

World Vision International's Submission to the Committee on the Rights of the Child's Day of General Discussion:

"Resources for the Rights of the Child - Responsibility of States"
Investments for the Implementation of Economic, Social and Cultural
Rights of Children and International Cooperation
(CRC art.4)

21 September 2007

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.

1. Introduction

Children between the ages of 7 and 15 living in Zambia were asked to describe what it means to be rich and poor in their own community. This is what one child said:

'A few of the people in our village are rich. They have food to eat the whole year round and their children go to school. Their houses have roofs made of iron sheets; their families farm big fields and they own cows, chickens and bicycles.

But most of the people in our village are poor. Our families don't own fields, our houses have grass roofs, which let in the rain, and sometimes we have no food to eat at all. Our clothes have holes in them. Although we are children, we don't go to school. We have to work instead. We want to make our lives better, but it is difficult.'

Taken from World Vision UK (2005) 'Dreams for 2015: the voices of Zambian children and their families'

In 1990, the international community agreed at the World Summit on Children that children would have a 'first call' on all resources. Over a decade later, they concluded that they had not been accountable to that promise when they met at the UN General Assembly Special Session (UNGASS) on Children in 2002. Now, as we approach the UNGASS five year review, with 600 million children still living in absolute poverty¹, over one billion children experiencing severe deprivation of the basic necessities of life² and 77 million primary-aged children still out of school³, the international community must revisit this commitment to put children first in decisions about resources. Individual and collective obligations with regard to the implementation of economic, social and cultural (ESC) rights as outlined in article 4 of the UN Convention on the Rights of the Child (CRC) urgently need to be reviewed. This means going beyond a commitment to allocating resources to children, to one that ensures that, once allocated, these resources are used to their 'maximum extent' to promote the ESC rights of all children.

In this paper, World Vision (WV) will identify how States Parties to the UN Convention on the Rights of the Child can best meet their obligations under article 4 by:

- increasing transparency and accountability in resource allocation and use;
- taking a whole-of-government approach to the identification of 'available resources' and the use of resources to benefit children and developing measurable indicators against which progress towards realizing the ESC rights of children will be measured;
- assessing 'available resources' beyond financial measures;
- ensuring international cooperation is guided by the UN Convention on the Rights of the Child and specific targets are set for the allocation of resources towards children through official development assistance (ODA); and
- developing and implementing effective resource tracking systems.

Case studies will be used to illustrate how some of these recommendations can best be achieved.

¹ Source: World Bank.

² Gordon, D., Nandy, S., Pantazis, C., Pemberton, S. and Townsend, P. (2003) *Child Poverty in the developing world*. Bristol: Policy Press

³ UNESCO (2006) *Education for All Global Monitoring Report 2007*.

2. 'Available Resources' and their Allocation to Children

2.1. Transparency, accountability and a whole-of-government approach

The UN Convention on the Rights of the Child obliges States Parties to 'recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development' (article 27.1). In order to fulfil this obligation, States must undertake legislative, administrative and other measures 'to the maximum extent of their available resources' (article 4). Consequently, States Parties must be held accountable to children and their parents for resource allocation. In order to do so, and in line with article 4, they should establish a legislative mandate to hear from children and their caregivers, which includes ensuring children, their parents and their communities participate in transparent decision-making processes (such as the allocation of resources) that affect their lives.

Increased accountability to children and parents in resource allocation should underpin a move towards child-focused budgets by States Parties. Child-focused budgeting puts the child at the centre of the State's resource allocation, and recognises that all budget allocation decisions will directly or indirectly impact children. As such, State Parties must take a whole-of-government approach, and ensure that each government ministry and department is held accountable to how its resources impact the lives of children and contribute to the progressive realization of their rights.

Committing to child-focused budgets means that:

- the best interests of the child must become a primary consideration for all resource allocation;
- as governments strive to increase the capacity and opportunity for civil society to have meaningful input into national and community budgeting processes, governments must ensure that children or their representatives are included at the preparatory stage;
- by recognizing children as full citizens, national budgets must allocate funds for specific child participation activities to specifically build children's capacities to engage in the budget process within the funding available for capacity building for civil society participation;
- governments should ensure that all child-focused capacity building activities are monitored and evaluated so that the effectiveness and results of capacity building and participation can be assessed (children should be involved in the evaluation of their own participation); and
- broad civil society participation in developing national Growth and Poverty Reduction Strategies (GPRS) has been identified as critical to national ownership of the national GPRS. Participation should include the specific participation of children in the development of the GPRS and the inclusion of child-related progress indicators.

Children influencing government policies and decisions to allocate more resources for children

In the Philippines, World Vision is working with children to influence government policies and decisions to allocate more resources for children. The Children's Basic Sector Council (CBSC), composed of 25 children ages 10 to 17 years, is recognized by the Government as an official representation of the children's sector to the Philippine's National Anti-Poverty Commission (NAPC). The task of the NAPC-CBSC is to articulate the needs, demands and positions of the children's sector during dialogues with government agencies. They are also involved in spearheading the monitoring and follow up of the government's commitments to address the needs of children. The Council consults other children at all levels in formulating a minimum achievable sectoral agenda, with the purpose of soliciting their viewpoints on concerns and policies relevant to children.

For seven years now, the children have vigorously campaigned for the prioritisation of children's concerns in policies and programs on poverty reduction. For 2005-2008, the NAPC-CBSC has the following agenda: child abuse, child labour, children in armed conflict, child participation in governance, health and education.

Particularly on the health agenda, the NAPC-CBSC is campaigning for improved health care and nutrition for mothers and children. This includes advocacy for more resources to fully implement the breastfeeding law, micronutrient supplementation, feeding programs, food fortification, nutrition training for communities, and other hunger mitigating interventions. The children are also demanding increased budget allocation to ensure better access to potable water in poor communities, construction of health care facilities and to support moves towards the reduction of fees for medicines.

In their claim for better access and quality of education, the children passed several resolutions to increase funds for the construction of more classrooms and the provision of mobile schools in remote and poor provinces. They are advocating for an improved student-textbook ratio for public school students (from one book to three students, to one book for every single student), and for the improvement of school facilities (renovation of dilapidated classrooms, more libraries, laboratories, toilets, etc). The children have urged the Department of Education to improve the situation of teachers by enhancing their competencies, and complementing the budget to provide better compensation and benefits for public school teachers since many are leaving the country to find better alternatives. The children have also asked for the cancellation of miscellaneous fees in public schools.

While some positive developments have been seen in this area, such as more vigilance in the distribution of textbooks in public schools and the increased support towards child-friendly schools and teachers, the children and the organizations supporting them need to continually advocate for changes in policies to ensure that children are continually prioritised in allocation of resources.

Realistically, given the administrative demands of the whole-of-government approach, States Parties should begin by identifying key ministries that explicitly impact the well-being of children. These ministries, in consultation with civil society, including children, should explicitly determine how resources should be spent in order to directly protect and promote the well-being and rights of children (see the example above of the NAPC-CBSC in the Philippines for an example of how this can work in practice). Further, these ministries must develop measurable indicators against which progress towards realizing the ESC rights of children will be measured. For non-child focused ministries, such as agriculture, infrastructure, telecommunications etc., where defining a percentage of the budget line which will benefit children may be difficult and slightly arbitrary, these ministries should be able to show, through specific examples, how their budget and programmes are consistent with the realization of children's economic, social and cultural rights.

The challenge here is that many States argue that their education budget (teachers salaries etc.) is already often one of the highest budgetary allocations and, rightly, see education as key in children's well-being. However, given the relatively high expenditures on education, States often do not feel obliged to invest in other critical child-focused areas. As such, States, in consultation with civil society, must agree on and commit to a minimum percentage of the budget directed explicitly to children's well-being and the fulfillment of their rights that would serve as an appropriate indicator of a child-focused budget/fiscal policy. This minimum percentage allocation should then be split with education (aiming at 100% enrollment) representing not more than 50% of the total budget directed explicitly to children's well-being.

2.2. Beyond financial resources

In order to ensure the implementation of children's economic, social and cultural rights, States Parties must go beyond measuring simply the financial resources that are allocated towards securing these rights, to also include non-financial resources such as technical assistance, human resources, etc. The importance of strong national coordination of children's sectoral and technical support through strong private-public partnerships needs to be recognized as a pre-requisite to ensure that financial resources allocated towards children are effectively implemented. Such coordination needs to include child representatives.

Technical support for orphans and vulnerable children in Malawi

A positive example of non-financial resources that can be allocated to support the implementation of children's rights is Malawi's Orphans and Vulnerable Children Technical and Advisory Support Unit (OVC TASU). This unit, which was established by the Malawian government, has the responsibility to facilitate, coordinate, monitor and evaluate the National Plan of Action (NPA) for OVC implementation. The OVC TASU consists of five technical advisers with the following tasks: Programme Management and overall coordination, Project Implementation, OVC/Gender, Monitoring and Evaluation, and Finance and Administration. The OVC TASU will report directly to the Principal Secretary within the Ministry of Gender, Child Welfare and Community Services.

2.3. International cooperation

Beyond the use of domestic resources, international cooperation must also be guided by the CRC, and specific targets should be set for the allocation of resources towards children. The Committee on the Rights of the Child stated in General Comment #5 (para 61) that:

- "the CRC should form the framework for international development assistance related directly or indirectly to children and that programmes of donor States should be rights-based";
- "States parties that receive international aid and assistance to allocate a substantive part of that aid specifically to children"; and
- States Parties should "be able to identify on a yearly basis the amount and proportion of international support earmarked for the implementation of children's rights".

Though there are individual examples of earmarked donor resources for children, there is little evidence that donor and recipient governments are being held accountable to the above standards. The Committee, States Parties, and non-governmental organizations should be regularly assessing progress in implementing these standards in the periodic reporting process.

Earmarked donor resources for orphans and vulnerable children

In recent years, international donors have made commitments to allocate specific amounts of financial aid to address the plight of children affected by HIV and AIDS, and orphans and vulnerable children more generally. In 2003, under the US President's Emergency Plan for AIDS Relief (PEPFAR), the US Government was authorized to spend \$15 billion for global HIV and AIDS over five years, with 10% (\$1.5 billion) earmarked for orphans and vulnerable children. Likewise, in 2004, the UK Government committed to allocating at least 10% of its HIV and AIDS budget in developing countries for orphans and vulnerable children, which amounted to £150 million over three years. Similarly, in 2005, the Irish Government pledged to spend Euro 100 million per year on HIV and AIDS of which 20% would be spent for the benefit of children. Most recently, the G8 leaders at the 2007 Summit agreed to "support national programmes in Africa for 10 million orphans and vulnerable children."¹

1. Heiligendamm G8 2007, The Heiligendamm Communiqué.

Given the mutual commitment of recipient and donor country governments to the CRC and to aid effectiveness principles (particularly country ownership), donor governments should:

- enhance the capacity of recipient governments to implement child rights based budgeting into national budgets;
- ensure that aid is effectively coordinated to help recipient governments implement programs and policies which help children realize their economic, social and cultural rights; and
- revisit the recommendations from General Comment #5 with recipient governments, and together consider how international aid and assistance can best be monitored in light of the standards set out in the document.

3. The Use of Resources to the 'Maximum Extent'

3.1. Developing resource tracking systems

As well as ensuring that resources are allocated to towards the progressive realization of the economic, social and cultural rights of children, States Parties must also be accountable for the use of these resources to ensure that they are of maximum benefit to children. This can be done through the development and implementation of effective resource tracking systems involving a number of stakeholders at the national, local and community levels.

Tracking resources allocated for orphans and vulnerable children

Tracking of AIDS resources is poorly developed or neglected, and until very recently has been a low priority in most sub-Saharan countries (UNAIDS, 2004). Currently, most countries only monitor HIV and AIDS funding flowing to ministries of health and data are generally not available to enable estimates of government spending to support OVC. It is currently impossible to determine what proportion of funds designated for orphans and vulnerable children actually reach affected communities and households in order to directly benefit vulnerable children (Foster, 2005).

World Vision is conducting research on resource tracking in Kenya, Mozambique, Uganda and Zambia, which will be undertaken jointly with UNICEF and the East and Southern Africa Regional Interagency Task Team (RIATT). The aim of the research is to identify ways to improve tracking of resources allocated for OVC and particularly the potential role for civil society. The research will be carried out with bodies responsible for coordinating OVC issues, including relevant government departments and civil society.

The research will address the following objectives in each of the four countries:

1. Analyse total resource flows from different sources (government and donor) to community-based organisations for responding to OVC needs.
2. In 3 sub-district locations identify the extent to which the funding requirements of all civil society organisations are being met, especially small community based organisations (CBOs) and community Initiatives, responding to the needs of OVC.
3. Identify what, if any, tracking systems currently exist and/or are being proposed which can track funds from different sources to community level for the benefit of OVC.
4. Identify what role civil society organisations can play as monitors of the implementation of government and donor OVC policy commitments.
5. Identify OVC entitlements that could be used in subsequent community-based performance monitoring, and collect outcome data on OVC care and support provided by CBOs which can improve the monitoring of programme quality.

UNAIDS (2004) Report on the global AIDS epidemic: 4th global report. UNAIDS: Geneva.
Foster, G. (2005) Bottlenecks and Drip-feeds: Channelling resources to communities responding to orphans and vulnerable children in southern Africa, Save the Children.

The community and children themselves are key to ensuring that resources are used in a non-discriminatory and equitable manner, in order to make sure that they are of maximum benefit to all children. One way to achieve this is through 'Community Based Performance Monitoring' (CBPM).

CBPM is a community empowerment tool, which enables rights holders to hold duty bearers accountable, by mobilizing local communities to negotiate reforms in the delivery of services. Additionally, information collected across multiple communities can be aggregated and used for advocacy purposes at the national level. CBPM aims to support social accountability, and it incorporates the principles of participatory monitoring and evaluation, namely: participants generate the data, understand the data, are the primary users of the data, and own the data.

World Vision staff initially contact various stakeholders within the community, and offer the opportunity to participate. Care is taken to explain the purpose as well as the process to service providers, government staff and politicians, as well as community members (including children and adults). If there is a positive response from the various stakeholders, a working group is set up to prepare and organise the activities, as well as conduct the process in the community. Members of the group are first trained in the CBPM methodology; using a facilitated process, community members are educated about entitlements or inputs set by the government for particular facilities (such as schools or health centres). With this information, they then identify what is presently provided against these standards. Based on this knowledge, actions or reforms are expected to result.

A further process of CBPM involves all key stakeholders including users of the service and the service providers themselves in rating the performance of a facility such as a school or health centre. People's perceptions are gained through structured focus group discussions. Similar to the first process, action or reforms can result.

The process of CBPM culminates in what is called an Interface Meeting. New understandings and information on the entitlements and perceptions of the services are shared with everyone present, as well as other stakeholders such as government and political representatives. Together, reforms or an action plan is agreed upon with various community members, government, and political representatives taking responsibility for the action plan, to ensure entitlements are met, and, more fundamentally, that services to the community are improved.

A number of important lessons in applying CBPM have been gained thus far. These include:

- the monitoring of the use of resources in the community is improved as it is done by the community members who are the direct beneficiaries and rights holders;
- community members have the capacity to influence changes to government policies but are usually not aware of their rights/entitlements;
- it is very important to involve leadership, from both from the community and government, throughout the CBPM process;
- children can be active participants in monitoring resource use and its impact upon them through CBPM;
- parents are also key stakeholders in this process, to have a voice in how services are impacting their children;
- States can effectively use CBPM to identify what resources are supposed to be at the various facilities, what actually is there and how this can be improved; and
- in order for CBPM to be effective, it is essential that that governments with decentralized departments run open, transparent and accountable budgets at the grassroots level, such that the community (including children) are able to monitor budget allocations and disbursements.

Children monitoring resource use

In Uganda, World Vision is using CBPM to help community members exercise their constitutional right to demand accountability from service providers and the government. CBPM was introduced in Nkozi, 80 kilometres Southwest of Kampala, Uganda in May 2005. Thus far, over 300 village residents at each site have attended four Community Gatherings. The community members gather to join in the Village Focus Group Discussions, which are aimed at evaluating the quality of the services they receive at that particular facility. The community members were divided separately into different focus groups of users or service providers. Usually one of the focus group discussions is that of children.

In discussions around the local school facility, the local community, recognizing their collective ability to influence the nature and pace of follow-up actions, had a highly energized dialogue with the service providers, ending in a set of meaningful follow-up actions. Some of which included: the guardians/parents sending the children to school early and packing something for their lunch, and contributing local materials to construct teachers' quarters. The community members also requested the headmistress to write a letter to the District Education Officer requesting more teachers.

The school now has the required number of teachers and clean drinking water; the children now have porridge at school for the breaks and the teachers have reported increased punctuality on the part of the students. Generally, the performance in primary leaving examinations is beginning to improve in the sub county.

4. Conclusion

Thus, there are indications that some progress has been achieved with regards to the progressive realization of children's economic, social and cultural rights, through the use of available resources and within the framework of international cooperation. Nevertheless, much more needs to be done. It remains abundantly clear that in spite of the commitments of the international community to put children first in decisions regarding resource allocation, this is not the current reality.

World Vision welcomes the efforts of the Committee to examine the responsibility of States Parties to allocate resources to the implementation of the CRC, and we encourage the Committee to continue to engage with NGOs and with children themselves in this process.

Based on the case studies examined within this paper, World Vision has identified a number of challenges that must be addressed in order to ensure the full realization of children's economic, social and cultural rights. Accordingly, World Vision is proposing five recommendations for the Committee to consider as a means of strengthening the accountability of States Parties to article 4 and the CRC as a whole (See Annex 1). It is our hope that within the framework of international co-operation, States Parties will ensure that the sufficient resources are allocated for the implementation of the CRC, and that they achieve the maximum benefit for every child.

Annex 1: Recommendations

World Vision has five recommendations for the Committee on the Rights of the Child concerning investments by States Parties in the implementation of children's economic, social and cultural rights, within the framework of international cooperation. Based on World Vision's programmatic and advocacy experience, we recommend that States Parties to the UN Convention on the Rights of the Child (CRC) can best meet their obligations under article 4 by:

1. **Increasing transparency and accountability in resource allocation and use**, by committing to child-focused budgets and establishing a legislative mandate to hear from children and their caregivers regarding the allocation and use of resources that affect their lives.
2. **Taking a whole-of-government approach to the identification and use of 'available resources' to benefit children, and developing measurable indicators against which progress towards realizing children's economic, social and cultural rights will be measured.** Governments must ensure that each ministry and department is held accountable to how its resources impact the lives of children and contribute to the progressive realization of their rights.
3. **Assessing 'available resources' beyond financial measures that contribute to the implementation of children's economic, social and cultural rights**, for instance through the allocation and use of technical assistance, human resources, etc. The importance of strong national coordination of children's sectoral and technical support through strong private-public partnerships needs to be recognized as a pre-requisite to ensure that financial resources allocated towards children are effectively implemented. Such coordination needs to include child representatives.
4. **Ensuring that international cooperation is guided by the CRC, and that specific targets are set for the allocation of resources towards children through official development assistance (ODA).** The Committee, States Parties, and NGOs should be regularly assessing progress in implementing these standards in the periodic reporting process. Moreover, WV also recommends that donor governments:
 - enhance the capacity of recipient governments to implement child rights based budgeting into national budgets;
 - ensure that aid is effectively coordinated to help recipient governments implement programs and policies which help children realize their economic, social and cultural rights; and
 - revisit the recommendations from General Comment #5 with recipient governments, and together consider how international aid and assistance can best be monitored in light of the standards set out in the document.
5. **Developing and implementing effective resource tracking systems for the allocation and use of resources.** Such systems should involve a number of stakeholders at the national, local, and community levels, in order to effectively track progress in the realization of children's rights. The Community Based Performance Monitoring tool is an effective model to consider.