

The Ombudsman and the Protection of Children's Rights

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Abstract

An ombudsman can be categorised as a classical or human rights ombudsman institution. Both address the protection of children and their rights in investigations and other ombudsman activities. Case studies explore the child protection work of classical ombudsman (Ontario and British Columbia, Canada; New South Wales, Australia) and human rights ombudsman (Spain national level and Catalonia; Greece) institutions. While a human rights ombudsman enjoys a stronger arsenal with which to address and improve children's rights protection, in some instances the classical ombudsman model is being used and adapted to enhance the protection of children and their rights. Legal provisions and institutional practices for both types of institutions to improve their effectiveness in protecting children's rights are listed.

Introduction

Ombudsman institutions can be described as being classical or hybrid in nature, with most of the latter taking the form of the human rights ombudsman.¹ A 2003 survey of national-level ombudsman institutions throughout the world found that about fifty percent of them have human rights mandates, with

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¹ Linda C Reif, *The Ombudsman, Good Governance and the International Human Rights System* (Martinus Nijhoff Publishers, 2004) pp 2-11, 393 [*The Ombudsman*]. The Swedish word 'ombudsman' means representative. As both women and men are appointed to the post the pronouns used reflect this fact. This paper uses the term 'classical' ombudsman to denote an ombudsman without an express human rights or other mandate.