



The Optional Protocol on a Communications Procedure and the Limits of Universality in International Child Rights Protection

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Abstract

This paper argues that the optional status of the Optional Protocol on a Communications Procedure (OPIC) to the United Nations Convention on the Rights of the Child (UNCRC) fundamentally undermines the principle of universality in human rights law. Optional protocols often contain more demanding obligations, such as accepting external adjudication and reputational consequences, which states resist due to fears of politically motivated complaints, preference for domestic sovereignty, and lack of political will. This optional status creates unequal access to justice, as only 48 states had ratified the OPIC as of 2021, systematically denying children in non-ratifying states (like Nigeria, cited as an example) access to the UN Committee on the Rights of the Child, even in cases of grave violations. This "geographical lottery" prioritizes state sovereignty over the child's right to remedy, contradicting the UNCRC's emphasis on the child's right to be heard and state accountability. The OPIC is intended as a last-resort complement to domestic justice, not a replacement. To encourage wider ratification, the paper recommends two practical steps: strategically using the Universal Periodic Review (UPR) to apply pressure on non-ratifying states and integrating the OPIC into accession criteria or political dialogues within regional human rights systems. It concludes that a global child rights treaty that excludes millions of children from international justice based solely on their country of residence cannot claim full legitimacy.

Keywords: Universality, Communications Procedure, Optional Protocols