incapable of positively impacting human rights, since local authorities are unable to rely on sufficient financial resources. Lack of funds, expertise, and skills would decrease the quality of provided services (ICHRP 2002). The absence of common minimum standards and the lack of a central monitoring system of the providers can serve to weaken democracy by empowering local elites beyond the reach of central power and by increasing the risk of corruption amongst local level public officials (ICHRP 2002). Other authors have discussed the relevance of constitutional protections of the division of powers between central and local government as a key to successful human rights protection. In the absence of constitutional protection, local governments merely exercise “borrowed power” that can be reclaimed at the discretion of the central government (Ahikire 2002:6). Children’s rights are susceptible to all of the said risks, and to additional, specific risks. Hoffman (2019) problematizes the low priority accorded to children’s rights by local administrations. He attributes this situation to the conflicting interests of locally elected politicians who seek to secure re-election by focusing intently on fulfilling the needs of adult constituents (Nolan 2011). This is exacerbated by the limited nature of resources supporting local level implementation, and the ill-defined limits of accountability resulting from the dilution of responsibility from the central states to local governments over CRC implementation (Lundy et al. 2012). In addition, inconsistencies in CRC implementation across the various devolved State entities result in discrimination that children experience in the exercise of their rights based on the territorial distinction (ICHRP 2002; Scott 2006; Thede 2009; Williams 2011).

As said, the benefits and risks of decentralization are difficult to demonstrate empirically. Nevertheless, in the implementation process of international human rights law, a crucial role is played by local authorities to design an operational environment that supports all actors who apply innovative solutions toward the fulfilment of human rights. Thus, a critical assessment of the possible positive or negative impacts of decentralized governance must include multiple discussions on the nature and orientation of central governments, on the powers devolved to local governments and their financial autonomy; on the potential variations inherent to the different sub-national human rights bodies in the society in question and the level of human rights culture embedded with the local population (Mertus 2009; Smoke 2000; Wolman 2017).

ICHRIS ‘IN THE MIDDLE’ BETWEEN LOCAL AND GLOBAL HUMAN RIGHTS

Regarding the various levels of commitment central and local authorities demonstrate vis-à-vis international treaties, we feel it is important to consider the responsibility of local authorities to carry out the implementation of international instruments dealing with human and children’s rights within their jurisdiction. The international political system is constructed around States. Founded on the framework created by international law and institutionally represented by the United Nations, the system presumes that national governments represent their societies in international decision-making and assume the duties and privileges of States. Moreover, through the official ratification of international instruments, they commit themselves to the fulfilment of the provisions enshrined by the said instruments in favour of human and children’s rights. However, in their daily practices, national or central governments rarely exercise direct power over issues that are of the most immediate concern to the vast majority of the world’s people. Local, municipal or regional governments often enjoy relatively heightened relevance, given that they tend to control the operation of schools, hospitals, and health centers, grant or withdraw land titles, distribute water and other resources, recognize

property rights and licenses, settle local disputes, and enforce personal civil law (marriage, divorce etc.) (Michelman 2009). Moreover, the presence of central governments is perceived as attenuated in the cities, towns, villages and rural settings where people live. Furthermore, it is the central government and parliament that commit a country to the norms and principles of human rights, not regional and local governments. Thus, from a legalistic perspective, it is important that a country's international obligations under international human rights law are made explicit in the context of decentralization and local governance, to the extent that the actions of those below the central government will exert power, distribute resources, and take on responsibilities in accordance with the country's human rights obligations (Michelman 2009).

When discussing State party reports by federal or devolved States, the CRC Committee is reluctant, analogous to its relative silence in General comment No. 2, to elaborate detailed recommendations how they should establish or organize existent ICHRI with regard to the relationship between their central and decentralized entities. For example, after examining and discussing the 2015 State party report of Brazil, the Committee recommends the country to "establish a specific independent mechanism for monitoring children's rights that is able to receive, investigate and address complaints by children in a child-sensitive manner while ensuring the privacy and protection of victims, and undertake monitoring, follow-up and verification activities for victims", but without any reference to how such a mechanism should function within the Brazilian federal state structure (CRC Committee 2015:para. 6). Likewise, in its 2016 Concluding observations on the country report from Pakistan, the Committee notes that "despite the devolution of powers to provinces and the different administrative arrangements of its territories, the State party remains responsible for the implementation of children's rights under the Convention throughout its territory" (CRC Committee 2016:para 11). The recommendations given by the treaty body to States that have conferred important parts of their law-making and governing powers in the field of children's rights to subnational entities are mainly limited to stressing the need that they should establish adequate coordination mechanisms. However, they do not provide further details pertaining to coordinate human rights implementation and monitoring between decentralized and central entities in complex state structures, nor how to consider multi-layered international governance levels.

According to Sidoti, even though "national human rights institutions are the creation of their own domestic laws and processes, their existence is closely connected with the international human rights system" (Sidoti 2011:93). This analysis is equally applicable to independent human rights institutions dedicated to children. Since the adoption of the Paris Principles (1993) and their endorsement by the CRC Committee through General Comment No. 2 (2002), the international children's human rights system looks at ICHRI as key actors in the State's engagement with the mechanisms and processes imposed by human rights international public law (Ruggiero 2013). General Assembly Resolution 60/251 (2006) that has established the Human Rights Council recognizes the importance of "ensuring universality, objectivity and non-selectivity in the consideration of the human rights issues, and the elimination of double standards and politicization". According to Sidoti (2011), the international human rights system does not meet this objective, but it requires the creation of independent human rights institutions. The author has commented on the capacity of independent human rights institutions to contribute to the objective of ensuring universality, objectivity, and non-selectivity in regards to the resolution of issues related to human rights, and to the elimination of double standards and their politicization. In relation to ICHRI, different studies of their working practices show that they supplement the work carried out by the CRC Committee and other UN treaty bodies (UNICEF 2012; Ruggiero 2013; Thomas, Hanson and Gran 2011). They do so, inter alia, by providing independent objective information on children's human rights at national and local levels, thereby contributing to the integration

of often self-serving information provided by States and NGOs; identifying the shortfalls of the existing international legal system by addressing elements of particular relevance at the national level; assisting in the development of international laws, practice and policy agendas that are more responsive to national specificities in regards to children's rights fulfilment; bringing a ration of honesty and impartiality to debates within international forums, and transmitting children's opinions gathered through their daily working practice.

These findings show the important role that is played by ICHRI for the translation of international children's rights norms to national and subnational levels. As underlined by Cardenas (2012), the setting up of IHRIs imposes the inclusion of a State actor often within a pre-existing national human rights system dominated by non-State actors that challenge State performance vis-à-vis human rights compliance. This also applies to ICHRI that become domestic State actors armed with the potential to influence local landscapes of children's rights implementation, by (1) challenging State performance in the fulfilment of children's rights (2) public awareness raising and society mobilization (3) voicing children's needs and giving visibility to children's opinions in various multi-level political debate settings. Levitt and Merry (2009) see two differing options for the localization or 'vernacularization' of human rights that they capture through two related dilemmas, a resonance dilemma and an advocacy dilemma. According to the resonance dilemma, human rights ideas and practices "need to resonate with existing ideologies to be adopted, but to be legitimate as human rights they have to reflect universal principles or standards" (Levitt and Merry 2009:457). They hence need to be both sufficiently recognizable for local actors and simultaneously point at global universal categories to be politically powerful. The advocacy dilemma implies that organizations that join dominant human rights interpretations will get easier accepted but will be less challenging, whereas organizations that challenge extant human rights interpretations will have more difficulties in obtaining local support.

In order to allow ICHRI to reach the overarching goal of localizing international human rights, according to Mertus (2009), IHRIs need to be perceived as nonthreatening and inclusive by the pre-existing network of actors. Therefore, a comprehensive strategy is needed that reaches far beyond the mere creation of INHRIs and the establishment of a quasi-judicial complaint procedure. Strategies thought to be particularly effective in solidly rooting such institutions at the local level require a commitment that goes beyond the legal establishment of INHRIs and that include the parallel creation of structures that can build a culture of human rights, such as the curricular inclusion of human rights in both formal and informal education; strengthening the human rights organizational capacities of the public and private sectors; and "the deepening of human rights capacity among judiciary and foreign ministries tasked with applying and monitoring human rights implementations, respectively" (Mertus 2009:140). Mertus' comprehensive approach is confirmed by Hoffman (2019), in his analysis of CRC implementation in Wales, a devolved entity of the United Kingdom. Hoffman underlines that this process can best be understood as the empirical practice of *human rights localization*. For him, the *regulative approach* to CRC implementation needs to be accompanied by an array of strategies and interventions that offer an alternative to formal justiciability and legal enforcement to ensure that rights are locally understood and can effectively influence policy development.

The enhanced possibilities created by ICHRI for local interpretations or 'vernacularization' of human and children's rights, especially through the involvement of grassroots social movements, potentially enlarge the meaning of human and children's rights. As explained by Levitt and Merry, local social movements that actively seize human rights contribute to reshaping them, whereby "vernacularization is likely to transform the global understanding and practice of human rights. As social movements seize these ideas and wrestle with them, they make them something new" (Levitt and Merry 2009:460). In other words,

enlarging the participation of local perspectives on human and children's rights, as is made possible through a comprehensive establishment of IHRIs and ICHRIs, in turn alters the international human and children's rights themselves. Based on Sidoti's (2011) analyses of IHRIs that follow a *two-way process between local and global*, we can understand that the international commitment of ICHRIs allows them to improve the child rights agenda at national and local levels. They can do so by increasing pressure on the State to address specific child rights issues on the international agenda as a result of ICHRI's participation in the international human rights system.

For De Feyter local needs are the "starting point both for further interpretation and elaboration of human rights norms, and the development of human rights action at all levels" (De Feyter 2007: 69). The process can be described as two-way translations as it helps reversing traditional 'top-down' approaches to human rights. The notion of translations offers a strong concept capable of explaining how sometimes even competing interpretations of human and children's rights norms can get translated both 'down' to the local levels – as in the idea that ICHRIs can contribute to promulgate international human rights norms to national and local levels – and also 'up' from the local to the global level (Goodale 2007). Of particular importance, thereby is the role played by the translators or 'the people in the middle' (Merry 2006). ICHRIs can be understood not as people but as 'institutions in the middle' that translate children's rights discourses and practices from the global to the local as well as from the local to the global. We indeed find that independent human and children's rights institutions have been particularly constructive, since their creation, to facilitate such a *two-way dynamic between local and global* perspectives on children's rights, especially in decentralized states.

CONCLUSION

Over the past three decades, we have witnessed how the concept of decentralization has transformed from a constitutional value to a governmental technique. This has made necessary a reassessment and adjustment of 'multi-level' governmental instruments, in particular in reference to human rights and children's rights implementation (Palermo 2007a). Decentralization's dynamics unfold through a variegated range of processes, that are particularly challenging to identify and define. However, no matter the outcomes of decentralization, its dynamics constantly imply a division of powers between central and local governments, and the devolution of decision-making powers among entities. This directly affects the regulation and implementation of children's human rights within State territory. Literature on the techniques of governance has defined the enhancement of democracy as a core aim of decentralization, considering that the right to participate in the conduct of public affairs is one of the democratic principles largely facilitated by decentralization. In other words, decisions affecting local populations should be taken at the lowest possible governmental level, in order to be closely attuned to the needs of the local community, and to foster the effective respect and exercise of the rights by community members. This position is largely reflected by the international human rights system, despite the fact that it remains largely focused on central government responsibility. With regard to children's rights, the Committee on the Rights of the Child encourages States to integrate the provisions of the CRC to the legal national system of the State, thereby securing justiciability and enforcement before national courts, and providing remedies to violations. Such measures are also presented as a way to circumvent the challenges borne of decentralization in relation to children's rights implementation (CRC Committee 2003; CRC Committee 2002). The implicit objective of the Committee is to enhance democracy and the respect and fulfilment of children's rights within the State territory.

Among the actors that are meant to enhance democracy and the fulfilment of children's rights, the CRC Committee attributed a crucial position to ICHRIs. Despite being the results of their own domestic laws and processes, their existence is closely connected with the

international children's human rights system and they play a key role in the localization of children's human rights. ICHRI are perceived as bridges between the national/local levels and the international human rights regime and are said to be useful in monitoring the State's performance and supporting the localization of children's human rights. This is an expectation of the international human rights system and is closely linked to the widespread decentralization process that has characterized the European political landscape since the first half of the 20th century. In fact, in decentralized States, INHRIs are often functioning as a junction between at least two levels of governance relevant within the human rights implementation process, i.e. between the local and national levels, and between the national and international.

This confirms that IHRI and ICHRI are actors of the *two-way process between local and global perspectives*, and facilitators of *human rights localization* that is particularly important in decentralized States. It is a never-ending process that translates global rights into local systems and ensures the local to global transfer of knowledge and experiences emerging from local human/children's rights practices. This latter transfer contributes to the development and interpretation of international human rights laws, policies, and strategies.

We feel that ICHRI are ideally positioned to perform this *two-way process between local and global perspectives* in decentralized States, on the condition that they are well-rooted in the local context. Therefore, ICHRI need to be perceived by pre-existing actors and the local community as an ally in their common effort to strengthen local children's human rights systems. This is made possible when the constitutive process of ICHRI relies on a comprehensive strategy that not only takes into consideration the technicalities inherent to the creation of a *quasi-judicial authority* following the prescription of the CRC Committee (such as the entrenchment of the ICHRI in a legal provision, the assignment of needed resources, the creation of ICHRI at each administrative juncture of the State structure, and the guarantee of an interinstitutional coordination system). Other main objectives of the comprehensive strategy are the creation of a human rights culture, namely through the integration of human rights in the curricula of formal and informal education; the improvement of the children's human rights organizational capacities of the private sector and civil society; the strengthening of the children's human rights capacity of the Ministries in charge of monitoring the fulfilment of children's rights and the involvement of local stakeholders and children in the ICHRI setting up process.

In this article, we have argued that ICHRI have an important role to play both at the local and global levels, positioned 'in the middle' between the local and the global. However, much work is still needed to explore the potentialities and expand upon the scholarship on ICHRI, both as national and sub-national institutions. This research may advance the theoretical understanding of ICHRI, for example by explaining the power relations between the ICHRI and other domestic actors; the effects of the local political context and the local human rights culture on the performance of ICHRI; the evaluation of their performance in relation to the peculiarity of the local context and the power relations between the ICHRI and the international children's human rights system. The outcomes of these studies may also contribute to the children's rights international system, and support the CRC Committee to develop more comprehensive guidelines for policy strategy development on ICHRI to be followed in decentralized states.

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