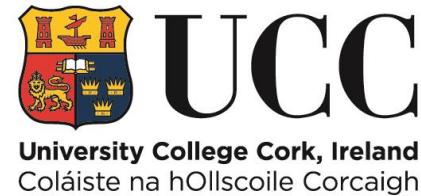


INCORPORATION OF THE UNCRC INTO NATIONAL LAW: LESSONS FOR IRELAND

Professor Ursula Kilkelly and
Professor Laura Lundy, School of
Law, UCC and Queen's University
Belfast



School of Law
Scoil an Dlí

CHILDREN'S
RIGHTS
ALLIANCE

INTERSENTIA

Incorporating the UN Convention on the Rights of the Child into National Law

Ursula Kilkelly, Laura Lundy and Bronagh Byrne (eds.)

Get 20% off with code **CON20UNC** (valid until 31/12/21).

Incorporating the UN
Convention on the Rights of
the Child into National Law

Ursula Kilkelly, Laura Lundy and Bronagh Byrne (eds.)



INTERSENTIA

INTRODUCTION TO THE ISSUES

Convention on the Rights of the Child: an international not a national instrument

Comprehensive set of rights and principles: broad and detailed

Express state duty to take **all appropriate measures** to implement the rights and to **raise awareness** about children's rights

CRC Committee: Comprehensive review, CRC given legal effect, rights directly invoked and applied, reflecting general principles, CRC as a floor

FORMS OF INCORPORATION

Direct

Full

Partial or sectoral

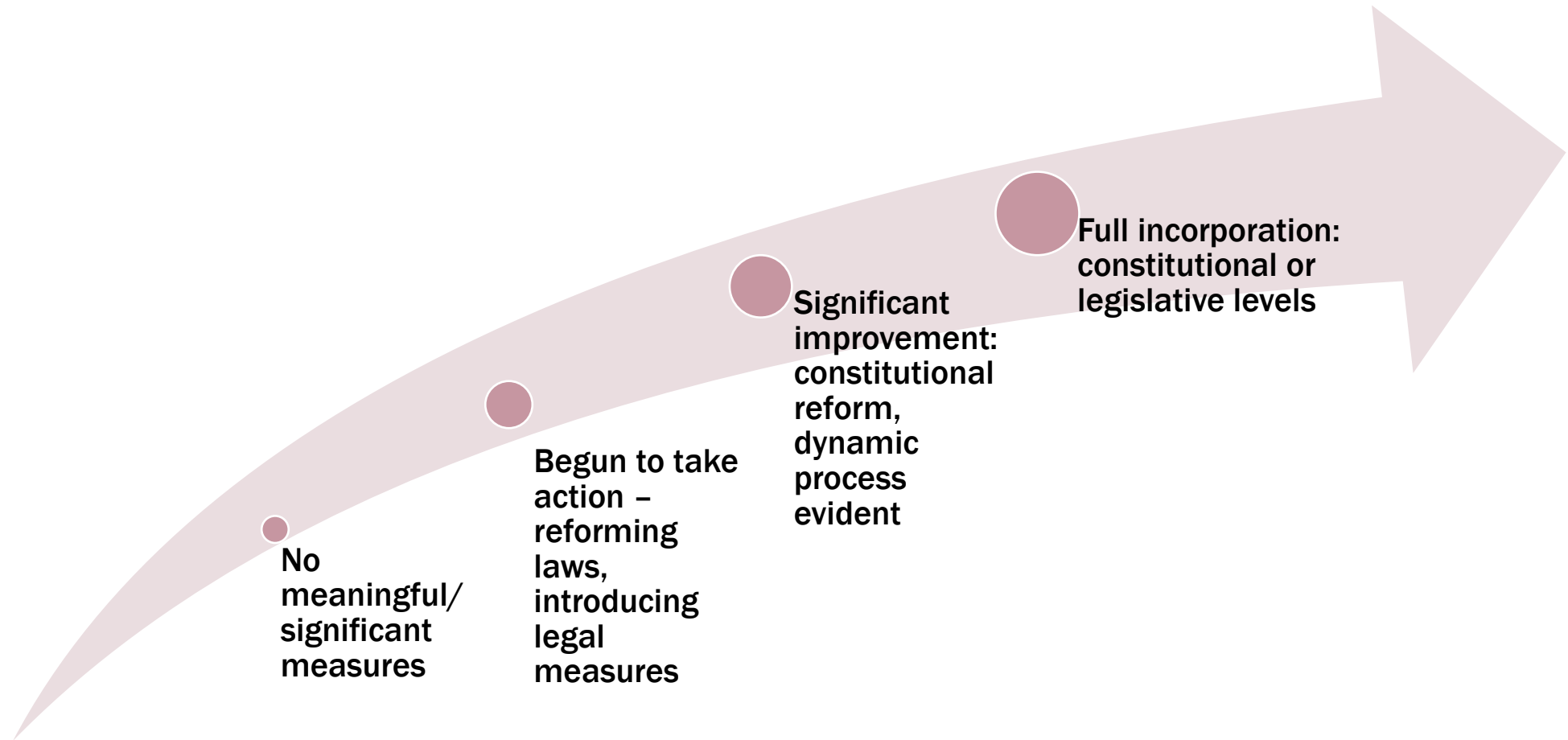
In Legislation or in the Constitution

Indirect

VALUE AND BENEFITS

- ✓ **Bringing rights home – legal, practical and symbolic effect**
- ✓ **Process raises awareness, generates understanding and buy-in**
- ✓ **Improves compliance with the CRC – legislative and administrative**
- ✓ **Improves children’s access to justice and remedies – justiciability**
- ✓ **Improves domestic monitoring against the CRC**
- ✓ **Improves international reputation – atones for past failures**

THE INCORPORATION JOURNEY



BREAKS AND DRIVERS

Political Will – sustained political and public engagement

Key Influence(r)s – people, institutions, young people

Informed and organised coalition (s)

Non-legal measures – gradual and transformative effect

LESSONS FOR IRELAND

Each state has taken its own path – form and pace may differ

Constitutional reform –illustrates pitfalls and opportunities

Generating strong political and public awareness is key

Scoping gaps and barriers to decide the right path towards incorporation