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CHILD RIGHTS AND GOVERNANCE ROUNDTABLE **Report and Conclusions**



Save the Children



CHILD RIGHTS AND GOVERNANCE ROUNDTABLE

REPORT AND CONCLUSIONS

London, 26-27 April 2011

Layout: Bernard Chazine, Siena, Italy

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September 2011

Co-organizers

■ UNICEF

UNICEF's work in the area of child rights and governance spans a broad spectrum of interventions, ranging from influencing governance reform processes that strengthen child sensitive institutions and better deliver services for children, to providing children, girls and boys, and those that work to promote their interests, with opportunities to have a voice in decision-making, influence the political and economic levers of power, and hold their leadership accountable for the achievement of child-focused outcomes.

Current work on child rights and governance includes the following areas:

- 1) Investing in children, looking at national budget allocation and expenditure, and analysing the extent to which those contribute to the realization of child rights.
- 2) Child rights governance situation analysis, which examines legislation, government capacity, and national processes such as planning, poverty reduction and decentralization, through the lens of children's rights and the Convention on the Rights of the Child.
- 3) Putting children onto the governance agenda of development cooperation actors by influencing donor practice within the governance sector with the objective of making it more responsive to child rights concerns and to channelling greater funding towards children.
- 4) Conducting and supporting research in the area of national institutional capacities for child rights from the perspective of public sector reform and the overall framework of the General Measures of Implementation of child rights as laid out by the Committee on the Rights of the Child.

■ Save the Children

Save the Children is a global and independent organization whose mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives. The Child Rights Governance Global Initiative (CRGI) is one of six thematic focus areas of SCI strategy 2010-2015. Work on Child Rights Governance aims to build societies that fulfil children's rights. It is about establishing and strengthening the infrastructure necessary for states to effectively implement the UNCRC and other child rights obligations and it is about supporting a vibrant civil society pushing children up the political agenda and holding states to account for what they have or haven't done to realize children's rights. It has two main components:

- 1) Ensuring responsive government performance, transparency of decision-making and robust accountability mechanisms for the realization of children's rights.
- 2) Supporting an active and well organized civil society in support of children's rights as an important counterpart and counterbalance to governmental action.

A main focus over the next four years will be on investment in children. Twenty years after the ratification of the UNCRC, children's rights are still not children's realities in many countries. Governments and the international community's commitments through their endorsement of treaties and Constitutions are nice but empty promises unless translated into budgetary allocations, effectively backed by public investment. CRGI will focus on this topic and advocate different audiences (donors, governments, parliamentarians, citizens etc.) based on four arguments for which we will collect evidence.

■ OECD

The mission of the Organisation for Economic Co-operation and Development (OECD) is to promote policies that will improve the economic and social well-being of people around the world. The Organisation provides a setting where governments can compare policy experiences, seek answers to common problems, identify good practice and work to co-ordinate domestic and international policies.

For 50 years, the Development Assistance Committee (DAC) has grouped the world's main donors, defining and monitoring global standards in key areas of development. It assists its members and the expanded donor community in delivering on their commitments while engaging in global efforts to make aid work better. Increasingly, the DAC looks beyond the traditional aid arena to address pressing development challenges – such as climate change, conflict and fragility, corruption and more open and fair trade – and works to ensure that every available source of development finance is leveraged to deliver concrete development results.

The DAC GOVNET is the only forum for development agencies and partner countries that focuses exclusively on improving governance. Its Human Rights Task Team is the international network on human rights within bilateral and multilateral development agencies. It is working to enhance understanding and consensus on why and how donors should work more strategically and coherently on the integration of human rights and development.

CONTENTS

I. Introduction	1
II. Child rights and governance: Towards a conceptual framework	3
Governance: Definitions and principles	3
Why is governance relevant to children’s rights?	3
Why are children’s rights relevant to governance?	5
Child-friendly governance	6
III. Tools for implementation	7
The General Measures of Implementation of the CRC	7
A child rights approach to the governance framework	8
Child-friendly local governance	8
IV. Main actors in child rights and governance	11
Government	11
Parliament	11
Judiciary	11
Independent Human Rights Institutions (Ombudspersons)	12
Civil society	12
Children	12
Media	13
Private sector	13
Donors	13
V. Assessment and evaluation tools	15
Measuring the child-friendliness of governance: The ACPF Child-friendliness Index	15
Child sensitive governance assessment tool	16
VI. Key questions and challenges	21
Accountability	21
Recognizing and building on children’s agency	21
Specialization vs. mainstreaming of children’s issues	22
Integrated rights-based policies	22
Entry points for change	22
VII. Next steps	23
Bibliographical resources	25
List of participants	27

I. INTRODUCTION

Co-hosted by UNICEF, Save the Children and the OECD, a roundtable on child rights and governance was held in London on 26-27 April 2011. The objective was to reflect on the linkages between governance and child rights and initiate a dialogue between both constituencies. It brought together actors from the governance sector and child rights experts, with a mix of representatives from governments, international organizations, civil society and a member of the Committee on the Rights of the Child.¹

The need for a reflection on child rights and governance originated in the realization that children's rights could not be advanced significantly without close consideration of the governance systems in which they are implemented. Implementation of the Convention on the Rights of the Child is highly dependent upon the way traditions, mechanisms, processes and institutions, through which authority is exercised, operate for common good – not only for children but for all. Conversely, governance can only be comprehensive if it takes into account the human rights of all, including children.

Good governance has been progressively recognized as central to development work by a wide array of actors, namely governments (including donors), development agencies, global and regional organizations, academics, and civil society organizations. Various studies

have evidenced that good governance brings both an intrinsic and an instrumental value to a wide range of development outcomes, including poverty eradication, the reduction of inequities, economic growth and broader social objectives. The Millennium Declaration explicitly affirms the value of governance to development and human rights realization.

Over the last decade, donors in particular have increasingly focused their attention on good governance as a means of achieving sustainable and equitable development progress and ensuring greater aid effectiveness. The Paris Declaration (2005) makes good governance central to aid effectiveness while the Accra Agenda for Action (2008) lists human rights as one of its core principles.²

However, the governance and children's rights narratives have thus far remained on separate paths. On the one hand, children have generally been invisible in governance efforts. Documents and programmes focusing on strengthening governance, such as UN documents at the national level, seldom make the link with children's issues.³ On the other hand, child rights documents rarely if at all refer to governance as such.

A review of the two areas nevertheless suggests that they can significantly benefit from each other. Consideration of their synergies is all the more timely as we

approach the 10 year review of A World Fit For Children⁴ in 2012 and we prepare for the Millennium Development Goals assessment and next steps in 2015.

Discussions therefore revolved around one central question: What is good governance for the realization of children's rights? They aimed to outline the framework for understanding the

intersections between these spheres, identify priority areas and main issues, and develop an agenda for future research, advocacy and action.

The following report synthesizes the main reflections and conclusions. As the first roundtable held on this topic, ideas expressed need to be understood as starting points and invitations for further analysis and action.

■ NOTES

- 1 See Annex - List of participants.
- 2 Accra Agenda for Action (2008), para. 13c.
- 3 See Save The Children, *Children and Good Governance*, Policy Brief, 2010: "Children are invisible in the information DFID draws on to understand local context, including the new Country Governance Analysis. UNDP offers no guidance on addressing the rights and needs of children in its user guides on governance assessments. The OECD

- Development Assistance Committee's series on Governance, Taxation and Accountability does not make reference to children at all. And there is no evidence that the World Bank's widely used World Governance Indicators take into account the status of children's rights in the assessed countries."
- 4 Outcome document of the UN Special Session on Children held in 2002.

II. CHILD RIGHTS AND GOVERNANCE: TOWARDS A CONCEPTUAL FRAMEWORK

1) Governance: Definitions and principles

Governance is a multifaceted concept that focuses on the interactions between the government in its various forms and the people. Exact definitions vary depending on the organization.⁵ According to UNDP, “governance can be seen as the exercise of economic, political and administrative authority to manage a country’s affairs at all levels. It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.”⁶ The World Bank defines governance as “the traditions and institutions by which authority in a country is exercised for the common good. This includes (i) the process by which those in authority are selected, monitored and replaced, (ii) the capacity of the government to effectively manage its resources and implement sound policies, and (iii) the respect of citizens and the state for the institutions that govern economic and social interactions among them.”⁷

A common element of all definitions is that governance is broader than government and state actors. It also encompasses the function of private and social actors in the definition and implementation of societal goals and public policies.⁸

Governance rests on a series of principles which may vary but generally include: transparency, responsibility, accountability, participation and responsiveness to the needs of the people.⁹ These elements also underpin the development of a framework on the linkages between governance and child rights.

2) Why is governance relevant to children’s rights?

Responsiveness and transparency – All policy issues defined through governance affect children

Children are affected by any action of the State, including when not directed at them. Agricultural, environmental and land policies for example have significant impacts on children’s livelihoods and enjoyment of their rights.¹⁰

Areas which are traditionally within the governance realm are therefore of critical relevance to children. Issues as diverse as the impact of taxation on the household income, the effect of corruption on the accessibility and quality of social services, privatization of some sectors like water, and business practices including respect for the well-being of communities and family life, are all core elements of governance with major consequences for the realization of children’s rights.

Empirical studies have established a strong correlation between low infant mortality rate and low corruption.¹¹ They have also evidenced a link between a strong legal framework and child survival.¹²

Good governance for children therefore implies scanning every action of the State, whether or not directly related to children, through a child rights lens.

Responsibility – Governance embraces the multiplicity of duty-bearers and emphasizes the importance of systems for the realization of children’s rights

Governance highlights the importance of the multiplicity of actors in society and their respective responsibility in reaching societal goals. It further emphasizes the significance of policy coherence and effective coordination mechanisms among various policy and public action areas. Similarly, the realization of children’s rights implies a holistic approach to policy-making and relies on multiple duty-bearers. Both frameworks therefore underline the necessity of properly functioning systems, where the role of each actor in the chain is fulfilled effectively.

This approach has been widely recognized in the context of child protection systems, which focus on formal and informal protective mechanisms, ranging from laws to institutions, social norms and attitudes, as well as the

responsibility of all actors to protect children from harm. Notably, General Comment No. 13 of the Committee on the Rights of the Child on the right of the child to freedom from all forms of violence recommends the development of comprehensive national coordinating frameworks for the protection of children from violence, including prevention measures.¹³

The governance framework coupled with a child rights approach can provide valuable insights for policy-making and in all areas of relevance to children’s rights.

Accountability – Governance is a promising avenue to address the implementation challenge of children’s rights

Participants agreed that one significant challenge in the fulfilment of children’s rights has been the difficulty of actually implementing laws and policies. While significant progress has been made in the adoption of legislation for the implementation of the CRC, many laws remain scarcely enforced due to lack of effective institutions, services and adequate resources, combined with an absence of political will and efficient leadership.

Governance examines the underlying dynamics of State effectiveness. It analyses how the distribution of power within society fosters or impairs sound policy decisions and administrative practices. It further focuses on the importance of management practices for



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THE FOUR GUIDING PRINCIPLES OF THE CRC AND GOVERNANCE

Non-discrimination. Requires that public policies aimed at children cover all rights for all girls, boys and adolescents in a country, along their life cycle as children. Calls for governance systems that address inequities and other causes of exclusion.

Best interests of the child. Implies a horizontal view of all policies putting the child at the centre. Requires that all the resources available today need to be used in a progressive way that ensures the best resource distribution for children in all spheres. Entails governance where children are clearly visible.

Right to life, survival and development. Requires monitoring the outcome of policies, programmes and services. What matters is not merely the quantity and quality of services but proven results, such as lowering infant mortality.

Right to be heard. Calls for systematically consulting children in matters that affect them; this requires creating appropriate spaces and providing an environment where all actors are able to listen to children's views. An essential aspect of the demand-side of governance strengthening.

See Marta Mauras, "Public Policies and Child Rights: Entering the Third Decade of the Convention on the Rights of the Child"; *The Annals of the American Academy of Political and Social Science*, Jan. 2011.

concrete outcomes. By penetrating beyond the façade of institutions traditionally considered within the child rights context, governance provides a promising approach to overcome the implementation challenge for the Convention on the Rights of the Child (CRC) that would benefit from further examination.

3) Why are children's rights relevant to governance?

Efficiency and effectiveness – Children's rights give a *raison d'être* to governance

Governance provides an enabling environment for the realization of human rights. It constitutes the process by which the sense of direction of society is defined.¹⁴ The existence of a societal goal is critical to give governance a purpose. Human rights, as recognized in the core international human rights treaties, provide a shared set of values and an accepted normative framework.¹⁵ Participants emphasized that their respect and fulfilment represent a legal obligation for States parties.

While often invisible in policy-making, children are a fundamental group in society, both in number and in significance. The realization of children's rights and the centrality of children in society should therefore constitute a major objective for governance efforts. Consequently, it was found that children's rights represent a standard against which the quality of governance can be assessed. Respect for the

four guiding principles of the CRC in particular could be a litmus test for good governance.

Equity – Children's rights ensure that governance is comprehensive

Good governance, respectful of human rights, is necessarily universal, non-discriminatory and equitable. Participants identified a number of implications of this requirement for children's rights.

Governance will remain incomplete if it bypasses children, who often represent a third to a half of developing countries' population and usually about a quarter of the population in high income countries. The child population and its specific needs and rights should therefore be fully taken into account in governance efforts.

Furthermore, for equitable and inclusive outcomes of governance, human rights principles need to be at the core of the development process.¹⁶ Attention to children's rights helps governance efforts to focus on the most marginalized and excluded, as well as identify and address the root causes of discrimination. It also helps draw particular attention to the specific experiences and issues children face.

Inclusion and participation – Children's rights guide governance processes

Good governance is by nature participatory, in that it aims to link more closely the governing and the governed. The demand-side of

governance implies empowering rights' holders to claim their rights and hold the government accountable for its actions. While they do not vote, there are many ways in which children can and do contribute to decisions affecting their lives.

By recognizing children as subjects of rights, the CRC paves the way for inclusive governance processes in which children have a say. Having their views heard is not only a right for children. It also promotes policies and practices that are adequate to address child rights. A child rights approach to governance therefore offers guidance to recognize, nurture and build on children's capacities as social agents whose voices can inform governance processes.

4) Child-friendly governance

Overall, children and governance implies developing an understanding of, and engagement with, systems of governance to realize children's rights. Children in governance requires building partnerships with children themselves, giving them the opportunity to participate in governance and recognising that children are agents of change. It is important to ensure that their presence is not simple tokenism or a time-bound project.¹⁷

Bearing in mind this overarching conceptual framework, the tools used to implement children's rights and advance governance were deemed to present significant potential for mutual enrichment.

NOTES

- 5 On definition issues, see Committee of Experts on Public Administration, *Public Governance for Results: A conceptual and operational framework*, paper prepared by Luis Aguilar Villanueva, 18 Jan. 2011, E/C.16/2011/12.
- 6 UNDP, Governance for sustainable human development, A UNDP policy document, United Nations Development Programme, Jan. 1997.
- 7 Available at <http://go.worldbank.org/MKOG258V0>
- 8 Op. cit. note 5.
- 9 Commission on Human Rights, 'The role of good governance in the promotion of human rights', Resolution 2000/64 of 26 Apr. 2000, para. 1.
- 10 Enakshi Ganguly Thukral, "Children and Governance: Concept and Practice", in Enakshi Ganguly Thukral, *Every Right for Every Child: Governance and Accountability*, Routledge, New Delhi 2011, p. 36; HAQ Centre for Child Rights, *Still Out of Focus: Status of India's Children 2008*, New Delhi, 2009, p. 32.
- 11 Daniel Kaufmann, "Human Rights and Governance: The Empirical Challenge", a paper prepared for a conference co-sponsored by the Ethical Globalization Initiative and the NYU Center for Human Rights and Global Justice, revised draft, Dec. 2004.
- 12 SaveThe Children, *Why law matters for children's survival*, Policy brief, 2010.
- 13 CRC Committee General Comment No. 13 (2011), *The right of the child to freedom from all forms of violence*, CRC/C/GC/13.
- 14 Op. cit. note 5, para. 10.
- 15 OECD, *DAC Action-oriented policy paper on human rights and development*, Organization for Economic Cooperation and Development, Feb. 2007 [DCD/DAC(2007)15/FINAL].
- 16 Ibid.
- 17 Enakshi Ganguly Thukral, "Children and Governance: Concept and Practice", in Enakshi Ganguly Thukral, *Every Right for Every Child: Governance and Accountability*, Routledge, New Delhi 2011, p. 7.

III. TOOLS FOR IMPLEMENTATION

1) The General Measures of Implementation of the CRC

While the CRC does not explicitly refer to governance and the Committee on the Rights of the Child rarely mentions this concept, the Convention lays the ground for the integration of governance concerns in its implementation.¹⁸

Article 4 of the CRC provides for States Parties' obligation to "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the ... 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."

With a view to providing further guidance on the implications of this provision, the Committee on the Rights of the Child has adopted General Comment No. 5 on the General Measures of Implementation. As such, participants agreed that the General Comment essentially represents a governance agenda for the implementation of the Convention.

It covers a vast spectrum of state action, from legislation, adoption of a national strategy, budgetary allocations especially for marginalized and disadvantaged groups of children, the establishment of coordinating and

monitoring bodies both governmental and independent, comprehensive data collection, awareness-raising and training of professionals working with children to the development and implementation of appropriate policies, services and programmes, including decentralization, privatization and cooperation with civil society.¹⁹ It has represented a critical instrument over the years for furthering the implementation of the Convention.

General Comment No. 5 however reveals some shortcomings. For example, it was pointed out that the GC is framed with a top-down planning approach and does not incorporate a holistic or systemic view of policy based on human rights and equitable financing.

The Committee acknowledged the difficulty of the task and in 2007 held a Day of General Discussion on the specific question of investing in children in order to explore the subject further.²⁰ Since this discussion, the Committee's concluding observations and recommendations to States Parties' reports have begun to reflect expanded knowledge, new practices, and updated technologies on budget management aimed at realizing children's rights. One conclusion of the roundtable was therefore that applied more broadly, the governance framework could valuably inform future discussions.

2) A child rights approach to the governance framework

The governance framework contains a number of specific areas that are instrumental to the promotion of human rights.²¹ A number of these areas would merit further exploration, as they exemplify the added value of the governance framework in advancing the realization of children's rights. They include:

- **Institution-building.** Building clear institutional arrangements can help legitimize social objectives, streamline the allocation of power and resources within society, and help strengthen accountability. In order to ensure that child rights issues and concerns are firmly embedded at all levels, there is a need to establish institutions and structures that hold the best interests of the child as a priority, strengthen their capacity to formulate strategies and deliver for children, institutionalise children's engagement in policy-making, delivery and monitoring, and set up accountability mechanisms.
- **Service delivery.** From a child rights perspective, services need to be child-centred, inclusive in terms of access, affordability, cultural appropriateness and acceptability. They should have built-in mechanisms for child participation and for public accountability.
- **Rule of law.** Child rights should permeate rule of law initiatives, covering civil, political, economic, social and cultural rights, including comprehensive legislative reform to implement the Convention, justice for children, and legislation regarding disarmament, demobilization and reintegration (DDR) of children associated with armed forces and groups.
- **Anti-corruption.** Corruption erodes the capacity of state institutions to provide services and protect child rights. Studies conducted by Transparency International on corruption in the health and education sectors point to the significant effect of corruption on the enjoyment of the right to health and education.²² Governance principles such as accountability, transparency and participation help shape anti-corruption measures.

These areas cover mainly the supply side of governance from the State perspective. They would benefit from being complemented with the exploration of additional elements, including the perspective of rights holders, as well as non-State actors thus involving civil society and the corporate sector. They would also need to be taken as a whole in the context of policy-making, formulating comprehensive and integrated social policies. Nevertheless, they indicate the potential for areas traditionally within the governance context to be fruitfully examined from a child rights perspective with a view to strengthening both the governance and the child rights frameworks.

3) Child-friendly local governance

The local level, especially the municipal level, is particularly relevant for children's rights. By enhancing transparency and engagement of the people, proximity allows for more direct accountability of those in power for the concrete results of their action. It further provides the opportunity for children to influence policy decisions affecting their immediate environment.

Making sound decisions requires up to date information on the status of children and adolescents, their needs, requirements, and the level of compliance or non-compliance with their rights. In order to ensure that activities, investments and the decisions made are strategic and sustainable, they must be based on a long-term view of children and adolescents at the local level. This long-term vision provides a frame of reference for designing plans, programmes, projects and short, medium and long-term budgets at that level.

Consequently, roundtable participants emphasized that acting in local contexts represents an important and necessary step towards integrating child rights and governance. Child-friendly local governance is a strategic framework, which aims to realize and mainstream the rights of children into the local government system, structure, policies and processes.

A concrete outcome of this approach has been the development of the Child Friendly City Initiative (CFCI), which aims to assist any city to become more child-friendly in all aspects of

governance, environment and services. The CFCI is a worldwide movement advocating for the fulfilment of children's rights in cities and communities. It is meant to work through both local governments and the organs of civil society. It calls for improvements in the degree to which children's rights are reflected in policies, laws, programmes and budgets and the extent to which children are active agents in their communities with their voices and opinions taken into consideration in decision making processes. UNICEF launched the CFCI in 1996 at the II UN Conference on Human Settlements (Habitat II), when for the first time child well-being was identified as 'the ultimate indicator of a healthy habitat, a democratic society and good governance'.²³

The CFC Initiative promotes an approach to local development that is based on the CRC. The approach, articulated around nine building blocks defined by the CFC Framework of Action,²⁴ involves the simultaneous engagement of citizens and of government and non-government agencies in improving governance for children at the municipal level. It promotes: (1) broad awareness of children's rights, (2) critical assessment of living conditions and actions undertaken for children, (3) an integrated cross-sectoral approach to the development, implementation and evaluation of policies, laws, and budgets affecting children, and (4) enhanced participation of children, parents and caregivers in decisions affecting children.

Child-friendly local governance retains the core elements of good governance. More precisely, it supports government accountability by strengthening child participation in local governance, creating an enabling environment for positive thinking and understanding among adults of child rights issues, and supporting the development and implementation of child focused plans and programmes at the local level. Child-friendly local governance enhances the capacity of local bodies and service providers to improve service delivery for children. It also fosters responsiveness by enabling a better understanding and coordination of actions between central government, local governments and rural and urban communities.

Developing child-friendly local governance involves a number of steps, from the sensitization of local government staff, to project

planning, community mobilization, establishment of relevant structures, and monitoring, review and evaluation. Subject to conformity with relevant standards, the successful process ends with a declaration that a district, village or municipality is child friendly.

Experiences of child-friendly local governance have proved very successful. In Nepal, the process has been led by the government as a national strategy and provided for the allocation of specific grants to local authorities engaging in the process. One condition is the mandatory allocation of 10 per cent of the total grant for programmes that directly benefit the most disadvantaged children and 10 per cent for disadvantaged women. The recently approved "National Framework on Child Friendly Local Governance (CFLG)" includes provision for a mandatory allocation of 15 per cent of the total capital investment funds to the children's sector.

In Nicaragua, "Friends of children" municipal governments have multiplied across the country, now including three-quarters of all municipalities (117 of 153). This has resulted in the adoption of municipal children's policies and the inclusion of children's projects in municipal plans and budgets. The average municipal investment in children rose from 8.5 per cent in 2001-2004 to 14.5 per cent in 2005-2008.²⁵

Lessons learnt from these and similar experiences suggest that for child-friendly local governance efforts to be successful, the process must be owned and implemented by the Government. Another positive aspect is the ability of the framework to bring together municipal governments with differing ideological tendencies around child rights. Yet, because municipal policies are usually in force over long periods of time, they may extend beyond the term in office of the government under which they were approved. It is therefore important to lobby political parties to include a commitment to child-friendly local governance in their election manifestos.

Another valuable dimension lies in the fact that the municipal level is a particularly fertile ground for multi-stakeholder collaboration and networking, as well as inclusive, systemic approaches. A wide range of actors from different sectors, such as social protection, health, education, security, and civil society among others can be brought together in a joint effort more easily than at national level.

Finally, child-friendly local governance presents significant opportunities for South-South cooperation and exchange of experiences across countries and regions. For example, the success of the movement has led to the creation of a Central American Learning Circle

on Children's Rights and Local Development involving 200 municipal governments from Central America. Similarly, the Child Friendly City Initiative features a Secretariat, which develops guidance tools and facilitates the exchange of good practices.

■ NOTES

- 18 Overall on this issue, see Marta Maura, "Public Policies and Child Rights: Entering the Third Decade of the Convention on the Rights of the Child," *The Annals of the American Academy of Political and Social Science*, Jan. 2011.
- 19 CRC Committee General Comment No. 5 (2003), General Measures of Implementation, CRC/GC/2003/5.
- 20 CRC Committee Day of General Discussion on "Resources for the rights of the child – responsibility of states", 21 Sept. 2007, Recommendations.
- 21 OHCHR, *Good Governance Practices for the Protection of Human Rights*, United Nations, New York and Geneva, 2007.
- 22 Bettina Meier and Michael Griffin (eds.), *Stealing the Future: Corruption in the Classroom – Ten Real World Experiences*, Transparency International, Berlin, 2005; Transparency International, *Global Corruption Report 2006* – *Corruption and Health*, Transparency International, Berlin, 2006.
- 23 <http://www.childfriendlycities.org/en/overview/the-cfc-initiative>, accessed 2 April 2011.
- 24 The building blocks include: child participation, child friendly legislation, a comprehensive strategy on child rights, a child rights coordinating mechanism, assessment of policy impact, allocation of resources for children, a regular state of the children's report, awareness raising and an independent voice for children. UNICEF, 'Building a Child Friendly City: A Framework of Action', UNICEF IRC, Florence, 2004.
- 25 Save the Children en Nicaragua, *La inversión municipal en niñez y adolescencia : periodo 2005-2008 Nicaragua*, Save the Children en Nicaragua, Red de Gobiernos Municipales, Managua, 2010, p. 22.

IV. MAIN ACTORS IN CHILD RIGHTS AND GOVERNANCE

1) Government

The government is the primary duty-bearer for the obligations the State has subscribed to by ratifying human rights treaties. Implementation of the CRC requires adequate mechanisms to support prioritization of children's issues and ensure sound, coherent measures across governmental action.

Discussions highlighted that one challenge is the status of ministries of social affairs, which are often in charge of coordinating the implementation of the CRC but lack both authority vis-à-vis line ministries, in particular the ministry of finance, and the resources to effectively perform their coordinatory role. A related set of issues concerns the difficulty of maintaining a holistic approach to children's issues in policy-making, in contrast with an approach by sector, where health and education often prevail. In addition, government effectiveness is highly dependent upon its ability to create and maintain capacities for dealing with children's rights, in particular among its staff.

2) Parliament

National parliaments have four main functions: law-making, oversight, budgeting and representation. These functions are central to good governance. Parliaments therefore have a

critical role to play in promoting good governance for children. To that end, they have increasingly established parliamentary committees specializing in children's issues. One issue however lies in the ability of parliaments to adopt comprehensive legal frameworks for children's rights covering all aspects of the CRC and supplemented by specific laws in relevant areas.

Their ability to effectively fulfil this role is however highly dependent upon parliamentarians' knowledge and capacities in this area. It also necessitates the will, across the political spectrum, to make children's rights a priority, hence the importance of working with political parties. Strengthening the capacities of national parliaments can further benefit from interactions among parliamentarians at regional and global level through existing networks.

3) Judiciary

The judiciary is a critical actor for the accountability of governments and the ability of rights' holders to claim their rights, which role was found to encompass a number of dimensions. Legal mobilization, understood as invoking legal norms to seek redress, is however highly dependent upon power structures, including trust in formal justice mechanisms and the informational capabilities

of affected communities. Yet, for judges to take on rights issues and encourage rights based claims, they need to be adequately trained and sensitized. While such challenges need to be addressed at the national level, international legal systems and complaint mechanisms can provide an additional avenue for seeking remedy for rights violations. One significant success in CRC implementation in Ethiopia for example was when a court quoted the CRC for first time, thus ensuring the justiciability of its provisions.

In the area of juvenile justice, more efforts and creativity are needed to ensure positive reform of the judicial sector. This includes the establishment of an effective specialized justice system for children in line with international standards comprising adequately trained judges and staff. An important element here is that children are not only victims and witnesses but also possible litigants.

While it may seem technical, judicial review in the area of human rights has significant political implications, as it results in changes in the distribution of power in society and political accountability. For this reason, strategic litigation, as an instrument for claiming rights for both individuals and groups, has been highly politically sensitive. It should be remembered however that mobilization for human rights is broader than mobilization for judicial claims only.

4) Independent Human Rights Institutions (Ombudspersons)

As monitoring mechanisms and facilitators of processes, independent human rights institutions for children were identified as central to the child rights and governance debate, in four areas in particular. Their independence, as guaranteed by their legislative mandate and adequate resources, is critical to their ability to monitor, voice their concerns and enjoy public trust. They take a holistic approach to children's issues, by analysing policies comprehensively, promoting social change, focusing on marginalized children, and bridging all actors, public and private, around children's issues. They develop strategies for their accessibility to children, and promote child participation in their own work

and within the broader society. They most frequently have a complaint mechanism, which offers remedies to specific child rights violations. Often though, independent human rights institutions lack the specialization in children's rights required to effectively fulfil these functions with respect to the CRC. The obligation on the State to establish and provide adequate resources for these institutions is a critical priority in governance.

5) Civil society

The role of civil society was highlighted as decisive in articulating people's views, promoting children's issues including child participation, monitoring the government and other actors' actions, and translating the debate from children's needs to children's rights. In many cases, they also directly provide services to the people. In many parts of the world however, civil society organizations face significant challenges in fulfilling their role, often due to tighter national laws, which prevent organizations from dealing with human rights and governance when it is not explicitly in their mandate. Another difficulty is the fact that civil society organizations are highly dependent upon donors and their focus tends to reflect the donors' agenda. Finally, observations from the field suggest that organizations concentrating on child and youth issues often do not have strong independent standing vis-à-vis government agencies and are often disconnected from government decision-making processes. One underlying reason is the lack of adequate human resources, including qualified staff to deal with children's rights.

6) Children

Child-friendly governance implies children's active participation. Civil society organizations as well as ombudspersons can provide channels to promote and convey children's voices. Importantly, governance at the local level offers significant opportunities for children's direct engagement in policy-making. The degree of children's participation in governance often relies on the recognition by all actors in society of children as active citizens and agents for change. Participants reckoned that this requires constant awareness-raising.

7) Media

Discussions emphasized that the media depend on freedom of expression and are determinant in providing information, transparency and accountability necessary for good governance. It contributes to shaping attitudes and opinion and plays a significant role in awareness-raising and in educating the public on child rights issues.

8) Private sector

The private sector's role in child rights and governance was identified as both critical and many-fold. In all cases it has a responsibility to respect human rights. Furthermore, corporate entities should establish or participate in grievance mechanisms, either State-based or non-State-based, to address and remediate possible harm and human rights abuses resulting from their action.²⁶ In the context of privatization, the private sector often manages the delivery of goods and services that are essential to the realization of children's rights, such as water for example. The private sector is also an important element of the community. The economic role of businesses,

as well as the way they treat their employees for instance is determinant for healthy, thriving communities. Finally, the private sector represents a significant power, which should participate in defining and nurturing the social contract. This includes among others, corporate social responsibility, contribution to society through taxes, and rejection of corruption.²⁷

9) Donors

Donors have increasingly incorporated governance concerns into their work as a cross-cutting issue that needs to be integrated at all levels and into all thematic issues. Concerns for aid coherence and effectiveness have led to the mainstreaming of children's issues within donor agendas and the corresponding decrease of support to child specific programmes. The tendency is now to incorporate children's rights issues into broader agendas aimed at supporting human rights and development, with a focus on the MDGs. This suggests that rather than stand-alone issues, questions related to child rights and governance may be valuably included into existing programmes, policies and tools.

NOTES

26 Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, A/HRC/17/31, 21 March 2011, endorsed by

Human Rights Council Resolution 17/4 adopted on 16 June 2011.

27 For more information, see Save the Children, UNICEF and The Global Compact, *Executive summary of mapping of links between business and children's rights*, Children's Rights and Business Principles Initiative, 21 April 2011.



V. ASSESSMENT AND EVALUATION TOOLS

A plethora of governance assessment tools are currently used by various organizations working on governance issues. These feature a wide range of methodologies, both qualitative and quantitative. Many rely on public perceptions gathered through surveys, such as the Transparency International Survey on corruption and the Latin American barometer on public trust towards public institutions. Others review government policies and commitments, like the African Child Policy Forum child-friendliness index examined below and the HAQ: Centre for Child Rights tools for monitoring state performance in India, which include the monitoring of national and provincial budget allocations to children, review of legislative activity of the State and monitoring of the judiciary.²⁸

With a view to assessing governance from a child rights perspective and making children visible in governance efforts, participants concurred that child focused indicators are essential. Depending on the object of the assessment and the organization carrying it out, child specific indicators may either be used to develop a specific index or could be included in existing tools.

1) Measuring the child-friendliness of governance: The ACPF Index

The African Child Policy Forum has developed a set of indicators aimed at assessing the child-friendliness of African governments and ranking them accordingly.²⁹ The Child-friendliness Index seeks to support good governance for children by promoting governments' accountability. It defines child-friendliness as making the maximum effort to respect, protect, and fulfil children's rights. Three dimensions are identified:

- Legal and policy framework established
- Governments' budgetary commitment
- The efforts governments make to ensure child participation.

Indicators have been selected to include the four guiding principles of the CRC and assess the effort made to ensure equity by measuring the visibility of orphans and vulnerable children in policies and budgets and taking into account the gender dimension. The objective in the long term is to analyse trends over time and assess progress made.

By comparing the Ibrahim governance index³⁰ and the Child-friendliness Index, the study found that countries ranking high (or low) were often the same for both indexes. This suggests that the child-friendliness of governments is significantly correlated with good governance.

Another important finding of the study is that it is politics - not economics - that matter. In concrete terms, the wealthiest countries are not necessarily the most child-friendly. Thus, child-friendly governance is primarily about politics that value children, laws that protect them, and budgets that provide for them.

The index could however be further refined. The concept of friendliness should expand beyond laws and budgets to encompass socio-cultural and psychological parameters. Additional indicators on child participation would be needed. Analysis of budgetary allocations could be enhanced to assess whether the allocated funds are spent on children and whether allocations take into account distributional concerns, for example between rural and urban communities and the poor and the not-so-poor. Finally, one challenge is the lack of current and comparable data across countries.

Despite these limitations, the Child-friendliness Index serves as an objective framework to monitor, score and rank government compliance, as well as to identify areas requiring more attention. It therefore represents an effective advocacy tool that many governments take seriously into consideration. The Index has great potential for being adapted and used in other parts of the developing world.

2) Child-sensitive governance assessment tool

The overall purpose of this tool currently under development by UNICEF Headquarters is to present an approach by which a child-sensitive lens can inform the principal elements currently reviewed by the main governance assessment tools in use by donors. The assessment tool aims in particular to:

- Support political dialogue between donors and partner countries
- Monitor governance reform programmes
- Support all phases of governance projects
- Assist in understanding the governance situation at the time of deciding aid allocations.

It was underlined that compiling a child-sensitive governance assessment tool presents a number of challenges. Governance is an umbrella concept encompassing a wide array of understandings. Similarly, determining indicators for the realization of children's rights is challenging and efforts in this respect are still underway. Hence measuring the impact of governance on child rights is extremely complex. The elements it includes and their respective impact may be appreciated differently. Country ownership of the process of setting indicators is essential, but it may affect international comparability. Overall, reaching agreement on operational indicators is particularly intricate. This difficulty is compounded by the complexity of establishing clear causal links between triggers and results. Finally, governance assessments are by nature a moving target, with indicators bound to evolve as the environment and conditions in which they are conducted change.

The tool covers a number of key categories related to governance. The following table presents a review of these categories as well as a non-exhaustive list of questions they could include.

NOTES

28 HAQ: Centre for Child Rights, *Children in Globalising India: Challenging Our Conscience* (2002); HAQ: Centre for Child Rights, *Children in India* (2005); HAQ: Centre for Child Rights, *Still out of Focus: Status of Children in India* (2008). Since 2003, the Indian Government has started conducting a child budget analysis through its Ministry of Women and Child Development and in 2007 introduced a special section on children in the Expenditure Statement made by the Finance Minister when presenting the Finance Bill. This is an example of child-friendly governance measures by the Government.

29 For full report, see *The African Report on Child Well-being 2008, How child-friendly are African governments?*, The African Child Policy Forum, Addis Ababa, 2008.

30 The Ibrahim governance index measures the delivery of public goods and services to citizens by government and non-state actors through a comprehensive collection of qualitative and quantitative data that assess governance in Africa <http://www.moibrahimfoundation.org/en/section/the-ibrahim-index>.

POLITICAL GOVERNANCE, VOICE AND ACCOUNTABILITY

Aims to capture perceptions of the extent to which various constituents within a given country are able to participate in government processes and decisions affecting their lives. This includes examining the extent to which political and civil rights, as guaranteed under the International Covenant on Civil and Political Rights (ICCPR), are enjoyed.

- Does the government have any particular problems in transposing into domestic law the Convention on the Rights of the Child. If so, why?
- Has there been a rigorous national review of legislation affecting children to ensure it respects the CRC?
- Is the definition of a child in all legal (formal and informal) instances defined as any individual under the age of eighteen? If not, how is it defined, and how does this definition impact boys and girls differently?
- Are there barriers or constraints to girls and boys participating (equally) in decisions that affect them (including for example in the planning and implementation of policies/legislation)? How might these be overcome?
- Have participatory processes, mechanisms and systems for children's participation in governance been institutionalized at the national and local levels?

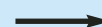
RULE OF LAW AND LEGAL AND JUDICIAL SYSTEMS

Includes an assessment of the type and quality of judicial systems, as well as the capacities of the police and the court system among others.

- Is there in existence a specialized juvenile justice system?
- Is there a system in place guaranteeing regular independent inspection of places of detention of children?
- Is there a national plan in place for the prevention of child involvement in crime?
- Does the legal system take into account children's evolving capacities when determining the burden of responsibility for a crime?
- Do children have access to appropriate legal representation?
- Has an independent oversight institution been established to examine how legal institutions and practices affect children's rights? Do they have sufficient budget and authority?

In addition, the following quantitative indicators should also be monitored as a way of determining the performance of the judicial system and the treatment accorded within it to children in conflict with the law:

- Number of children arrested during a 12-month period per 100,000 child population
- Number of children in detention per 100,000 child population
- Time spent in detention by children prior to sentencing
- Number of child deaths in detention during a 12-month period, per 1,000 detained
- Percentage of children in detention not wholly separated from adults.



CONTROL OF CORRUPTION

Assesses perceptions of the extent to which public power is exercised for private gain, and some of the specific effects this may have on children and the ability of the state to deliver against its obligations under the CRC.

- Which forms of corruption are most prevalent and where do they stem from?
- Which children's rights are being violated or not fulfilled as a result of corruption?
- How is corruption currently affecting access to services? How is affecting the quality of these services?
- What mechanisms are in place to control corruption? How effective are these mechanisms at the local and national levels as well as at levels in between these?
- Do anti-corruption measures target areas where children's rights are most, or are most likely to be violated, such as education, health, and protection?
- Is information publicly available so that the public can hold local and national government to account? What mechanisms are available for doing this?
- How are children (and their communities) involved in identifying corruption and in deciding upon workable solutions?

GOVERNMENT EFFECTIVENESS

Captures perceptions of the quality of public services, the quality of the civil service and its degree of independence from political pressure, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies.

- What is the capacity of government to mainstream children's rights and integrate a child rights perspective into their work, at local as well as national level?
- Do government staff demonstrate awareness of and sensitivity to children's rights and child rights principles? Do they have the technical competencies to translate this sensitivity into action?
- What support is provided for developing capacities within ministries (including policy formulation, improved legislation, promoting structures to give children a voice, budget analysis, child rights mainstreaming, training of staff, networks of professionals working on children's issues etc.)?
- How are considerations of the best interests of the child and other child rights principles manifested in current policy formulation procedures?
- Do service delivery and regulatory agencies across sectors include child rights indicators to measure results? Do they involve children in this process?
- Is there an analysis of how much budget is allocated (directly and indirectly) to children? Is this budget tracked to determine how it gets spent and whether this is the most efficient and effective use of the budget?

SOCIAL GOVERNANCE AND SOCIO-ECONOMIC INDICATORS

Aims to capture some of the key socio-economic indicators relevant to children, where reliable data exist.

- Are child-specific statistics available? Are they sufficiently disaggregated to see the difference between different groups within the country (e.g. by gender, age, ethnicity, disability, etc)?
- Is child rights promotion included in the set of indicators?

In the area of health:

- Infant mortality rates
- Under 5 mortality
- Maternal mortality
- Immunization coverage

In the area of education:

- Primary school enrolment and attendance
- Out of school rate
- Secondary school enrolment and attendance
- Retention rate to grade 5, literacy

In the area of child protection:

- Birth registration rate
- Child disability: percentage of children who screen positive to at least one of the questions on disability (MICS)
- Percentage of children involved in child labour
- Prevalence of child marriage
- Prevalence of FGM/C

POLITICAL DIALOGUE AND QUALITY OF PARTNERSHIPS, INCLUDING PARTICIPATION, CIVIL SOCIETY AND GOVERNANCE

- Are children involved in decisions about which factors are important for good governance, and thus which factors should be tracked over time?
- Have participatory processes, mechanisms and systems for children's participation in governance been institutionalised at the national and local levels?
- Do children have the skills and competencies to take part in using participatory processes?
- Is government fostering productive government-civil society cooperation, including the funding of programmes, provision of support, standards setting and quality control?
- Are all key government (including education, health, social welfare, planning and finance ministries) and non-state (including children's NGOs, parent-teacher associations, youth groups, unions, etc.) stakeholders involved in decision-making at the policy level?
- Does the government have the necessary skills at the national and local levels to ensure effective participatory governance, public communication and participatory practices?



VI. KEY QUESTIONS AND CHALLENGES

1) Accountability

Accountability is a central component of governance, yet it is also probably the element least understood in governance efforts. Accountability can be defined as “the ability of the governed to hold to account those who govern.”³¹ It includes both horizontal intra-state accountability and vertical state-citizen accountability.³²

The roundtable concluded that accountability for the fulfilment of children’s rights faces a double challenge. First, as in other policy areas, it is particularly difficult to establish clear causalities between actions and outcomes. Because policy results stem from a number of factors, it is challenging to isolate respective contributions, and therefore attribute success.

Secondly, a critical condition for effectiveness is the empowerment of citizens to demand accountability for the government to deliver. This aspect requires significant efforts, in particular to empower the most marginalized in society to claim their rights. It also implies the existence of channels to ensure transparency in public – and private – action. For children, the lack of participation mechanisms and avenues for them to exercise their demands on the government exacerbate this difficulty.

Accountability therefore needs to be comprehensively tackled, hence not only applied to institutions but also to systems.

Here, a better understanding of accountability mechanisms in the context of children’s rights is required.

2) Recognizing and building on children’s agency

One fundamental challenge to the involvement of children in governance issues stressed by participants is the lack of recognition of their capacity to inform and influence policy processes and the absence of channels and mechanisms for their participation. Recognizing children as subjects of rights implies acknowledging that they are not only entitled to the protection of their rights by adults, but are actual agents who can impact their environment. In the context of governance, the concept of children’s citizenship – understood not as a national/administrative fact, but in the political sense – can be valuably used to capture the concept of children’s agency in political processes. From this starting point, it would then be necessary to further reflect on possible entry points for children to be included in governance processes. Children’s involvement is seen to be particularly effective in various sectors at the local level. Building on successful experiences, further research is needed to identify additional avenues for, and highlight the instrumental value of, children’s involvement.

3) Specialization vs. mainstreaming of children's issues

There have been significant evolutions in approaches to children's rights in aid strategies. At the global level, concerns for donor coherence and aid effectiveness, the Paris Declaration and the adoption of the MDGs among other factors, have prompted efforts to mainstream all development issues.

Discussions at the meeting suggested that the impact has been threefold. First, we have witnessed a marginalization of sectoral issues, including reduced attention to child rights. As a result, from a donor standpoint child rights concerns have been integrated into broader governance cooperation issues and few stand-alone projects are left, consequently diluting their specificity. Secondly, it has generated increased specialization among donors, with each donor country focusing on a specific issue. Consequently, if specialized child rights actors, such as UNICEF, Save the Children and others are active in a country, donor agencies are likely to prefer other areas of work. Thirdly, mainstreaming has correspondingly side-lined duty-bearers working on specific issues at the country level. For example, line ministries have tended to overpower State secretariats dealing with children's rights.

Additional analysis of this phenomenon and its consequences would provide useful insights for child rights advocacy.

4) Integrated rights-based policies

Participants acknowledged that there is a significant challenge in ensuring holistic, integrated policies that are rights-based. This implies recognizing that social policies are not merely compensatory and imply instead a

combination of economic, social, cultural and environmental policies aimed at building egalitarian societies. This requires increased and more effective coordination among actors. It calls in particular for:

- Legislation designed and adopted through a bottom-up approach to legislative reform, driven by public concerns and an increasing consensus for the protection of children's rights linked to broader policy.
- Data and statistics for planning, monitoring, and evaluating policy and programmes, through the revision of child rights indicators, strengthening of statistical systems including data disaggregation. Research with a view to ensuring evidence-based public action for children's rights is required, with particular attention to emerging issues such as the environment and migration, as well as constant assessment of gender dimensions.
- Participatory planning for social policy by taking the opportunity of broad state reform, such as constitutional reform, to formulate comprehensive policies and enforce children's rights.
- Allocation of resources for children's rights, by strengthening States' capacities and willingness to make children visible in budgets and promoting dialogue with the Committee with respect to equity financing.

5) Entry points for change

Overall, it was found that there is a need to further give shape to a concrete framework for child rights and governance. While various elements and processes give some indications for possible features, a better understanding and global overview of governance systems for children would be necessary. It would help define strategies towards better inclusion of children's rights in governance issues and vice-versa.

NOTES

31 OECD-DAC, Improving support to domestic accountability, A Summary of the OECD-DAC Governance Network (GOVNET) Work-Stream, p. 1.

32 Ibid.

VII. NEXT STEPS

Deepen understanding of child rights and governance through research

While the roundtable helped unpack a number of issues, there is a need for better clarity of concepts related to child rights and governance. Proposals for conceptual research included:

- Overview of major concepts in child rights and governance, including:
 - *Linkages*. A think piece providing an overview of the linkages between child rights and governance, expanding on core concepts in both spheres.
 - *General Measures of Implementation*. A critical examination of CRC General Comment No. 5 from a governance perspective.
 - *Fragile States*. The contribution of the General Measures of the CRC to building effective states, in particular in the context of fragile states.
- Exploration of specific areas, including:
 - *Corruption and children*. Examination of the possible disproportionate negative impact of corruption on children, especially from marginalized groups, who have high reliance on public services.
 - *Public financial management for children*. The link between taxation and

the realization of children's rights, as well as the way public resources, including aid and fiscal resources, are used effectively to deliver for children. One aspect would be a review of the various approaches to stewardship and their effect on children's rights.

- *Private sector*. Its influence on the realization of children's rights, building on efforts to draft principles for businesses to respect and support children's rights.
- *Climate change*. Research into the links between governance, climate change, and children.

Build evidence on the practical importance of incorporating child rights into governance and identify entry points for change

- Undertake research linking good governance to concrete human rights and development outcomes for children.
- Examine the linkages between child rights, governance and the achievement of the MDGs with a view to informing post-2015 strategies.
- Provide a cost-benefit analysis of an increased focus on child-friendly governance.
- Further bridge the gap between policy and practice.

Refine assessment tools for child-friendly governance

- Identify priority issues of relevance to children's rights for inclusion in governance assessment tools.
- Explore ways to expand the African Child Policy Forum Child-friendliness Index to all world regions.

Foster interactions among actors in the child rights, human rights and governance constituencies

- *Establish fora for interaction between child rights advocates, human rights advocates and governance experts* to recognize and build on the interdependence among these areas, ensure better exchange of knowledge, and enhance respective capacity to address critical issues.
- *Ensure involvement of aid-receiving countries.* As further reflection is carried out,

the involvement of governments from aid-receiving countries will be critical to ensure relevance and shared ownership of outcomes. In future meetings on this issue it is anticipated that participation be expanded to additional actors.

- *Ongoing networking among participants.* While the roundtable was the first attempt at bringing together a number of actors around the issue of child rights and governance, it is anticipated that the group will continue to mobilize both in the context of upcoming research, and as partners and sounding board. The network will also help support the ensuing advocacy efforts to promote the issue in upcoming global events such as the 10-year review of a World Fit For Children in 2012 and the review of the MDGs in 2015, as well as in additional relevant settings.

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The findings, interpretations and conclusions expressed in this paper are those of the authors and editors, and do not necessarily reflect the policies or views of the United Nations Children's Fund (UNICEF).

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September 2011