

UNICEF
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CHILD RIGHTS AND GOVERNANCE ROUNDTABLE

London 26-27 April 2011

Summary Conclusions



Co-hosted by UNICEF, Save the Children and the OECD, the Roundtable on Child Rights and Governance held on 26-27 April 2011 in London aimed to reflect on the linkages between these areas and initiate a dialogue between actors from the governance sector and child rights experts. Organizations attending included the Canadian International Development Agency, the German International Cooperation Agency, Oxfam UK, the African Child Policy Forum, the Overseas Development Institute (UK), the HAQ: Centre for Child Rights (India), as well as a member of the Committee on the Rights of the Child.

The need for a reflection on child rights and governance originated in the realization that children's rights could not be significantly advanced 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.

With the growing recognition that good governance decisively supports a wide range of development and

human rights outcomes, the issue of governance has taken a central role in development work carried out by a wide array of actors. Donors in particular have increasingly focused on good governance as a means of achieving sustainable, equitable progress and ensuring greater aid effectiveness, as reflected in the Paris Declaration (2005) and the Accra Agenda for Action (2008).

However, efforts to advance governance and children's rights have thus far remained on separate paths, with children largely invisible in governance efforts and child rights documents rarely if at all referring to governance. 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 Children¹ in 2012 and prepare for the Millennium Development Goals assessment and next steps in 2015.

Discussions 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 the two spheres, identify priority areas and main issues, and develop an agenda for future research, advocacy and action. The following presents summary conclusions. A full report is also available.

1. Child rights and governance: Main linkages

Governance was identified as a multifaceted concept that focuses on the interactions between the government in its various forms and the people.² It encompasses the role of private and social actors in the definition and implementation of societal goals and public policies.³

Governance rests on a series of principles including transparency, responsibility, accountability, participation and responsiveness to the needs of the people.⁴ These elements were found to underpin the linkages between governance and child rights.

■ Governance is 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. Issues as diverse as taxation, corruption, privatization, and business practices are all core elements of governance with major consequences for the realization of children's rights. The roundtable concluded that good governance for children therefore implies scrutinizing 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 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 emphasizes the significance of policy coherence and effective coordination mechanisms among various areas of public action. Similarly, the realization of children's rights implies a holistic approach to policy-making and relies on multiple duty-bearers. Participants agreed that the governance framework coupled with a child rights approach can provide valuable insights for effective systems and policy-making in all areas of relevance to children's rights.

Accountability: Governance is a promising avenue to address the implementation challenge of the CRC.

While significant progress has been made in the adoption of laws and policies for the implementation of the Convention on the Rights of the Child (CRC), these are poorly enforced due to the 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 affects policy decisions, administrative and social practices and ultimately concrete outcomes. Governance therefore calls for penetrating beyond the façade of institutions traditionally considered within the child rights context.

■ Children's rights are relevant to governance

Efficiency and effectiveness: Children's rights give a 'raison d'être' to governance.

Governance constitutes the process by which the sense of direction of society is defined⁵ and provides an enabling environment for the realization of human rights, as a shared set of values and an accepted binding normative framework.⁶ While often invisible in policy-making, children are a fundamental group in society. Discussions highlighted that the realization of children's rights and the centrality of children in society should constitute a major objective for governance efforts. Children's rights therefore represent a standard against which the quality of governance can be assessed.

Equity: Children's rights ensure that governance is comprehensive.

Good governance, respectful of human rights, is necessarily universal, non-discriminatory and equitable. Participants were concerned that it will remain incomplete if it bypasses children, who usually represent a third to a half of developing countries' population. Attention to children's rights helps governance efforts to focus on the most marginalized and excluded as well as to identify and address the root causes of discrimination for equitable and inclusive outcomes. It also sheds light on children's specific experiences and issues.

Inclusion and participation: Children's rights guide governance processes.

Human rights principles should be at the core of development 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. By recognizing children as subjects of rights, the CRC paves the way for inclusive governance, in which children have a say. 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.

2. Implementing the linkages

■ The General Measures of Implementation of the CRC: Laying the ground for a governance agenda for children's rights

While the CRC does not explicitly refer to governance, it lays the ground for the integration of governance in Article 4 on implementation measures. It was highlighted that General Comment No. 5 of the Committee on the Rights of the Child on the General Measures of Implementation of the CRC provides further guidance on the implications of this provision and essentially represents a governance agenda for the implementation of the Convention by covering a wide range of state action.

General Comment No. 5 however has some shortcomings, including being framed with a top-down approach to planning and failing to incorporate a systemic view of policy based on human rights and equity financing. The Committee has begun to address this issue by exploring further the specific question of investing in children⁷ and reflecting updated knowledge in its concluding observations and recommendations to State Parties. The governance framework applied more broadly could valuably inform future discussions.

■ A child rights approach to governance

The governance framework contains a number of specific areas that are instrumental to the promotion of human rights, including children's rights, such as:⁸

- **Institution-building** for institutions that prioritize the best interests of the child, have capacities to formulate strategies and deliver for children, systematize children's engagement in policy-making, delivery and monitoring, and are accountable.
- **Service delivery** with services that are child-centred, inclusive in terms of access, affordability, cultural appropriateness and acceptability, and feature mechanisms for child participation and public accountability.
- **Rule of law** with child rights permeating rule of law initiatives, covering civil, political, economic, social and cultural rights, including comprehensive law reform and justice for children.
- **Anti-corruption** strategies informed by governance principles such as accountability, transparency and participation, and addressing the challenges posed by corruption to the capacity of state institutions to provide services and protect child rights.

These areas mainly cover the supply side of governance. They could be complemented with the perspective of rights' holders, as well as non-State actors like civil society and the corporate sector. They would also need to be taken holistically, towards integrated social policies. Yet they indicate the potential for areas traditionally within the governance context to be fruitfully examined from a child rights perspective to strengthen both the governance and the child rights frameworks.

■ Child-friendly local governance

The local level is particularly relevant for children's rights. 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.

The Child Friendly City Initiative (CFCI) promotes an approach to local development that is based on the CRC and aims to assist any city to become more child-friendly in all aspects of governance, environment and services. 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.

Child-friendly local governance retains the core elements of good governance. Namely it supports government *accountability* by strengthening child participation in local governance. It 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.

Experience shows that for child-friendly local governance efforts to be successful, the process must be owned and implemented by the Government. The framework is able to bring together municipal governments with differing political ideologies around child rights, over long periods of time. The municipal level is also a particularly fertile ground for multi-stakeholder collaboration and networking, as well as inclusive, systemic approaches, which can be implemented 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.

3. Assessment tools for child rights and governance

A plethora of governance assessment tools with a wide range of qualitative and quantitative methodologies are currently used by various organizations. Child focused indicators were found to be essential to assess governance from a child rights perspective and make children visible in governance efforts. They may be used to develop a specific index or could be included in existing tools.

■ The African Child Policy Forum Child-friendliness Index

The Child-friendliness Index contains a set of indicators aimed at assessing the child-friendliness of African governments.⁹ It measures child-friendliness through three dimensions: legal and policy framework; budgetary commitment; and mechanisms for child participation.

The Index highlights that it is politics – not economics – that matter. The wealthiest countries are not necessarily the most child-friendly. The study also suggests that the child-friendliness of governments is significantly correlated with good governance.

The Index could be further strengthened by refining and complementing existing indicators and by securing current and comparable data across countries. However, it has served as an objective framework to monitor, score and rank government compliance, and is

an effective advocacy tool that many governments take seriously into consideration. The Index has great potential for being adapted in other parts of the developing world.

■ **Child-sensitive governance assessment tool**

The tool aims to present an approach by which a child-sensitive lens can inform the principal elements currently assessed in the main governance assessment tools used by donors.¹⁰ It covers a number of key categories related to governance, including: political governance, voice and accountability; rule of law and legal and judicial systems; control of corruption; government effectiveness and credibility; social governance and socio-economic indicators; and political dialogue and quality of partnerships.

Compiling such a tool presents a number of challenges related to the various possible understandings of a number of concepts and the difficulty of determining child rights indicators. The elements it includes and their respective impact may be interpreted differently. Country ownership of the indicator setting process is essential, but it may affect international comparability. 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.

4. 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 both through an analysis of **major concepts** in child rights and governance and the exploration of **specific areas** such as corruption, public financial management, the role of the private sector, and climate change.

Build evidence on the practical importance of incorporating child rights into governance and identify entry points for change, by linking good governance to concrete human rights and development outcomes for children, in particular for the achievement of the MDGs and with a view to informing post-2015 strategies, providing a cost-benefit analysis of an increased focus on child-friendly governance, and generally further bridging the gap between policy and practice.

Refine assessment tools for child-friendly governance by identifying child rights priority issues for inclusion in governance assessment tools and exploring ways to expand the African Child Policy Forum Child-friendliness Index to all regions of the world.

Foster interactions among actors in the child rights, human rights and governance constituencies by establishing fora for interaction between child rights advocates, human rights advocates and governance experts, ensuring the involvement of aid-receiving countries, and facilitating ongoing networking among participants at the roundtable, in particular in the context of 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.

■ **NOTES**

- 1 Outcome document of the UN Special Session on Children held in 2002.
- 2 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."
- 3 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, para. 10.
- 4 Commission on Human Rights, The role of good governance in the promotion of human rights, Res. 2000/64 of 26 April 2000, para. 1.
- 5 Op. cit. note 3, para. 10.
- 6 OECD, DAC Action-Oriented policy paper on human rights and development, Organization for Economic Cooperation and Development, February 2007 [DCD/DAC(2007)15/FINAL].
- 7 CRC Committee, Day of General Discussion on "Resources for the rights of the child – Responsibility of States", 21 September 2007, Recommendations.
- 8 OHCHR, Good Governance Practices for the Protection of Human Rights, United Nations, New York and Geneva, 2007.
- 9 The African Report on Child Wellbeing 2008, How child-friendly are African governments?, The African Child Policy Forum, Addis Ababa, 2008.
- 10 The tool was designed by UNICEF Division of Policy and Practice, Human Rights Cluster, NYHQ.