

CHILD RIGHTS



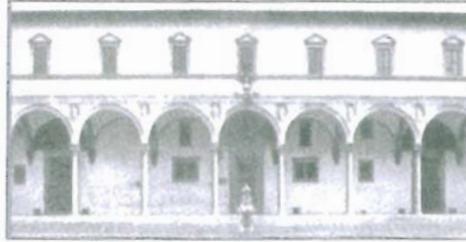
*Implementing
the Convention
on the Rights of the Child*
RESOURCE MOBILIZATION IN LOW-INCOME COUNTRIES

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RESOURCE MOBILIZATION IN LOW-INCOME COUNTRIES

Summary by James R. Himes and Diana Saltarelli

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PREFACE

THIS report * deals primarily with the obligations of States to implement the 1989 United Nations Convention on the Rights of the Child, with a special emphasis on children's basic economic and social rights in developing countries. A key proposition underlying this study is that working effectively for children's rights involves many of the same strategies and implementation methods that have proved successful in numerous development efforts throughout the world. One of the main strategic elements of both a rights and a development approach to working for children in developing countries is a systematic concern for resource mobilization. In low-income societies, neither approach will prove successful if creative and sustainable ways are not devised to overcome the formidable resource constraints they face. The rights approach is inherently more concerned with issues of equity, non-discrimination and social justice. But it cannot afford to neglect the challenge of mobilizing the resources required for the effective fulfilment of children's rights.

Article 4 of the Convention requires governments to implement economic, social and cultural rights "to the maximum extent of their available resources". Obviously, this wording is prompted by a concern that some countries will not have sufficient resources, at least not in the short term, to assure the full implementation of all of the Convention's provisions. The Convention deals with this issue in several innovative ways:

First, it recognizes that some of the more resource-demanding changes cannot take place overnight. It specifies, for instance, that the rights to health care and education can be achieved "progressively" (Articles 24 and 28).

Second, it makes clear that, although formal responsibility for implementing the Convention rests with national governments, there is also an international duty to assist. Indeed, Article 4 specifies that implementation should be undertaken "where needed, within the framework of international co-operation".

Third, although some rights can be implemented progressively and with international assistance, governments still have immediate obligations. Rich or poor, they should allocate the maximum extent of their available resources for the implementation of the Convention. They should, in other words, give priority to children. Poor countries should at least endeavour to fulfil a defined set of minimum core obligations, making every effort to use their limited resources to meet these minimum requirements. Devising strategies and programmes and monitoring their effectiveness are obligations whatever the starting point is.

Fourth, the Convention (Article 5) requires States Parties "to respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community ..."; this provision, with others, can be taken to encourage a more active response by the civil society to fulfilling children's rights, which is complementary to the challenge of broadening the resource base advocated in this report.

The authors of this study emphasize the importance of a broad interpretation of societal "resources", going well beyond the severely limited finances of governments in most developing countries. This interpretation needs to extend both to the international (official and non-governmental) levels and to the expanding civil societies of these nations. In addition, "resources" must be broadly defined to include human, technological, cultural and organizational capabilities as well as conventional economic resources.

In developing countries today, there are many examples of human, organizational and economic resources being effectively mobilized for children. Some of the most promising of these involve the

* This summary is based on a book with the same title published in 1995 by Martinus Nijhoff, The Hague. The book was the result of a study coordinated by the UNICEF International Child Development Centre in Florence. Its authors, listed in an annex, are a group of experienced development practitioners, not human rights lawyers or specialists, who take the firm position that addressing basic issues of children's well-being, including their education, health and nutrition, from a rights perspective, as well as from a more conventional development approach, strengthens, rather than detracts from, the strategies that have guided child-oriented programme efforts for decades.

active participation of actors that the development and the human rights worlds conventionally define as 'non-traditional'. They include 'ordinary citizens' acting through community groups, women's associations, cooperatives, youth groups, religious organizations and trade unions, to mention just a few, as well as professionals such as journalists, doctors and lawyers. Most importantly, some of the most exciting initiatives involve the active participation of children themselves, providing opportunities for both young children and adolescents to begin to develop the experience and skills needed for responsibly exercising their participation rights, which are formally recognized, often for the first time, in this Convention.

The study also examines the kinds of obligations that are tied to the Convention's clauses about international cooperation. For the donor countries the question is what priority — and direction — child-related programmes should have in their overall development cooperation policies. Similarly, developing countries should clarify what room they intend to give children's rights in their cooperation programmes. Official development aid, however, is not the only form of international resource mobilization. Other types of cooperation are also critical. The international community, including private-sector creditors, have, for instance, been urged to work with developing countries and relevant agencies to support debt relief for children, including debt swaps for investment in social development programmes. Non-governmental cooperation arrangements are increasingly common in the international arena.

In recent years, aid and debt relief have been extended to developing countries on the condition that they undertake 'structural adjustment'. There is no doubt that economic adjustment reforms in a number of countries have had dire consequences for children, especially vulnerable groups of children. A responsible — and future-oriented — economic policy is naturally in the interests of children. For them it is desirable that space is created for necessary investments in human development. This approach ought not to be controversial. The problem relates to the present priorities and to how the cutbacks and necessary adjustments are being made. UNICEF and others have long advocated structural reform with a "human face", the intention being to create safeguards against the severe social consequences of decreased government funding of basic services and to promote people-oriented social investments, especially in education, health and nutrition.

The Convention is of course not just about mobilization of resources for children in general. An essential feature of the human rights approach to development is non-discrimination and equity (as specified in Article 2). That aspect is not always emphasized in conventional development cooperation programmes. Lately, with the prevailing tides of private-sector-driven economic development, there is in fact a growing concern in many countries that the current patterns of development, heavily supported by the main international financial actors, are exacerbating disparities and inequities, particularly to the disadvantage of the poorest families.

Many national and international development agencies, moreover, whether intentionally or not, are perpetuating myths about social progress by paying too much attention to highly aggregated measures of gains achieved. We are impressed by the statistics showing success in extending the benefits of prenatal care, immunization and primary schooling. But too rarely do we focus attention on who are the children and mothers not being reached and 'why?'. Is it because of their ethnicity or race, gender, religious or social origin? When this is the case, even in the context of the inherent realities of achieving rights "progressively", then national and international agencies and actors concerned with children's rights need to take vigorous action. Such discrimination is simply wrong — and it is illegal.

The Convention on the Rights of the Child was not intended — nor is it equipped — to be an instrument to address all the major political issues of distributive justice and social equity in today's highly inequitable world. But it can become, with time, an effective additional instrument for dealing with many of the inexcusable failures of society to address the most basic survival, protection, development and participation needs of children. The lack of an adequate excuse relates fundamentally to the underlying theme of this publication: we do have "available" resources, ranging from human ingenuity and new technologies to the more cost-effective use of public funds. The challenge is to use these resources to put an end to child poverty and deprivation, and to ensure that the rights of children in every part of the world are indeed respected.

INTRODUCTION

THE importance of the 1989 Convention on the Rights of the Child (CRC) for organizations concerned with the rights and well-being of children is now widely accepted. By early 1996, 186 countries had become States Parties to this Convention. No other international human rights covenant has been ratified so quickly by so many States. Only six countries have failed to ratify the CRC, including two, Switzerland and the United States, that have become “signatories” — usually a first step in the process of ratification. Numerous countries, furthermore, are well advanced in the task of examining the implications of the CRC in terms of their own legal norms and, sometimes, actual practices.

The United Nations Centre for Human Rights has recognized this covenant as “the most comprehensive statement of children’s rights ever made”. The CRC has been described as nothing short of “the cornerstone of a new moral ethos for children”, possibly a “milestone in the history of mankind”, and an instrument stressing that “respect for and protection of children’s rights is the starting point for the full development of the individual’s potential in an atmosphere of freedom, dignity and justice”. UNICEF has asserted that the CRC, in addition to its comprehensive approach to children’s rights, may also be the most innovative human rights instrument to be drafted by the international community. According to its recently approved Mission Statement, “UNICEF is guided by the Convention on the Rights of the Child and strives to establish children’s rights as enduring ethical principles and international standards of behaviour towards children”.

More cautionary notes have also been struck. National and international laws, we are reminded, are after all only words on paper whose finer principles are often ignored. International human rights law is a field notably plagued by non-compliance and cynical disregard. What matters is how laws are actually implemented, what is done to reach the ideals

contained in these laws. Ways must be found, therefore, to ensure that this new international consensus on children’s rights does not go the way of far too many noble declarations and solemn covenants of the past. The CRC thus represents not only a historic opportunity for practical action but also an extraordinary challenge to the international community, governments and civil societies throughout the world.

Obstacles to implementation

Of the many obstacles that could stand in the way of effective implementation of the CRC, two are especially critical. The first is the issue of “available resources”, as included in Article 4:

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

In terms of the history and politics of the CRC process, the reference in Article 4 to the “maximum extent” of “available resources” was included, as in other United Nations instruments, especially to allay the fears of official representatives that governments would be held responsible for achieving standards of children’s well-being that are ‘unrealistic’ in terms of resource availability and specific time limits, especially in lower-income countries. Several other articles of the Convention emphasize the resource constraint point. Notable among these are references to “the highest attainable standard of health” (Article 24.1) and to “the right of the child to education, and with a view to achieving this right progressively” (Article 28.1). The history of the inclusion of these qualifying phrases, as well as a ‘common-sense’ interpretation of their meaning,



has raised fears that they could become convenient excuses for justifying implementation performance falling well short of what might be reasonably expected in terms of accelerating progress towards meeting children's basic needs, as well as in promoting and protecting their rights as set forth in the CRC.

The "available resources" clause of the CRC should not provide an 'excuse' for poor performance but rather an opportunity for promoting financial and human resource planning.

Rather than allowing the "available resources" provision and related clauses of the CRC to become a justification for poor performance, the United Nations, other agencies and non-governmental organizations (NGOs) concerned with the implementation and monitoring of children's rights should turn these clauses into opportunities for promoting and assisting governments and non-governmental partners in

undertaking the 'step-by-step' financial and human resource planning required to ensure that the progressive achievement of children's rights represents real progress in meeting the challenging goals of the CRC.

The development of a useful and positive interpretation of the "available resources" reference in Article 4 requires that we address a second and closely related issue: the nature of the obligations of States Parties in terms of the Article 4 requirement that they "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention". The issue of the "obligations of States" is viewed here as a potential obstacle because of: (a) the vagueness of this concept both in international law and in development theory and practice; and (b) the tendency to limit recognition of these obligations to the formal agencies of the State, especially at the national level, at the expense of a broader and more decentralized concept of the public sector, which more explicitly recognizes the potential of governmental and non-governmental cooperation, including — or especially — at the community level, in achieving social objectives, such as those of the CRC.

THE CONCEPT OF “AVAILABLE RESOURCES” AND THEIR MOBILIZATION IN THE CONTEXT OF THE CRC

HOW is the concept of “available resources” to be interpreted? Is there any likelihood of finding significant common ground in this regard between the human rights and the development communities?

As applied in the human rights field, there appears to be little conceptual work on, and often an unduly limited set of assumptions about, the nature of a society’s “resources”. Among parts of the development community, moreover, there is sometimes a tendency to identify resources only with economic — and then typically with financial — resources. In general, however, development theory and practice, especially that concerned with human and people-oriented development, comes closer than the human rights community to having a set of definitions needed to ensure practical and constructive interpretations of the various references, direct and indirect, to “resources” in the CRC.

From a ‘human development’ perspective, however, it is clear that a broader and clearer interpretation is needed regarding: (a) the various types of resources available in a society for the survival, protection, development and participation of children; (b) the different levels of society, including the ‘civil society’, and the various levels of government at which these resources are available; and (c) the key political issues of who controls these resources and makes the decisions regarding their allocation or reallocation.

A broad definition of “resources”

Economists and planners have produced various formulations of types of resources that have particular relevance for human development, including for children’s well-being. Some of these models are, unfortunately, mystifyingly obscure to the typical human rights advocate or practitioner. Accordingly, in an effort to develop a less complex framework, we have drawn on a

formulation being applied in UNICEF that classifies “resources” as follows:

- *human resources* — ‘people’: the capacities, actions, time and energy of individuals and communities;
- *economic resources* — ‘things’: both financial inputs, which can be budgeted for, and materials, which are purchased. They also include material inputs donated in kind, such as food and building supplies;
- *organizational resources* — the ‘enabling environment’: formal and informal arrangements between people and the procedures by which actions are structured in society. They include the amounts and distribution of power and political commitment, which permit the effective use of human and economic resources.

Having proposed this classification, we should quickly add the customary qualification concerning the rather arbitrary nature of all such rough divisions. There is considerable overlap and interaction among and within these three very general categories. Economic resources such as family income or tax revenues can be allocated to purchase or improve human or organizational resources. Organizational resources, such as well-functioning networks of community volunteers, can greatly enhance or multiply the productivity of other human resources, such as trained midwives or other health care workers. Improved organization, management and control can substantially increase the cost-effectiveness of economic resources through the reduction of waste, inefficiencies and corruption. There is, moreover, nearly always some degree of substitutability among these different types of resources.

It may be useful, as well, to mention the economist’s distinction between stocks and flows of resources (see Panel 1). Stocks (such as assets, infrastructures and capacities) establish the range



of opportunities for change over time. Flows (such as wages, labour inputs, budget allocations and organizational decisions) are what the majority of decision makers are most immediately concerned with in the short run. The references in the CRC to the progressive achievement of children's rights, as well as the necessity of ensuring sustainable achievements, should serve as a reminder of the need to be concerned with strengthening 'stocks' (that is, investments in capacity-building and in the creation of infrastructures) as well as with mobilizing 'flows'.

Improved organization, management and control can substantially increase the cost-effectiveness of economic resources through the reduction of waste, inefficiencies and corruption.

Most analyses of resource utilization for development concentrate on economic resources and, to a lesser extent, human resources. Often neglected, in part since they are difficult to quantify, are a society's 'organizational resources', even though most development practitioners have

a general impression that the failures of policies and programmes can often be attributed to organizational, managerial, political and cultural factors. Only rarely does the development literature include the structure and organization of the family as a significant factor relating to resource availability. The family, in its multiple forms in different cultures, is the most hidden of all resource bases. This situation must be changed in any serious analysis of resource availability and mobilization for fulfilling children's rights.

Considering the importance for the rights of children of mobilizing political leadership (or 'political will') behind the CRC, one could develop a separate category of 'political resources'. We have chosen, however, in this study to consider political factors as one important element either of human or organizational resources. The human-resource dimension includes the creativity, commitment and certain skills, such as communications and leadership capabilities, essential for 'good politics'. The concept of 'organizational resources' also relates directly to the capacity of households, communities or political entities to stimulate 'social mobilization' or generate increased political commitment to children. Regardless of the semantics of classification, the politics or political

A time dimension: stocks and flows of resources

Resources may be classified into the two main forms of stocks and flows. 'Stocks', also referred to as 'assets' or 'endowments', are the accumulated pools of value that society has at its disposal, to conserve or to use for different purposes. They provide the basis for present and future economic activity, establishing the range of possibilities open to society. 'Flows' are the actual expenditure or use of those resources, either through direct consumption or application ... or through transactions or exchanges in the market-place.

Thus, for example, human resource 'stocks' include the training, motivation and commitment that are vested in people, both as individuals and communities. These stocks are converted into 'flows' in people's efforts, as actions are undertaken in daily life and in the production of goods and services. Considering economic resources, 'stocks' are easily understood as the base of natural resources, physical goods and technologies that represent a society's productive capacity; these are consumed or exploited as 'flows' in the course of economic activity. Finally, organizational resource 'stocks' include structure and power in the political, administrative, community and household spheres. Organizational 'flows' are seen in the planning, mobilization and management of actions.

From these examples, it is seen that, of the two forms of resources, 'flows' of production (income) and consumption (expenditure) are by far the most apparent and commonly considered. 'Stocks' usually remain in the background and are considered only when there is awareness that they are inadequate for a purpose (as in the case of insufficient budgets) or about to be depleted (clean water, for instance). Yet, from the perspective of child rights, society's 'stocks' are crucial: sufficient endowments must remain available to invest in and support actions to meet the needs of future generations. Such an intergenerational perspective underlines the importance of long-term investment, building of human capacity, conservation of natural resources and empowerment of organizations and communities to enable actions in the future — as an obligation, not merely as an optional use of present efforts.

Some types of stocks can be maintained indefinitely under proper conditions — for example, savings in a context of stable financial institutions. Others, such as human skills and motivation, degrade or depreciate over time and must be replenished to remain fresh. The level of 'flows' as resources are used must be closely monitored. Within the family, for example, a parent (usually the mother) may have sufficient time to spend some extra hours caring for children in the community. If the same parent must also participate in the activities of the local cooperative and carry out extension functions for the health centre, in addition to fetching water, cooking and other household tasks, she may quickly lose her ability to perform any of these functions well, as her 'stock' of energy and motivation declines.

David Parker, 'Resources and Child Rights: An Economic Perspective', pp. 36-38.**

** Source notes given in this 'box' and those that follow refer to chapters of the book *Implementing the Convention on the Rights of the Child: Resource Mobilization in Low-Income Countries*, by James R. Himes (ed.), Martinus Nijhoff Publishers, The Hague, 1995.

economy of children's rights must be a key part of the analysis of the implementation of the CRC, including its resource implications.

Many levels of society

Crucial to any treatment of "available resources" or resource mobilization issues is the clear recognition that resources are "available" at all points of society, public and private, from the individual or household level to the national and international levels. For purposes of developing strategies for work on child rights, the neglect of resources at the individual/household/family

level is especially unfortunate. That is the level at which, by far, most of the relevant resources exist, including time and energy for child care, and where most of the critical decisions about resource allocation are taken — in favour of or against the interests of children. Even in areas such as health and education, where governmental contributions are especially important, private spending often exceeds that of the public sector. And research on this subject generally does not attempt to quantify the human and organizational resources deployed by the household or family in favour of children. The time and organizational skills of the mother, grandmother or older sister

spent in child-rearing and child care simply do not 'count' in most studies of costs and benefits of child development. There is also generally little recognition of the additional burdens on women — as opposed to men — implied by many attempts to 'mobilize' resources at the household level for more effective child care.

The household level is where, by far, most of the resources for achieving children's rights exist, including time and energy for child care. It is also where most of the critical decisions about resource allocation are taken — in favour of or against the interests of children.

It is also a mistake to assume, often implicitly, that the 'State' has little or no influence on resource-allocation decisions at the household or

community level. Public institutions at the municipal level help determine the quality of health, education and sanitation services available to households. Consequently, when service provision (say of safe water) is inadequate, members of impoverished households can either do without (with negative consequences on their health, nutrition and income-generating possibilities); or they can expend time, energy or money to procure the needed service (in this case, by fetching water from often-distant free sources or paying exorbitant prices to private vendors). National legislation and other actions affect the fulfilment of children's rights through both sanctions (against the illegal employment of children, for example) and incentives (such as free lunches or text books for school children or subsidies for maternal and child health care).

Governments at different levels, including at the most local level they reach, therefore have



Table 1 - "Available resources" for implementing child rights

Level of Society	Type of resources		
	Human	Economic	Organizational
Household	Health, knowledge, skills, time, etc., of family members, especially for child-rearing	Family income, assets, access to credit	Family structure, access to extended family, kinship or clan support
Community/ District	Management/leadership/ political skills, community self-reliance and solidarity, civic pride	Community financing strategies, communal lands and other assets, community credit and insurance arrangements	Community-based child care or other child services arrangements; water/sanitation cooperative arrangements; traditional forms of social security or conflict resolution; family courts
Metropolitan / Provincial / State	Management / leadership/ political skills; solidarity based on cultural and political factors at this level	Municipal- or state-level financing strategies, including taxing/user-charge authority as well as assets and access to credit in some systems	Municipal/provincial/state-level social services arrangements, especially relevant for education, health, housing and juvenile justice in some systems; judicial arrangements
National	Management/leadership/ political skills; national statesmanship and sense of citizenship	Principal public revenue-generating capability in most systems, including taxation and national or international credits; substantial natural resources and other assets	National planning, policy-making and public-sector coordinating capability; state enterprise arrangements; ultimate legislative and judicial authority in most cases
International	Management/leadership/ political skills, especially in human development and human rights organizations; international statesmanship; growing sense of global solidarity (on some issues)	Development cooperation (credit, grants, technical assistance) in fields of human development and human rights (other international economic relationships have strong influence on national-level resource availability)	International arrangements for child-related services, including actions to protect children from wars, commercial exploitation and other transnational abuses; monitoring of nations' human rights and human development performance

many options for encouraging the realization of children's rights, not only through the 'mobilization' of resources but also through resource recognition, respect and protection, as discussed in the next section. Indeed, many of the ways to increase the protection of children's rights and to facilitate opportunities for children make only modest new demands on hard-pressed governmental budgets. Conversely, excessive demands by governments on already overburdened family and community resource bases, at the lowest-income levels, can discourage or inhibit the desired responses in terms of children's well-being and result in serious social inequities.

Table 1 presents a framework for further analysis of the various types of resources existing in any society, with a summary of the different levels at which they are available and where decisions are made about their allocation (though levels of availability and levels of decision-making are not always the same). The boxes or

'cells' in this table have been filled in largely by way of illustration for our present purposes, rather than as a complete list of all conceivable resources in a society. (It is worth recalling that there is considerable interaction among the resources listed in these various boxes.) The important point to stress here is that any approach to the CRC or other child rights instrument or strategy that restricts attention to just one or two of these 'cells' is unlikely to prove useful for public policy or other purposes. As noted earlier, there is a tendency to focus the implementation debate, including about Article 4, largely on the matter of the economic (especially financial) resources available at the national level; or for international agencies to concern themselves only with financial resources at that level available for transfer to the national level. In some areas closely associated with key substantive articles of the CRC, such as health, nutrition and education (and similar provisions in

national constitutions and legislation), such an approach may weaken the effort — particularly as a child rights initiative — from the start, especially in many of the lowest-income countries.

Who controls the available resources?

Those seriously concerned with mobilizing resources for achieving children's rights, especially at the national and subnational levels, will need to assess carefully the patterns of control and use of resources in their societies: the political economy of child rights. To do so, they need not agree or disagree with the central tenet of prevailing neo-liberal orthodoxy, which is that open and competitive markets — not governments — are the best means societies have for the efficient organization and distribution of goods and services. It is important to bear in mind, however, that people and groups of people, not markets, make decisions about how public and private resources are allocated. And the decision-making power of individuals and groups is far from being distributed in a manner that assures 'open competition', let alone equity. Markets, when they function well, provide a set of neces-

sary 'rules of the game', but the game is generally played on a very irregular surface, and the rules are often applied with considerable advantage to those who have power and wealth.

Many of the ways to increase the protection of children's rights make only modest new demands on hard-pressed governmental budgets.

Even stronger criticism may be in order regarding attempts to replace markets with central planning and heavy governmental intervention in most areas of the economy. Since the dominant political and economic thinking in the world today, however, tends strongly towards the 'market-friendly' side, analysts and advocates of children's rights are well advised to direct much of their attention to issues of resource control and use in market-oriented economies. At the same time, it is also vital to recognize that millions of people in many developed countries, living in absolute pov-



The relationship between nutritional security and resources

Individual nutritional security requires that three necessary conditions — food, care and health — be satisfied:

(a) Household food security is defined here as access to food, adequate in quantity and quality, to fulfil all nutritional requirements for all household members throughout the year.

(b) Adequate maternal and child care refers to caregiving behaviour such as breastfeeding and adopting complementary feeding practices, ensuring personal hygiene, diagnosing illnesses, stimulating language and other cognitive capabilities and providing emotional support. Care also refers to the support that the family or community provides to its members, and to behaviours within the household that determine how the household food supply is allocated.

(c) healthy environment and access to health services together form the third necessary condition for good nutrition. Access to water and safe excreta disposal are prerequisites for control of diarrhoea and other diseases influencing the nutritional status of children. Pre- and postnatal care, immunization (particularly against measles), oral rehydration therapy, distribution of micronutrient supplements, de-worming, family planning and health education are all important health services with great impact on nutrition.

Resources are obviously needed to fulfil these three conditions, which actually often complete for the same resources (income or women's time, for instance). Before appropriate actions can be designed, the availability and control of resources must be determined. All resources are controlled, either at the level at which they exist or at any other level, most often at a higher level of society. Certain resources are deployed from a higher level (normally national level) to lower levels in the form of, for example, budgetary support and extension services. In most countries, these resources originate from the lower levels as levies and taxes. The actual control of these resources depends on the degree of decentralization (devolution) in society. At the household level, greater control of resources by women usually leads to greater nutritional security for children.

As the fulfilment of the three necessary conditions for nutritional security requires resources, an analysis of household food security, care, health services and a healthy environment should not be limited to an assessment of the level of fulfilment of these conditions, but it should also include an assessment of the use of resources (type, relative amount and control). For example, two different 'food-secure' households may differ greatly in their use of resources. A household that uses almost all of its human or economic resources to achieve its food security is much more vulnerable or at much greater risk of becoming food insecure than is a household that uses a smaller portion of its resources. Four categories can be defined to assist in targeting support:

Categories of households in relation to food security

	Food-Secure Household	Food-Insecure Household
Uses a small proportion of available resources	Best off	Not too difficult to improve
Uses a large proportion of available resources	At great risk (vulnerable)	Worst off

Urban Jonsson, 'Children's Right to Nutrition: Food, Care and a Healthy Environment' (116-117-126).

erty, are largely untouched by the relatively modern markets that assume primary concern in much of the 'development' thinking and action.

Moving from the global level to the other end of the spectrum we are concerned with, we find that households and families, in addition to being affected by market or governmental 'imperfections' at all other levels, are also subject to consid-

erable internal inequities, which influence how their resources are controlled and used. Of particular concern is the fact that in many cultures the low status and weak decision-making role of women and female children is a formidable barrier to the full realization of both women's and children's rights. Women are largely responsible for child-rearing in most societies (a cultural pattern that



will undoubtedly have to change, but probably very slowly in most developing countries); but their control of the resources available in families and communities rarely corresponds to the weight of this responsibility. This situation often has a negative influence on their ability to provide adequate care to their children. A number of studies

have in fact suggested that income controlled by women is more likely to be spent on goods and services that immediately benefit children, such as the purchase of food, than is income earned by men. In low-income, female-headed households, however, women may have more control over household resources, but this resource base may be so weak that it barely suffices to ensure family survival (see Panel 2).

The low status and weak decision-making role of women and female children in many cultures is a formidable barrier to the full realization of both women's and children's rights.

This is not the place to attempt a more thorough analysis of the locus of decision-making in resource allocations, the many inequities in the control of societal resources, and the multiple imperfections in the workings of markets or governments. Much of that work, in any event, needs to be carried out at the level of countries and communities. Our main point here is simply to draw attention to the enormous range of options — public and private — societies have as they confront the very real limitations that “available resources” pose for the achievement of the objectives of the CRC and other goals for children in the years ahead.

MEETING “MINIMUM CORE OBLIGATIONS”

THE degree to which governments, and especially States Parties to the CRC, are required to safeguard vulnerable segments of the population, including children, is a particularly important issue.

A central problem is that the CRC, like most international instruments, does not clearly specify the scope and nature of state duties. Phrases that could be viewed as ‘escape clauses’ are nearly always attached to the resource-related provisions of the CRC. The “maximum extent” qualifier in Article 4 is echoed in Article 27, which commits States to take measures “within their means” to ensure that children have an “adequate” standard of living. Similarly, Article 23 provides for free services for disabled children “whenever possible”. Moreover, the various measures set out in the CRC are invariably qualified by such highly subjective words as “appropriate”, “effective” and “feasible”. This vagueness could hinder efforts to monitor state compliance.

However, a number of principles limiting the discretionary power of States Parties in this respect have been established through analogies with other international treaties, particularly the International Covenant on Economic, Social and Cultural Rights. More specifically, it can be said that States Parties to the CRC are committed, regardless of resource constraints: (a) to meet a number of *minimum core obligations*; (b) to devise strategies and mobilize all possible resources to fulfil these obligations “as a matter of priority”; (c) to monitor both the realization and the “non-realization” of rights; and (d) to respond to queries by the Committee on the Rights of the Child concerning efforts made to implement the CRC.

The State’s obligations for implementing children’s rights can also be analysed in broader terms (see Table 2). Governmental authorities, from the community to the international level, should *respect, protect, facilitate and fulfil* children’s rights. States must respect the freedom of individuals to take necessary actions and use the necessary resources to facilitate the fulfilment of

their needs. They also must protect individual freedom of action and use of resources, for instance against fraud or unethical marketing or pricing practices. The obligation to fulfil here is used more narrowly to signify the direct provision of services. The obligation to facilitate instead is used in the sense of providing ‘opportunities’, with an emphasis on *equal opportunity* — as required in several articles of the CRC, especially Article 2 on non-discrimination and Article 28 on the right to education.

From the vantage point of the challenge of mobilizing available resources for the implementation of the CRC, it should be useful to analyse jointly the frameworks presented in Tables 1 and 2. To be used as planning tools, of course, these frameworks would need to be developed with a time dimension, projecting especially economic and demographic trends, and linking the analysis to specific and more operationalized goals than most of those included in the CRC, as well as to target dates for achieving the goals. As noted earlier, a time dimension also is needed to emphasize the importance of maintaining resources as ‘stocks’ (or capital) as well as ‘flows’.

Many advocates for children place great importance on the facilitating role. Opportunities have been defined as changes in the political, technical or social context enabling human and organizational resources to be used more fully to their potential. There are many opportunity-enhancing or empowerment strategies that governments can (and should) carry out. For instance, community- or district-level governments should open up credit and cooperative initiatives to women. **National** governments should take legislative measures to equalize opportunities for groups, such as women and minorities, that have been discriminated against in the past.

A central issue in the discussion of States’ obligations is that, in strictly legal terms, States Parties alone are legally bound to implement the CRC. In practice, however, the CRC cannot be implemented without the full mobilization of all sectors of civil society. What appears to be

Table 2 - Framework for analysis of governmental obligations for implementing child rights

Level of governmental authority	Nature of the obligation			
	Respect	Protect	Facilitate	Fulfil
Community/ District	Respect participation and other rights and relevant individual or community initiatives	Protect individual and community initiatives, assets, etc., from illegal or anti-social use; protect rights as appropriate and feasible at community level, especially of vulnerable groups including working or minority children	Organize and empower community-based opportunity-enhancing initiatives, especially for information, education and training; facilitate credit and cooperative initiatives, particularly for women	Provide access to communal lands, other assets or services, especially to vulnerable members of the community, e.g. females heading households, street children, disabled children, etc.
Metropolitan/Provincial/State (similar obligations at these levels, with significant revenue-generating and managerial capacity in decentralized systems)				
National	Generally the ultimate legislative, executive and judicial responsibility to respect individual and group rights, respecting children as a primary consideration	Protect all citizens (without discrimination) from human rights abuse or other forms of illegal action, with the "best interests of the child" as a primary consideration	Plan, organize and implement policies, laws, regulations, etc., to increase and equalize opportunities, including educational, cultural and other opportunities for children; encourage empowerment at subnational levels	Plan, organize and provide and/or finance benefits or services, generally not easily or traditionally provided at other levels of government
International	Respect national initiatives; independent monitoring of respect for rights at country level	Protect children from wars, commercial exploitation and other transnational abuses	Facilitate international exchange of information, expertise and experiences	Promote development cooperation; provide assistance for child victims of natural disasters, wars, transnational abuses; support national level monitoring of human development/ human rights situations

needed, therefore is an interpretation of the obligations created by the CRC and other such instruments that explicitly recognizes duties at all levels of society — from the individual or family/household level to the national and international. There is some basis for such a broader interpretation. The Universal Declaration of Human Rights, for example, adopted by the United Nations General Assembly in 1948, proclaims in its Preamble that this Declaration is

a common standard of achievement for all peoples and all nations, to the end that

every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance ...

With regard to the CRC, there are two key provisions that clearly acknowledge that families and parents (and in some cases the 'community'), as well as States, have duties regarding

children. The first such reference is in one of the key ‘umbrella’ articles of the CRC, Article 5, which provides that:

States Parties shall respect the *responsibilities*, rights and *duties* of *parents* or, where applicable, the members of the *extended family* or *community* as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention (emphasis added).

Although, in theory, States Parties alone are legally bound to implement the CRC, in practice, the CRC cannot be implemented without the full mobilization of all sectors of civil society.

Article 18 adds that:

States Parties shall use their best efforts to ensure recognition of the principle that both parents have common *responsibilities* for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the *primary responsibility* for the upbringing and development of the child. The best interests of the child will be their basic concern (emphasis added).

Clearly, therefore, from the perspective of development planning and practice, if not from a strictly legal perspective, ‘obligations’ must be broadly defined to include families, households, communities, the private sector and other participants in the ‘civil society’ as well as all levels of government.

The soundness of this argument is in a sense illustrated by the ease with which the framework for the analysis of obligations can be applied to civil society. It can, for example, be agreed that, at the household level, *parents* should respect the rights of their daughters and sons equally, including in terms of access to educational opportu-





ities; protect children from abuse and exploitation; facilitate individual growth by allowing children to express their views freely and participate in decisions that affect them; and ensure that children are adequately nourished, protected from health hazards and educated.

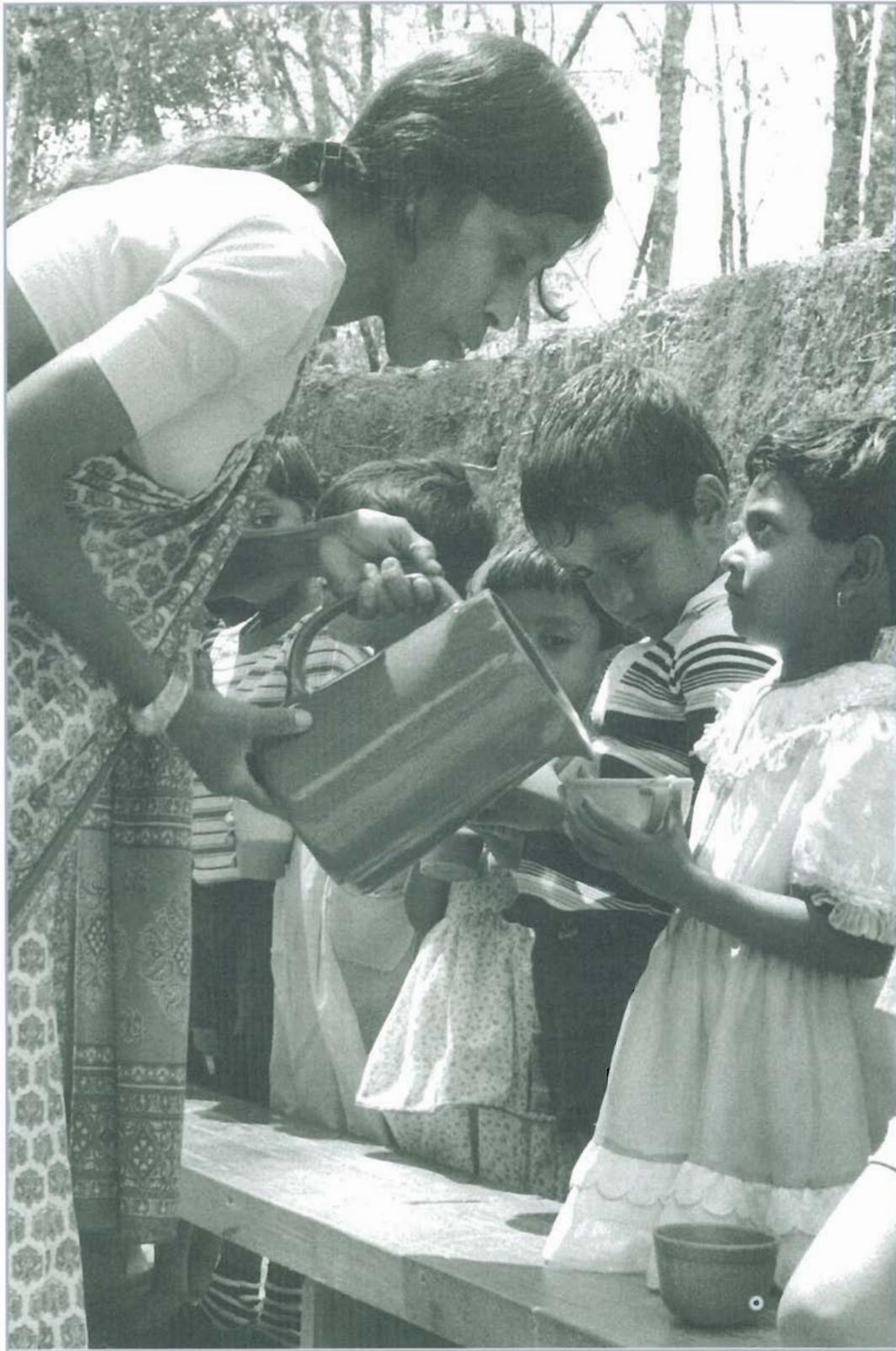
Teachers can empower children by providing in-class opportunities for discussion and encouraging the free expression of ideas.

At the community level, *teachers* should respect students and their parents without discrimination; protect students from peer intolerance and abuse; empower children by providing in-class opportunities for discussion and encouraging the free expression of ideas; and ensure that students are taught what they need to know to function well in the societies they live in, including civic values. *Journalists* should respect children by not endangering their reputations or exploiting their circumstances commercially; protect children by mobilizing public opinion against their exploitation or abuse; empower children not only by preparing articles for children about children's rights, but also by participating in educational activities aimed at

developing children's skills in expressing their views; and monitor the situation of child labourers, juvenile offenders and other particularly disadvantaged groups.

NGOs at all levels should work to ensure that children's rights are respected and protected, by governments but also by employers, parents,

journalists, and others; facilitate the realization of rights by joining children in organizing children's conferences and other mechanisms for information exchange; and develop innovative strategies for the provision of services, with more family and community participation than often characterizes government programmes.



MOBILIZING HUMAN AND ORGANIZATIONAL RESOURCES

AS argued in the previous sections, our understanding of “available resources” needs to be significantly expanded, particularly to recognize more fully the importance for fulfilling children’s rights of the vast ‘stocks’ of human and organizational resources available throughout societies, including at the community and household levels. A conventional governmental ‘service-oriented’ approach to meeting the standards set by the CRC cannot possibly result in satisfactory fulfilment of those standards. At the same time, those international and national actors responsible for implementing and monitoring the CRC cannot afford to allow the States Parties, which are national governments, to hide behind any concept of “available resources”, nor of the responsibilities of the broad civil society, to avoid providing the political leadership, the facilitating and capacity-building roles as well as a minimum level of essential social services, without which it is meaningless to discuss basic human rights, let alone social justice. Governments clearly have a critical role to play in catalyzing and mobilizing a broad array of both traditional and non-traditional actors in society, whose efforts are essential for effective implementation of the CRC. It is to these essential actors that we now turn.

‘Traditional’ actors

The ‘traditional’ organizational actors in children’s rights issues are governments, non-governmental organizations (NGOs) and bilateral and multilateral organizations.

Although in conventional development theory and practice governments have long been the centre of attention, in recent years governments, NGOs and the private sector have moved towards interactive roles in the financing, provision and management (or in some cases, mismanagement) of essential services such as basic education, preventive and public health, water supply and sanitation services. Three models have dominated the economic organization of services for children in developing countries in

recent decades: (a) strong central government involvement with gap-filling by the private system in the 1970s; (b) cut-backs in government action, dictated by the economic decline and the structural adjustment programmes of the 1980s, and an expansion of the role of the private sector; and (c) an emerging model stressing greater NGO and private provision of services, with government taking responsibility for satisfying minimum needs, providing information and management support, enforcing minimum standards and facilitating decentralization and/or privatization. With regard to this last trend, it is becoming increasingly common in some countries to specify certain obligations of non-governmental and private/commercial organizations, working in partnership with the State in key areas concerning human development (for example, the role of subsidized private education in Chile or the United Kingdom, public/private vocational training in Germany, or private health insurance and other health plans in Mexico, the Republic of Korea, Thailand and many other countries).

NGOs, besides providing services, have tended to be in the forefront of the children’s rights movement and have often goaded governments into taking action on behalf of children. They also have a ‘facilitating’ role. The Jamkhed Rural Health Project in Maharashtra, India, for instance, has over the past 25 years promoted a community-centred approach to meeting the needs of a population that had long been poorly served by government services, by closely involving households in health matters, supporting necessary education and in other ways broadening the understanding of and response to health concerns beyond purely ‘service delivery’. NGOs have pioneered methods for empowering hard-to-reach populations, particularly girls and women. BRAC in Bangladesh is one prominent example (see Panel 3).

NGOs have increasingly joined together in networks and entered into partnerships with government. This is often a pragmatic choice: serious NGOs have found that by uniting with others, they

BRAC schools in Bangladesh

The Bangladesh Rural Advancement Committee (BRAC) has adhered to several principles in setting up its schools. First, the community must ask for the school and provide the building, thus proving their readiness to support schooling for their children. The school building is, in turn, rented by BRAC, which ensures its maintenance. Second, parents actively participate in decisions about their children's education: they help to schedule classes at times that will not interfere with the children's household and field chores; and they also are involved in the selection of the locally recruited (and hence well-known and trusted) teachers. Third, BRAC will not start a school in a village where no one is qualified to teach.

Prospective teachers must have completed nine years of schooling and be married. Because 70 per cent of the students are girls, women are preferred as teachers. They initially receive 12 days of training at a residential training centre and then on-the-job training by BRAC field staff. After one year, they participate in a six-day refresher course. BRAC prepares teaching materials, a suggested daily lesson plan and other guidance. Once a month, teachers from about 20 neighbouring communities meet with field supervisors to discuss their classroom experiences and problems. Significantly, although parents — particularly mothers — are illiterate, they originally sought their children's education and now actively support the schools, meeting once a month to discuss their children's progress.

Frank Dall, 'Children's Right to Education: Reaching the Unreached'(163-164).

can extend coverage, achieve greater sustainability and provide services more efficiently. Several countries have formalized



government/NGO collaboration. In Brazil, for example, government and organizations of civil society have parity representation in the Councils for Child and Adolescent Rights. In the Philippines, government and non-government bodies have formed an inter-agency task force for the protection of exploited children. NGOs concerned with child rights come together at the international level in various ways, including through the NGO Group of the Convention on the Rights of the Child, which serves as a bridge between NGO groups worldwide and the Committee on the Rights of the Child.

Innovative alternatives to formal education must often be financed by donors, as governments are normally wary of straying from known paths.

Bilateral and multilateral agencies form the third 'traditional' group of institutions active on children's issues that relate closely to the challenge of implementing the CRC. They carry out a number of critical functions, some of which are not always well planned and managed. For instance, innovative alternatives to formal education must often be financed by donors, as govern-

ments are normally wary of straying from the known path of formal education. In addition, organizations such as the World Health Organization (WHO), the World Bank and UNICEF have played an important role in establishing priorities, and in particular in placing primary health care and basic education high on policy makers' agendas. Furthermore, international organizations, and particularly the International Labour Organisation (ILO), the United Nations Centre for Human Rights, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF and WHO, create monitoring mechanisms, carry out and sponsor research, collect and disseminate information, promote awareness, network among various actors and provide technical assistance to governments on particular aspects of the fulfilment of children's rights.

'Non-traditional' actors

The mobilization of groups and individuals not 'traditionally' involved in service provision or rights issues represents a significant trend in developing countries today and is the basis on which sustainable progress must rest.

From the vantage point of governments or NGOs, the involvement of non-traditional actors represents a saving and enables a far greater coverage than is possible using normal channels (see Panel 4). One notable example is the highly successful Expanded Programme on Immunization (EPI). Teachers, businesses, the media, religious and social groups and communities in many developing countries actively supported both facility-based services and immunization campaigns. Many of these volunteers later became involved in the wider issues of children's rights. Likewise, child labour has been successfully combated in specific cases with the help of such non-traditional — and even improbable — partners as the employers and parents of the child labourers themselves (see Panel 5). Sustainability is also enhanced by community 'ownership' of specific projects or even of broader public programmes.

From the perspective of single individuals, the advantages of participation can be high, including, importantly the satisfaction of contributing to, and benefiting from, improvements in the community. Participation has been recognized both as a means to empower and a principal outcome of empowerment. Volunteer and semi-



Village health volunteers in Thailand

One important way to expand resources is to make use of 'non-traditional' assets such as volunteers. In Thailand, for instance, village health volunteers facilitate early case detection and linkage with the formal health system. Estimated to cover about 65 per cent of the villagers' health needs, they are responsible for growth monitoring; distributing supplementary food; mobilizing for immunization; providing first aid, basic medication, and family planning supplies and education; and administering revolving drug funds (for which they receive a compensation), which give communities permanent on-site access to essential medical drugs at lower-than-market prices. Studies show that volunteer health workers have been able to redistribute demand away from provincial and district hospitals to village health centres, which doubled in number between 1980 and 1989. This redistribution in itself reduces wastage, since the same service has lower costs the further down the ladder of referral it is provided.

David Parker and Claudio Sepúlveda, 'Children's Right to Survival and Healthy Development' (100-101).

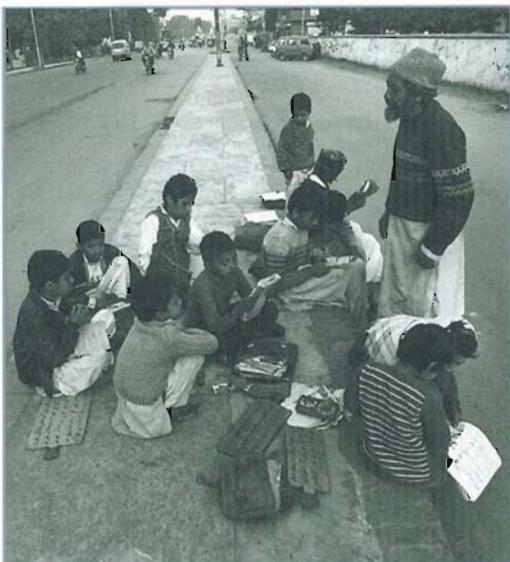
volunteer activities can enhance individual status and, for women in particular, often represent a socially acceptable way of participating more fully in the life of the community. Moreover, these activities can open up opportunities for self-improvement. One example is provided by community learning centres that offer teacher-facilitators credits towards further vocational training in addition to a small stipend. Community participation in the management and improvement of local schools is an important way of reducing gender disparities in education.

It is mistaken, however, to expect low-income and overburdened families to dedicate large shares of their time and energy to voluntary or semi-voluntary activities. Community volun-

teers, in fact, have high rates of attrition and are often best used for short-term activities. The effective development of non-traditional responses to problems requires careful planning, new organizational arrangements and, above all, considerable lead time, particularly when training is involved.

The mobilization of groups and individuals not 'traditionally' involved in service provision or rights issues represents a significant trend in developing countries today and is the basis on which sustainable progress must rest.

The media are an especially important 'non-traditional' partner in children's rights issues. Two billion radios, 900 million television sets, 9,000 daily newspapers now keep populations in every area of the developing world informed and are essential for sustaining strategies of social mobilization. The future holds even greater potential for empowerment and mobilization across vast distances as computer-based electronic communications and networking become highly cost-effective and more widely available tools. Education and health campaigns gain much of their momentum from media coverage. Investigative journalism and reporting of violations in the media are often effective in preventing child labour abuses. The media have also been employed to embarrass governments and others into action: videos and newspaper clippings, in fact, are permanent, and easily retriev-



Employers and employers' associations *against* child labour

It is frequently assumed that employers oppose reform mainly because child labourers are compliant and cheap. But the evidence to support this assertion is not entirely clear. Indeed, in the present world economic and social climate, employers and their associations can be potential resources in strategies to eliminate child labour.

In some countries, the tradition of corporate philanthropy is well established, and bodies such as the Rotarians — which include many leading employers — have long been involved in sponsoring vaccination campaigns and other interventions for children. In the United States particularly, corporate philanthropy and social responsibility are believed to give companies a competitive advantage. Respect for the environment and for workers' rights, including the rights of child workers, are key components in this strategy. Several multinational corporations based in Europe and the United States are developing ethical guidelines for application with sub-contractors and subsidiaries in developing countries.

Individual employers and employers' associations are increasingly motivated to become involved in the struggle against child labour for a number of reasons: technological developments in industry; pressure from consumers in industrialized countries; the possibility of legislative intervention banning the import of products made by child labour; and fear of criticism, fines and even market loss. Some employers have begun protecting themselves by introducing reforms. Others are evolving marketing strategies that project an image of socially responsible trading. Thus far, the main impetus has been to remove children from the workforce, in compliance with international norms and standards, although some employers retain older children, offering them education and other services. Others still have established day care and education for the children of their adult workers.

In India and Bangladesh, employers have agreed to take concerted action to remove children from the labour force. Indian carpet manufacturers are collaborating in the 'rugmark' campaign, for example, and use special labels guaranteeing that their carpets have not been made by child workers. Bangladeshi garment manufacturers have expelled most of the children from their workforce out of fear that a ban in the United States on the import of products made by children would destroy their export production. Largely because of recent advocacy by UNICEF and ILO, there is now concern that abrupt dismissal may have had adverse impact on the children's welfare. Possible strategies for assisting dismissed children by securing their access to education are being discussed.

By adopting a series of sound business practices, larger employers can aim first to reduce and eventually to eliminate child labour in their workforce without redundancies or profit loss. Unilateral action may disadvantage the progressive employers in relation to those not interested in reform, which makes it necessary to work in employers' groups by industry or sector, nationally and regionally. As an important adjunct to this policy, companies in developing countries may need to promote appropriate mechanization and modernization (which generally calls for adult labour) and to capture new, non-traditional markets. Non-traditional products often require a higher level of intellectual skills and labour-efficiency than can be provided by children.

Jo Boyden and Victoria Rialp, 'Children's Right to Protection from Economic Exploitation' (207-208)

able, records that can force politicians to be careful about what they promise.

Not all of the media's influence is positive, however. The media, for instance, have a tendency to emphasize overly 'medical', curative and commodity-based solutions to health problems, which run counter to the tenets of primary health care. The media are often also seen as being responsible variously for intensifying frustrations among the poor by exalting material values and promoting consumerism; creating stereotypes and fuelling intolerance; and under-

mining ethnic, cultural and familial traditions. Achieving the right balance between 'free' and 'responsible' media is a major challenge for democratic societies.

Perhaps the least traditional 'actors' of all are children, until recently thought of mainly as being 'beneficiaries' who are not able to reflect on their situations or to make decisions for improving it. A major point made by the CRC, and a much-needed one in many societies, is that children have a right to be consulted in matters that affect them (Article 12). Research has



Participation has been recognized both as a means to empower and a principal outcome of empowerment. Volunteer and semi-volunteer activities can enhance individual status and, for women in particular, often represent a socially acceptable way of participating more fully in the life of the community.

shown that children can make an important contribution to child-related initiatives. For instance, prior to the highly successful 1990 World Conference on Education for All in Jomtien, Thailand, surveys were carried out in many countries asking pupils (as well as teachers, parents and educators) how best to solve education problems in their contexts. This 'grass-roots' input influ-

enced the final conference declaration and framework for action. Children can also have roles as 'agents of social change': they have, for instance, acted as monitors in work situations; delivered information and services to children involved in labour; played an important part in situation analysis and advocacy; and assisted in programme management and administration. There is, nonetheless, a risk of 'trivializing' participation or even instrumentalizing children. The validity of children's participation depends on "the age and maturity of the child" and her or his "evolving capacities" (to cite the languages of Articles 12 and 14 of the **CRC**). Key elements of valid participation relating to civic preparedness include literacy, awareness of responsibilities as well as rights (see Panel 6) and access to

Learning about rights and responsibilities

The current worldwide resurgence of religious and racial intolerance, which is challenging and undermining the trend towards democratization in many countries, has prompted educators and legislators to conclude that some knowledge of basic rights and democratic principles as well as tolerance and understanding of diversity are necessary if countries undergoing profound social and political transformations are to survive. They argue that the formal curriculum beginning at the primary level needs to be changed to reflect and encourage an understanding of the rights and responsibilities of individuals within a democratic society, with an emphasis on the concepts of democracy, justice, equality, freedom, solidarity, peace and dignity. Furthermore, the following skills will need to be incorporated into a relevant basic education if the move towards participatory democracy is to be sustained:

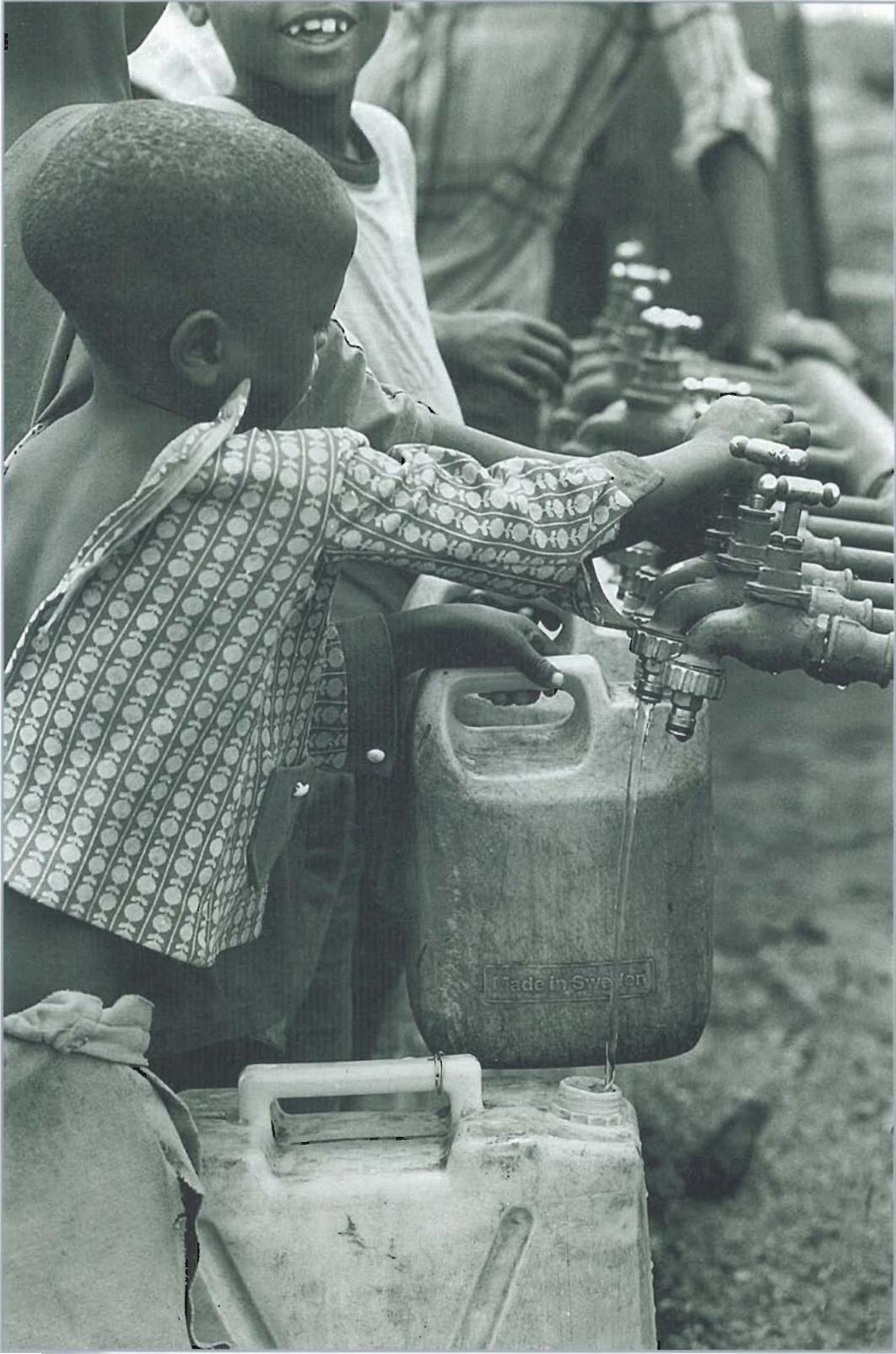
- *oral and written language skills*, to be able to listen and discuss. In many countries, the right to acquire these skills in one's mother tongue needs to be stressed;
- *judgement skills*, acquired by collecting and analysing materials from different sources, to be able to detect prejudice and bias and arrive at balanced conclusions;
- *social skills*, to learn to accept differences and form non-threatening relationships; and
- *action skills*, relating, for example, to problem solving and conflict resolution, to develop leadership capabilities and harmonious group interaction.

Frank Dall, 'Children's Right to Education: Reaching the Unreached' (153).

“information and ideas of all kinds”, as specified in Article 13. Much greater effort is needed in these areas to empower children to be effective actors in matters that affect them.

Children are almost always viewed as 'beneficiaries' but not as serious participants in planning the mobilization of resources.





INCREASING THE RESOURCES AVAILABLE FOR CHILDREN

IN the preceding section, it has been suggested that one of the advantages of increasing the use of 'non-traditional' human and organizational resources is that it can make actions for children more affordable and sustainable. There is a danger, however, that excessive reliance on household and community-based resource mobilization detracts attention from the need for fiscal reform and responsible public/private-sector partnerships for financing human development initiatives. A number of strategies are available to governments, communities and households for increasing resources in support of children's rights, even in low-income countries:

- *The total amount of revenues can be increased.* Tax reform, improved fiscal policies and enhanced accountability, including the reduction of tax evasion and corruption in the public sector, are formidable challenges but also clear opportunities in many countries. There are also many ways that governments can draw upon private-sector resources to increase the domestic revenues available for the fulfilment of children's rights. Measures include social taxes on luxury imports, taxes on tobacco and alcohol, levies on tourists, national lotteries and proceeds from privatization. In some countries, tax benefits have been offered to private enterprise in exchange for support, say, to public schools.

Cost-recovery mechanisms have also been established, although these measures remain controversial. Critics find that user-fees for education and health services are often regressive, inequitable, administratively inefficient, rarely 'voluntary' (even if so specified), and may reduce demand for essential services. On the other hand, it has been suggested that users may actually be spending less for 'paid' services under well-run programmes than they had to pay previously to private providers when public services were underfunded. Graduated fees according to income may be one solution in some countries. However, no entirely reliable waiver system (at least in developing countries) has

been devised to exclude the very poor from payment.

Impoverished families often must devote an inordinate portion of their time simply to ensuring that they can have an adequate level of income to meet their basic needs. One of their short-term solutions is to deploy children in income-generating activities. These strategies can include paid work outside the household; unpaid work in family enterprises; and child care and household chores, often not even recognized as work, that free other household members for gainful employment. In certain situations, such work may help ensure children's right to survival, yet at the same time compromising their right to education, leisure and even health. Child labour that interferes with the successful completion of primary education is a particularly self-defeating 'family survival' strategy (see Panel 7).

- *Budgets can be restructured in favour of human development priorities.* Child rights advocates are pressing governments to shift allocations between sectors, and more precisely from defense and public works (sectors protected by powerful vested interests) to health care, education and social services (sectors that mainly favour the poor). It is estimated that military spending in the developing world during the 1980s almost equalled its expenditures on education and health combined, and was three times more than the amount received in aid. According to some observers, for the cost of one nuclear submarine, Africa's primary school system could be revitalized. These are sobering thoughts indeed.

Pressure is also being applied to governments to make careful choices within sectors in order to favour 'human development priorities' — primary health care, basic education, nutrition support for high-risk families, rural and peri-urban water and sanitation, and family planning. The main argument for this restructuring is again equity. Low-cost and basic social services can reach the population as a whole and especially the families and children most in need. In con-



trast, expenditures, say, in higher levels of education and health care and in costly water supply and sanitation systems, often preferred for reasons of prestige and catering to élites, overwhelmingly benefit the wealthiest segments of the population.

*Low-cost and basic social services
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Expenditure patterns can be blatantly distorted. There is a markedly inequitable distribution of health services in the United States, where, although the government spends 14 per cent of GNP on health, large segments of the population have no health insurance coverage or live in 'medically underserved' regions. Similarly, in Indonesia, according to UNICEF's *State of the World's Children 1995* report, the government spends three times more on the health of the richest 10 per

cent of the population than it does on the poorest 10 per cent; in Asia, governments typically spend 50 per cent of their education budgets on the best-educated 10 per cent. This report concluded that the poor remain poor principally because "they are underrepresented in political and economic decisions, because their voice is not sufficiently loud in the selection of society's priorities, and because their needs do not weigh sufficiently heavily in the allocation of public resources".

Budget restructuring is also required at the international level. UNICEF, the United Nations Development Programme (UNDP) and others have been emphasizing recently how little international aid actually goes to meeting minimum human needs and advancing human development. The proportion of the industrialized world's "co-operation" directed at these objectives represents a mere 10-15 per cent of the total (less than 10 per cent by some calculations). Only about 4 per cent of aid goes to primary health care and 2 per cent to primary education. In this context, several initiatives are under way to promote the allocation, by governments as well as donors, of increased budget resources for human priority concerns. One such approach, known as '20-20',

The hidden costs of child labour

While child labour is generally viewed as an economic resource in the short run, in practice it perpetuates poverty: child labour is not just a result, but also a cause, of poverty since it imposes many hidden costs. Significant among these are the opportunity costs of child labour, most importantly the deprivation of access to education. Out-of-school children are prevented from developing intellectual and social skills that in adulthood are linked with higher earnings, greater job security and competitiveness in the labour market. By undermining participation and performance in education, child labour also impedes national economic development, since the transmission of knowledge, skills and culture through education is one of the key elements in the development process.

Because of work-related diseases and accidents, child labour also places extra financial burdens on the health and welfare sectors into the future. The health impacts of work are far more acute for children than for adults, and many work-related health problems experienced in childhood persist into adulthood, with the result that ill-health is likely to become a life-long burden.

Child labour, furthermore, exacerbates adult unemployment and depresses adult wages in many cases. The presence of children in the workforce may be used by employers as a threat against adult workers, forcing them to accept lower wages, as already discussed. The low wages paid to children act, in addition, as a disincentive to employers to modernize manufacturing processes and benefit from economies of scale. Because children's income is usually so low, their paid labour adds little to domestic income or saving. Lagging domestic income and consumption fails over time to stimulate domestic demand and production and contributes to maintaining a weak, export-dependent economy within which child labour remains an important element: a vicious cycle from which developing countries must break out if the word "developing" has any significance.

Jo Boyden and Victoria Rialp, 'Children's Right to Protection from Economic Exploitation' (211-212)

proposes targets for expenditures for social priorities as a means to signal a firm commitment to social development, and to protect priority programmes against disproportionate spending cuts. It suggests that a sustained commitment of a minimum of 20 per cent of developing-country government budgets, supported by a comparable level of aid (20 per cent of aid budgets at the global level), properly targeted, can contribute substantially to meeting the basic social needs of children and other vulnerable groups. This effort would thus address the worst aspects of poverty and pave the way for the achievement of longer-term human development objectives.

Public opinion polls have shown that most people in industrialized countries favour spending aid in support of the poor. However, because of the interlocking nature of vested interests in both donor and recipient countries, it is difficult to change the targeting of aid, especially when new priorities could result in a reduction of overseas contracts for major companies in industrialized nations or the shrinking of profitable export markets.

Similar considerations apply at the household and community levels, where spending patterns frequently do not address critical needs,

including those of children. Instead, they often focus on less productive consumption, as a result of social and cultural habit. Social expenditures on ceremonies and social events can be many times greater than those devoted to children, severely depleting household resources and

Expenditures in higher levels of education and health care and in costly water supply and sanitation systems, overwhelmingly benefit the wealthiest segments of the population.

incurring substantial debt. Consumption of alcohol and tobacco is frequently very costly, while the local production of alcohol can absorb large stocks of grain that might be used for food. Well-documented patterns of food consumption, in which adults are given preference over children, men over women and boys over girls, perpetuate undernutrition of children, especially of girls. Similarly, education and related expenditures may be focused on a few children in a household, while other children, particularly girls, are kept



at home for chores. In all of these instances, better prioritization of household resources can yield significant economic resources for child development, at relatively little opportunity cost.

- *Debt can be reduced.* The total debt of developing nations has increased thirteenfold during the past two decades, causing a formidable drain

on developing nations' economies and a net flow of capital towards industrialized nations and their financial institutions. The cost of debt has been assigned a principal role in the deterioration of economic conditions in Latin America during the 1980s. In Africa and more particularly sub-Saharan Africa, debt reaches world records and is so overwhelming that it may actually 'defeat'

development. Africa manages to repay \$10 billion a year, which is only about one third of what it owes in capital and interest on loans. For significantly less (\$9 billion a year), the continent could meet all its basic health, nutrition, education and family planning goals. Debt cancellation and reduction, combined with a strengthening of Africa's trading position and cuts in military spending, are the most feasible solutions for this problem.

Freeing women's time for child care and income-generating activities impacts decisively on the economic position of households.

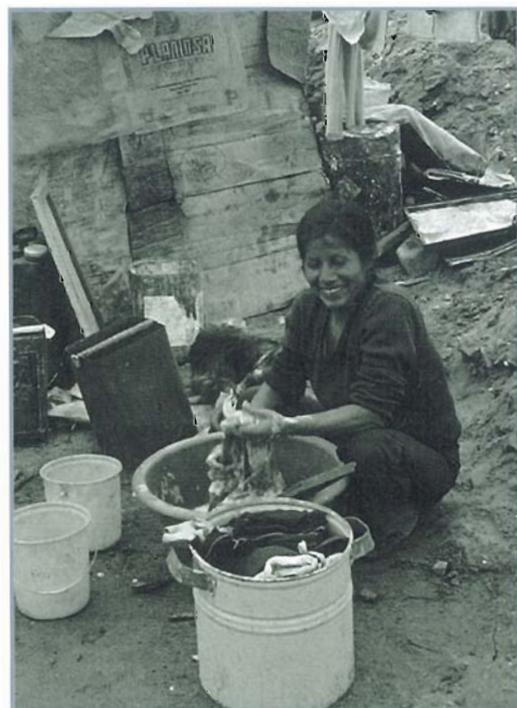
- *Technologies and processes can be made more efficient.* Efficiency can be augmented by substituting, where possible, less expensive resources or technologies for costlier ones; using resources to their fullest, including through recycling; eliminating waste; and taking preventive action to reduce damage from natural disasters. Networks of auxiliary nurses or paramedics can relieve doctors from the routine, less-demanding aspects of their work, permitting them to treat a greater number of patients. Lower-cost facilities can be substituted for more expensive ones and can be used for multiple purposes. Existing structures can be revitalized instead of replaced. Locally available supplies can often be used instead of imported ones. Generic drugs can be substituted for branded ones. Preventive health care can be emphasized, eliminating some of the need for more expensive curative care.

In the education sector, cost savings can be generated by introducing double shifts; increasing class size; and making greater use of self-study, teaching assistants, parents and other community helpers. In some developing countries it may be expedient to supplement the formal, classroom-centred models imported from the West — and now proving, sometimes even there, too costly to maintain — with less conventional models such as mobile facilities and community-based learning centres.

Efforts to increase the amount of time available to women have been found to be a decisive

factor in the economic position of households. Labour-saving technologies such as fuel-conserving cooking stoves and better access to essential services (by locating hand-pumps near villages, for example) give women more time for child care and income-generating activities. More-efficient methods made possible by new technologies may exist, but are often not widely known. Often, therefore, it is not that more-expensive approaches are selected deliberately, but that people continue to do things in a certain way because that is the only way they know. Dissemination of information about lower-cost technologies and approaches is therefore essential. The inroads made against polio and diarrhoeal diseases in the last decades are due in large part to the efforts made to increase knowledge about vaccines and oral rehydration therapy (see Panel 8).

- *Attention can be focused on critical inputs.* To improve efficiency and reduce wastage, specific attention must be given to those inputs that are in shortest supply in relation to requirements and that constrain the level of output — regardless of the availability of other resources. It is often easy to observe the examples of inefficiency and waste



that occur when existing resources cannot be used to their full capacity, and may even go idle. For example, teachers try to lead classes without books or paper; health workers cannot provide adequate care because they lack dressings and drugs, which patients must obtain if they can; and, at the household level, children experience micronutrient deficiencies even when there is a sufficient overall quantity of food. Eliminating such bottlenecks and making 'critical' resources available then becomes a major focus of action, and these resources gain a value with respect to the output that can far exceed their normal 'price'. This situation is familiar in the case of economic resources: the provision of foreign exchange for essential drugs or textbooks is often the crucial need of a health or education programme.

The problem of scarcity applies equally to human and organizational resources — although

it is of course less easy to quantify. When, for example, the organizational resources of political leadership and commitment are absent, it may be most productive to concentrate on strengthening these in order to mobilize other resources in society. Concentration on mobilizing political and social support, supplementing the ongoing attention to logistical and other technical elements, formed a key strategy in the effort for universal immunization during the late 1980s. An expanded version of the same priority is now a cornerstone of the implementation of the child rights agenda. Both for the ratification of the CRC itself and for the actions needed for its implementation and enforcement, political leadership and commitment are recognized as critical resources.

Similarly, at the operational level, a combination of adequate remuneration and other actions to improve motivation and morale may

Panel 8

“Making vaccines available isn't enough”

Knowledge about the causes of health problems, remedies and the means to maintain good health represents perhaps the most critical element of health as a right, and the lack of knowledge forms a major denial of this right. Traditionally, health knowledge has been closely guarded by the medical profession and health workers, and what information is given to households and communities tends to be limited and technocratic. Efforts to articulate health knowledge in ways that can be readily understood, and to disseminate it throughout the population, have formed a key component of most successful community health programmes. At the societal level, the influence of mothers' education on the health of children and other household members is widely documented, as is its effect on age at marriage, knowledge and use of contraception, and other factors in fertility reduction.

Perceptions play an important role in the interpretation and application of knowledge about health and health needs. Caregivers must perceive that certain health problems need to be treated or prevented; and they must be psychologically aware that actions within their households, or health services that are available, can in fact respond to the needs of their children and other family members. Among the poor, health is often not perceived as a priority in comparison with the other necessities of life. A frequent failing of 'health education' efforts is that they impart objective knowledge, but they fail to find practical ways to introduce this knowledge into people's day-to-day behaviour.

The motivation to take action to improve health is a third key element in individual decision-making about health. Mothers and other caregivers must not only have adequate knowledge about what actions to take, and the perception that their actions can make a difference; they need also to be motivated to maintain and improve health, whether by a voice of authority or, more sustainably, through a heightened sense of individual responsibility. Motivation is affected by beliefs and values, as well as being strongly influenced by economic incentives related to the perceived costs and benefits of taking health actions.

The role of the above factors has been widely seen in the drive for universal immunization. As James P. Grant, the late Executive Director of UNICEF, observed, “One critical lesson of over a decade of experience is that making vaccines available isn't enough; people need to be educated, motivated and mobilized to seek out immunization”.

David Parker and Claudio Sepúlveda, 'Children's Right to Survival and Healthy Development' (84-85).



be needed before health workers can function effectively, even when other inputs such as buildings, drugs and supplies are present. An important function of external agencies in this context is to help provide critical inputs so that the overall system can function more efficiently, to its potential capacity.

- *Some actions can be privatized.* Because of the decline of public economic resources, there is a growing trend worldwide to rely on the private and NGO sectors for the provision of basic goods and services once thought to be exclusively the domain of governments. In some instances, governments become the purchasers rather than the providers of services. For example, the private sector is increasingly responsible for the procurement of equipment and supplies needed for public hospitals or schools, for the construction of public facilities and for supplementing public water and sanitation services. In other cases, the private sector offsets deficiencies in public services. Thus, in most developing countries, NGOs have set up non-formal schools and shelters for marginalized children, and private corporations are running schools and hospitals for the better-off.

Children can experience micronutrient deficiencies even when there is a sufficient overall quantity of food.

Privatization relieves governments of the burden of providing services to individuals who are able to pay for them. As a result, governments can theoretically dedicate themselves to providing broadly based services (primary education and public health care), serving as ‘providers of last resort’ for hard-to-serve populations and acting as regulatory agents. In many cases, however, the political power of élites prevents declining public revenues from being directed to the poor. A reorganization of the national health service in Chile in 1980, for example, resulted in a two-track system. On the one side, inadequately funded and steadily deteriorating public hospitals catered to the poor. These structures, of course, attracted very few of the best-qualified physicians and health workers. On the other side,

ultra-modern private hospitals offered quality health care to élites. Although this reorganization permitted significant cutbacks in government spending on health, it meant that health was no longer a right but a 'commodity', and one that a growing number of Chilean families seriously affected by recession in the 1980s could ill afford.

The provision of social services, whether by private or public initiative, should be directed at reducing rather than reinforcing social inequities.

On the other hand, some countries have demonstrated that market mechanisms can enhance the quality of services because individuals tend to use or pay for only those services meeting their actual needs. Nevertheless, particularly in the case of health treatment, consumers may not be sufficiently knowledgeable to distinguish between adequate and inadequate

services. Consequently, basic health education, plus quality control and adequate supervision, should generally remain a public-sector responsibility.

A rights approach to health and meeting other basic human needs requires that the provision of social services, whether by private or public initiative, be directed at reducing rather than reinforcing social inequities.

- *Action can be decentralized.* As central governments retreat from many areas of economic and social development, and as more private actors participate in the provision of services, management responsibility and accountability have gradually devolved to subnational levels. In the social sectors particularly, the decentralization of budgetary authority and decision-making has often contributed to making both public and private services more responsive to user demands and needs. District-level governments have a number of important functions including making national policy more locally specific, financing and implementing services, and linking community facilities with the national system. Especially in countries with large and dis-

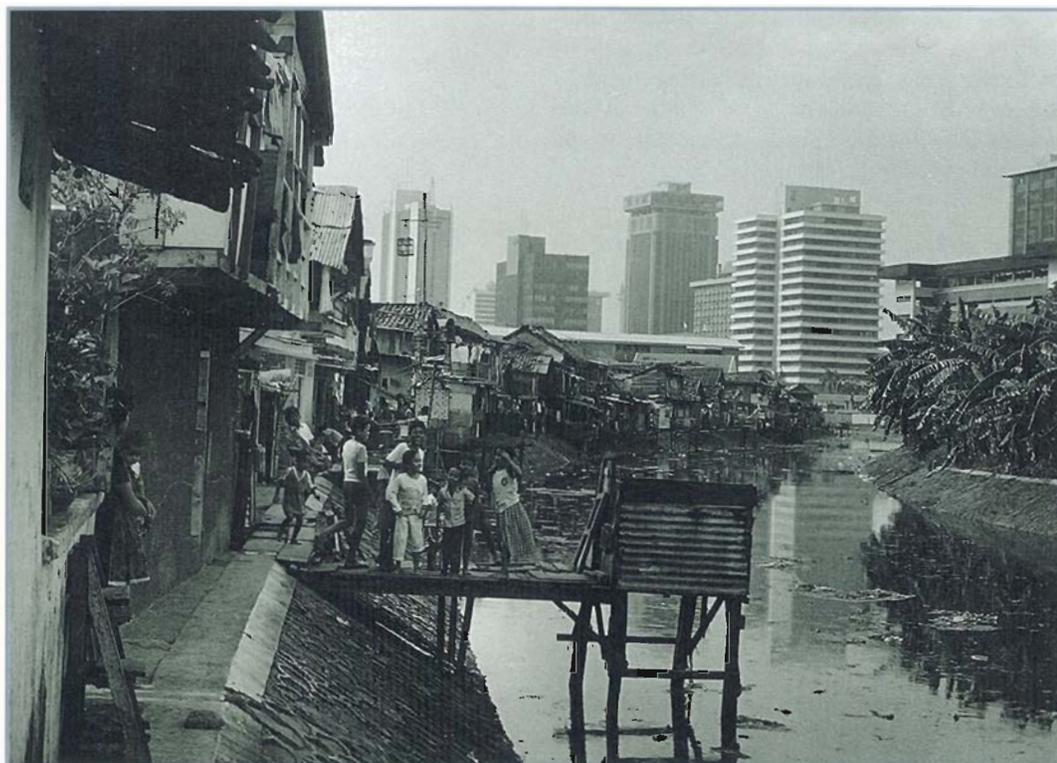


Table 3 - The Aid Gap

	Total aid (\$ billions) 1992			Aid per person (\$) 1992			% in favour of increasing aid 1991
	Aid as % of GNP 1992	Actual	Total if 0.7% of GNP	Actual	Total if 0.7% of GNP	Difference	
Norway	1.11	1.2	—	288	180	+ 108	63
Sweden	1.05	2.5	—	270	189	+ 81	—
Denmark	1.04	1.4	—	250	182	+ 68	80
Netherlands	0.88	2.7	—	167	144	+ 23	75
France	0.61	7.8	8.9	132	157	- 25	60
Finland	0.55	0.6	0.8	141	163	- 22	—
Switzerland	0.46	1.1	1.7	160	256	- 96	—
Canada	0.44	2.5	3.9	96	145	- 49	—
Portugal	0.41	0.3	0.5	25	52	- 27	75
Belgium	0.40	0.8	1.5	79	147	- 68	53
Germany	0.38	7.0	13.0	109	161	- 52	67
Italy	0.35	4.1	8.3	68	144	- 76	69
Australia	0.32	1.0	2.1	58	119	- 61	—
Japan	0.32	11.1	24.6	83	197	- 114	—
United Kingdom	0.31	3.1	7.2	54	124	- 70	70
Austria	0.30	0.5	1.2	64	157	- 93	—
Spain	0.28	1.5	3.8	36	98	- 62	78
New Zealand	0.24	0.1	0.3	30	83	- 53	—
United States	0.18	10.8	41.3	45	162	- 117	—
Ireland	0.16	0.1	0.3	18	86	- 68	69

Note: Aid figures exclude forgiveness of non-aid debt for export credit claims and military debt.
Source: UNICEF, 1994a (45). Based on OECD, *Development Co-operation*, 1993, for aid; *World Bank Atlas* 1994, 1993, for GNP; and Eurobarometer 36 and Norwegian Social Science Data Service, September 1991, for public opinion polls.

persed populations or heterogeneous social groups, decentralization to subnational levels makes the management of national programmes significantly easier and responds to community pressures to have more say in the direction of their own affairs. Devolution of decisions relating to child labour, for example, is particularly important because of the wide disparities in economic and social conditions among regions, different industrial bases and different traditions and customs governing child work. Ideally, decentralization enhances 'ownership' of programmes at the local level and encourages community participation in the management of programmes and services. Decentralization, however, is no panacea, and in countries with a highly uneven distribution of wealth and resources, it can readily exacerbate inequities.

- *Donor aid can be tapped and better used.* International assistance is much sought after and is often crucial for social development and humanitarian relief efforts, especially in very low-income developing countries. However, care must be taken to integrate donor-led inter-

ventions into a coherent national framework of policies and strategies. Donors in Africa, for example, have carried out a number of "vertical" programmes aimed at reducing disease-specific mortality, which have often not strengthened health infrastructure at the local level. Some of these programmes falter as aid resources are reduced or withdrawn, not only because communities are unable to sustain operating costs, but also because they lack the technical expertise and the commitment to continue providing services previously sponsored. Many governments as well as donors are now placing less emphasis on capital-intensive, high-tech interventions, preferring to rely on, where possible, simple, inexpensive techniques that can be maintained by the community.

Many pressures are being placed on international assistance, including from Central and Eastern Europe and new nations that have emerged since the collapse of the Soviet Union. Some of these nations have heavy investment requirements and are not yet self-sustaining. They therefore compete with the least-developed nations for available aid funds. International aid



resources are also increasingly being drained to respond to man-made and natural emergencies, especially in Africa.

Very few industrialized nations have fulfilled their longstanding commitment to devote at least 0.7 per cent of GNP to external aid.

On the supply side, increases in international assistance are unlikely, given the current economic and political situation in most industrialized countries. Very few industrialized nations have, in fact, fulfilled their longstanding commitment to devote at least 0.7 per cent of GNP to external aid (see Table 3), and some countries are actually falling further behind in terms of that target. This disappointing performance occurs despite general public support for increasing aid levels, as evidenced by an opinion poll conducted in 11 European countries (see last column of table).

MANAGING THE REALIZATION OF RIGHTS

DRAWING on planning and programming guidelines widely used in the international development community, we would propose a four-step strategy as a basis for work on implementing the CRC, including the challenge of identifying affordable approaches and mobilizing the necessary resources. The strategy can be summarized as follows:

1. *Situation analysis.* The essential first step in developing an implementation strategy for work in child rights is to determine, as accurately as possible, the extent to which each right is being achieved. Once this is known, problems can be prioritized and policies adopted to improve the situation. Good baseline data, appropriately disaggregated (including by categories such as gender and ethnicity needed to identify patterns of discrimination), are essential to an effective system of monitoring compliance with the CRC provisions. Although rarely included in situation analyses, an assessment of the current state of resource availability corresponding to various rights is a fundamental element of any complete study. Participatory planning approaches, especially important in the area of children's rights, need to involve households and communities in the situation analysis process. Children and youth can be effectively involved as well, helping them to develop their capacities to exercise responsibly their rights to participate as young citizens in society. This element of participation is both essential to a 'rights approach' to development and also a key factor in strengthening resource mobilization strategies. An effective situation analysis should be an ongoing process over time more than just a one-shot data-gathering exercise. The situation analysis process is closely linked or even merges with the monitoring mechanisms described below.

2. *Goal and standard setting.* Effective planning for action in the human rights field, as in other areas of public policy, requires the setting of standards and agreement on goals; rights (especially economic, social and other rights requiring achievement "progressively") need to be con-

verted into verifiable goals or objectives, achievable within agreed time-frames. Indicators to measure progress in achieving these goals, including resource indicators, need to be identified and accepted by the appropriate authorities. Some goals, such as universal primary school enrolment, can be quantified more easily than others, for example, eliminating "discrimination of any kind". But specific and sometimes binding standards (or indicators of progress) have been set by legislatures, courts or administrative bodies even in the more difficult areas. Goals and standards are much more likely to be viewed as legitimate, and indeed as 'rights', if a broad and genuine consensus in society is reached regarding these goals. Once again, children should be a part of that emerging consensus.

3. *Plans of action.* Different countries have widely varying approaches to social or development planning, but most systems (including various international systems) have some capability to develop concrete plans to achieve agreed goals. Countries that have developed strong national and subnational planning for children, including cost estimates and financial plans, have a good basis for implementing many of the key provisions of the CRC. Attention must be given to a broad array of legislative, administrative, judicial, regulatory and other measures *at all levels of government*, needed to achieve the goals or attain the agreed standards. For many of the objectives linked to the CRC, goals and concrete financial and other measures to achieve them need to be developed, whenever possible, at the municipal and other levels of local government closest to families and children. Plans can include an active role for the private or non-governmental sector. Realistic plans and programmes must recognize clearly that fulfilment of nearly all rights has significant resource implications. Feasible measures for the mobilization of all "available resources" — human, economic and organizational — need to be specified, including through international cooperation where required.

A view from the Committee on the Rights of the Child

It took the United Nations Member States 10 years and a good many meetings to produce the Convention on the Rights of the Child. Since its adoption by the United Nations General Assembly in November 1989, almost all of the countries in the world have pledged to adhere to its principles and implement its provisions. An international committee has been set up to monitor progress in realizing children's rights.

Is it all worthwhile? Does the Convention actually lead to improvements for children? Does it add anything to the international efforts already under way in development programmes?

These questions can now be answered. Four years have passed since the Committee on the Rights of the Child was elected. It has evaluated and discussed more than 30 reports from States Parties and has adopted concluding observations on how the Convention has been implemented.

On the whole, the record is impressive. Perhaps the most important achievement is that governments have been encouraged to give children's issues political priority. A number of countries have undertaken comprehensive reviews on the overall situation of children. Almost all countries that have submitted reports to the Committee have amended relevant pieces of legislation to conform to the Convention. International organizations as well as many governments have focused on vulnerable groups such as child labourers, child prostitutes and children in armed conflicts. Furthermore, NGOs have begun to take on an important role, adding considerably to both the debate and the practical work on children's rights...

Article 4 describes obligations of conduct rather than of result; the emphasis is on what efforts States Parties make in promoting the implementation of the Convention. States Parties should review their legislation and ensure that laws are consistent with the Convention. This process of legal harmonization is relevant not just for civil and political rights but also for many of the rights usually described as economic, social and cultural. Laws are needed, for instance, for the protection of children against exploitation in the formal or informal labour market and to ensure compulsory education. In the fields of health and social welfare as well, most countries have developed legal norms to establish certain principles and guarantee non-discrimination.

The "administrative and other measures" called for in Article 4 could include a range of steps to make implementation effective. One is to establish mechanisms at national and local levels to coordinate policies and to monitor the implementation of the Convention, including through ombudswork. NGOs form part of the national commissions for children established in a number of countries. Of course, political decision-making is in itself crucial. What procedures are there to ensure that child matters are taken seriously in both the national legislature and in local assemblies? Are there opportunities for children themselves and their representatives to make themselves heard?

Another aspect that the Committee on the Rights of the Child has raised in this context is the importance of collecting reliable and relevant information on the situation of children. With precise data the discussion about remedies can be better informed and focused. Improvement of the capacity of a national statistical office can therefore be an essential contribution to the implementation of the Convention. Finally, another means towards the genuine realization of the Convention's goals is the education and training of the people who work with children: teachers, child psychologists, paediatricians and other health personnel, police officers, social workers, and others. A clearer understanding among these professionals of the concept of children's rights can be immensely important.

Thomas Hammarberg, 'Foreword' (v-xi)

4. *Monitoring compliance and enforcement.* A mix of official and non-governmental monitoring mechanisms (national and international) are important to help ensure that goals are being reached and the legal rights and duties of all relevant parties are recognized, understood and enforced. Rights need to be understood at the level of communities, families and children.

Monitoring, which must also reach those levels to be useful, is much more effective when based on widespread popular understanding of the relevant goals and rights. Especially at the international level, a non-adversarial 'constructive dialogue' among the relevant parties, led by the United Nations Committee on the Rights of the Child, is likely to be the most accepted form of

monitoring (see Panel 9). At the national and sub-national levels, however, strong incentives, including financial incentives, for compliance, as well as significant penalties for non-compliance, will be essential complements to an effective system of monitoring progress. Finally, monitoring mechanisms need to include provisions for monitoring the allocation or mobilization of the resources necessary to achieve these objectives. Very few monitoring systems have adequate provisions for keeping track of the way resources are or are not allocated to meet governmental or broader societal obligations for the fulfilment of children's rights or human rights more generally.

A mix of official and non-governmental monitoring mechanisms are important to help ensure that goals are being reached and the legal rights and duties of all relevant parties are recognized, understood and enforced.

Filling this glaring gap deserves high priority on the agendas of both international and national human and child rights organizations.





SUMMARY AND CONCLUSIONS

IT may be useful to summarize a number of the key points made in this publication:

- (a) the starting point for a constructive interpretation of the reference to “available resources” in Article 4 of the CRC must be a broad definition of resources — human, economic and organizational — that explicitly recognizes their availability at all levels of society, from the family to the international level (Table 1);
- (b) there are far more “available resources”, even in ‘resource-poor’ societies, relevant for realizing children’s rights than are typically recognized; among the most important of these less ‘visible’ resources are the time, knowledge, organizational and other skills of families and communities for the healthy development and protection of children;
- (c) who controls resources and how they are distributed in society is a key question which needs to be addressed by child rights analysts and advocates; the politics as well as the economics of children’s rights is a critical area of inquiry and action;
- (d) lack of control of resources by women, when combined with very limited resource availability, is likely to be especially detrimental for children’s rights;
- (e) both governmental and non-governmental programmes to benefit children can be much less costly, in terms of economic resources, if there is greater recognition of the State’s and the civil society’s ability and obligation to *respect* and *protect* relevant individual and group rights, as well as societies’ many initiatives to benefit children, particularly at the community level;
- (f) at all levels of society, governmental and private, the mobilization of *human resources* and *organizational resources*, including political and leadership skills and creativity, may be an especially effective strategy for achieving children’s rights, often with a more modest investment of economic resources than typically associated with the direct provision of services for children;
- (g) for reasons of equity, non-discrimination, and sometimes sheer child survival, care must be

taken not to shift more of the burdens of resource mobilization to those in society least able to contribute more than they already do;

(h) an approach of the sort described strengthens participation (potentially including the enhanced participation of children), which, from a human rights and a human development perspective, should be viewed as a desirable end in itself.

It has also been argued that the rather nebulous concept of the obligations of States Parties to the CRC can be sharpened considerably in several ways. A framework has been presented (Table 2) that specifies, from the community to the international level, varying types of governmental obligations with regard to children’s rights:

- (a) to *respect*, for example, the participation rights of children;
- (b) to *protect*, particularly vulnerable groups such as minority, street or working children;
- (c) to *facilitate*, for example, equal and effective access to educational and vocational training opportunities; and
- (d) to *fulfil*, the basic or ‘minimum core’ needs of high-risk children, for example of those who are victims of armed conflicts, natural disasters or the dissolution of families living in extreme poverty.

It is also clear that obligations, like resources, must be defined to include not only the realm of the public sector, but also the private, non-governmental and other sectors of the civil society. Whether or not national or international legal norms create binding obligations on these non-governmental sectors, effective implementation of the CRC will undoubtedly require extensive public/private-sector partnerships, at all levels of society.

More practical applications of the concept of the obligations of the States Parties to the CRC will also depend on the implementation of a process that might be described as ‘social planning for achieving children’s rights’. Planning, management and monitoring child rights work by

objectives is a key element of this approach. Effective popular and community participation is another critical component. A four-step implementation strategy for this approach has been outlined. This strategy requires a systematic approach to implementing the CRC beginning with:

- (a) a rights-oriented situation analysis;
- (b) the setting of goals or standards to be met within agreed time-frames;
- (c) the development of plans and programmes of action, at all levels of government, including for the estimation of costs and plans for resource mobilization; and
- (d) the provision of monitoring and/or enforcement mechanisms to ensure that goals are achieved and children's rights are respected and fulfilled.

Without a planning, programming and monitoring process of this sort, adapted of course to the circumstances and capacities of each country, it is difficult to see how those provisions of the CRC relating to "available resources", "highest attainable" standards, achieving rights "progressively", and the promotion of international cooperation can be successfully implemented and the implementation process adequately monitored. Achieving an approach to the CRC based on social planning and management by verifiable objectives would represent a major step forward in the human rights field. This accomplishment would also convert the Convention on the Rights of the Child from just another declaration of noble intentions to a genuinely effective tool for enhancing the well-being of children and ensuring the respect, protection and fulfilment of their now widely recognized rights.

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The following people contributed to the book on which this summary is based:

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