

Child Rights Programming

***How to Apply Rights-Based Approaches to Programming
A Handbook for International Save the Children Alliance Members***



Second Edition

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Save the Children is the world's largest independent global movement for children.

There are separate Save the Children organisations in 26 countries working together to improve children's lives in over 111 countries. The organisations range in size from offices with only few staff members to those employing thousands of people worldwide. The **International Save the Children Alliance** is a network of all Save the Children organisations, focusing on pooling resources, establishing common policies and carrying out joint projects.

All Save the Children organisations work with children in their own countries as well as through international programmes.

Save the Children has a Secretariat based in London, United Kingdom, which supports and coordinates the efforts of all Save the Children organisations.

In order to influence United Nations bodies such as the Security Council and UNICEF, Save the Children has established offices in New York and Geneva. Save the Children organisations in Europe also have a joint advocacy office in Brussels, which seeks to influence the European Community's internal and global policies on children.

Preface

I am very pleased to introduce the second edition of Save the Children's handbook on applying rights-based programming to work with children. The first edition of the handbook was well received by staff in Save the Children and other agencies, and we hope that this edition will enjoy equal support.

Why is a second edition of the handbook necessary only three years after the first edition was produced? The main reason is that during this time there has been a great deal of learning about rights-based approaches both within Save the Children and elsewhere. This has included key developments in such areas as support to children's participation, the carrying out of a rights-based situation analysis and the application of rights principles to the way an organisation such as Save the Children operates with different partners. Some of this new material has been incorporated into this second edition and existing material has been rewritten to reflect some of the new insights.

This second edition of the handbook has been developed, like the first, by Save the Children's Child Rights Programming Co-ordinating Group. The Group wishes to acknowledge the assistance it received from Duncan Trotter; three external consultants (Peter Dixon, Maureen O'Flynn and Amanda Harding); and Joachim Theis (whose book "Promoting Rights-Based Approaches – Experiences and Ideas from Asia and the Pacific" was very helpful in preparing this revision). Amanda Harding was responsible for the final drafting of the handbook.

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Glossary

Child Rights Programming is a framework for the analysis, planning, implementation, and monitoring and evaluation of all relief and development work with children. It brings together a range of ideas, concepts and experiences related to child rights, child development, emergency response and development work within one unifying framework. It is primarily based on the principles and standards of children's human rights but also draws heavily on good practice in many areas of work with children (e.g. the study of children's physical, emotional, cognitive, and social development; childhood studies; early childhood education; child psychology; etc.) as well as good development practice more generally.

Human rights are the rights possessed by all persons, by virtue of their common humanity. They give all people moral claims on the behaviour of individuals and on the design of social arrangements to live a life of freedom and dignity. Human rights are universal, inalienable and indivisible. The international system of human rights is an expression of our deepest commitments to ensuring that all persons are secure in their enjoyment of the goods and freedoms that are necessary for dignified living.

Human Rights Declarations articulate agreed upon principles and standards. These documents are not in themselves legally binding. But some declarations, most notably the Universal Declaration of Human Rights, have been so widely recognised that their provisions are considered as binding on all states.

Human rights treaties, covenants and conventions are the components of international human rights law. Used interchangeably, treaty, covenant and convention refer to legally binding agreements between states. These agreements define the duties of states parties to the treaty, covenant or convention. They generally apply in times of peace and conflict. Human rights treaties regulate obligations of states towards persons in their own territory (rather than towards other states).

Humanitarian law (Geneva Conventions) rules the behaviour of states and other combatants in armed conflicts. It clarifies obligations on and between states, e.g. on: hijacking, nuclear weapons, airspace, extradition, laws ruling the behaviour of parties in armed conflict.

Private Sector: Institutions and individuals involved in the production of goods or services for financial gain. This includes large and small organisations which are officially registered and recognised, but also a huge variety of informal, sometimes illegal entities which survive by ignoring regulations and exploiting vulnerable groups.

Ratification of an international agreement (treaty, covenant, convention) represents the promise of a state to uphold it and adhere to the legal norms that it specifies. Ratification is an act of government or parliament that makes a treaty (covenant, convention) binding and enforceable in the state.

Reservation to a treaty (covenant, convention) indicates that a state party does not agree to comply with one or more of its provisions. Such reservations are not supposed to be contrary to the spirit of the treaty to which they are applied, and Treaty Bodies often call for them to be removed.

Signing a treaty (covenant, convention) is an act on behalf of government or parliament. It represents a promise of the state to adhere to the principles and norms specified in the document without creating legal duties to comply with them. Signing is the first step that states undertake towards ratifying and thus becoming states parties to an agreement. Signature of an agreement must be ratified by parliament or government for the agreement to become legally binding.

Special Rapporteur is an individual appointed by the United Nations Secretary General to investigate and report back on specific human rights issues or on the human rights situation in a specific country.

States Parties to an international agreement are the countries that have ratified it and are thereby legally bound to comply with its provisions. Governments are representatives of states. Once the states have ratified an international treaty, all subsequent governments of that state have to abide by them. If they do not abide by the treaties ratified by earlier governments, they risk that the international community imposes sanctions.

Treaty bodies are the committees formally established through the principal international treaties to monitor states parties' compliance with the treaties. Treaty bodies have been set up for the six core UN human rights treaties to monitor states parties' efforts to implement their provisions.

UN CRC is the United Nations Convention on the Rights of the Child, setting out the rights, standards and monitoring mechanisms for meeting all children's rights within one international human rights convention.

Abbreviations

CRC	UN Convention on the Rights of the Child
Committee	UN Committee on the Rights of the Child
CRP	Child Rights Programming
CRSA	Child rights based situation analysis
ICCPR	UN International Convention on Civil and Political Rights
ICESCR	UN International Convention on Economic, Social and Civil Rights
MDGs	Millennium Development Goals
PRSP	Poverty Reduction Strategy Paper
RBA	Rights Based Approaches
SC	Save the Children
UN	United Nations
UDHR	United Nations Universal Declaration of Human Rights

Introduction

This handbook aims to provide an introduction to Child Rights Programming - Save the Children's approach to the use of human rights principles and standards in its work with children, their families, carers and communities.

Relief, Development and Human Rights

Whether in emergency situations such as conflict and disasters, or in more stable settings where poverty remains a major issue, the aim of organisations like Save the Children has always been the same - to help children and their communities survive and maximise their quality of life and opportunities for the future. Over many decades of relief and development work a great deal has been learnt about what helps and what hinders progress towards this aim. Most recently good development practice has been concerned with such issues as: sustainability, power, participation, multi-sectoral approaches, and non-discrimination.

Rights-based approaches to relief and development build on this 'good practice', incorporating it into a single framework based on human rights principles and standards. Rights-based approaches to development bring together the best of what has previously been two separate ways of looking at the world - one held by relief and development practitioners and another by human rights practitioners.

In fact both groups share a very similar view of what 'relief and development' is all about. Human rights principles and standards express a clear vision of what people - including children - need in order to survive and to live a life of dignity and fulfilment. This includes protection from violence and discrimination, the opportunity to participate in decisions made about them, an adequate standard of living, and access to basic services such as health and education.

Most relief and development practitioners would easily recognise the people-centred vision of human rights workers and share their aspirations for the future. Bringing the two approaches together offers the possibility of uniting the best aspects of both approaches, with the 'added value' of the vision, the legal force and the normative standards of the international human rights framework.

Save the Children Vision

Save the Children works for:

- A world which respects and values each child
- A world which listens to children and learns
- A world where all children have hope and opportunity

Save the Children Mission

Save the Children fights for children's rights. We deliver immediate and lasting improvements to children's lives worldwide.

Save the Children and Child Rights Programming [CRP]

The vision, mission and history of Save the Children make it clear that the 1989 UN Convention on the Rights of the Child is the guiding framework and reference point for programming. In order to operationalise this, Save the Children began to develop the concept of Child Rights Programming in the late 1990s.

By 1999 the International Save the Children Alliance agreed that Child Rights Programming was the basis for all programming in Save the Children organisations. Since then, there have been clear steps forward in terms of implementing common principles and approaches to the realisation of children's rights¹.

This handbook aims to introduce the reader to the main components of Child Rights Programming. It is a key reference and resource for all staff working in Save the Children.

Aims of the Handbook

The main aims of this handbook are:

- To provide an introduction to the basic concept and use of Child Rights Programming (CRP)
- To focus on what is new and different in CRP from existing good practice in relief and development work with children
- To assist Save the Children staff to apply a critical understanding of CRP to all elements of her/his work
- To enable the reader to explain CRP and the way it is used to other team members, partner organisations, etc.
- To indicate places that you can go for further information and tools to take forward CRP in your own work

Who is this handbook for?

This handbook is designed primarily for people who are working in relief and development programmes within Save the Children organisations. In particular it has been written with the needs of senior national programme staff in mind.

It assumes that the reader:

- Has some understanding of the UN Convention on the Rights of the Child
- Is familiar with the basic concepts of programming (e.g. the programme cycle, including: situation analysis, setting priorities, implementation, monitoring and evaluation)
- Has a basic understanding of good practice in relief and development work

¹ See: G. Lansdown, "Benchmarking Progress in Adopting & Implementing Child Rights Programming"; Save the Children Alliance, 2005.

It is anticipated that the handbook will also be relevant to partner organisations, donors and other organisations with an interest in rights-based approaches and/or child rights.

The Structure of the Handbook

There are six sections to the handbook. The first two provide a simple introduction to human rights and an overview of the main components of Child Rights Programming. The next three look at specific aspects of CRP:

- Translating principles into practice in CRP
- Applying CRP in the programme cycle
- Becoming a child rights focused organisation

The handbook concludes with a brief exploration of the debates and dilemmas brought up when applying a CRP approach.

Each section builds on the previous section so that, for example, we start with information about human rights and the UN CRC before moving on to the more practical aspects of CRP. The handbook aims to be useful for all stages of the programme cycle, from assisting in making strategic decisions to implementing project activities and carrying out national advocacy work. Some parts of the handbook will therefore appeal to some readers more than others. However, it is hoped that taken as a whole the handbook will assist a real and effective integration of CRP across all programmes.

At the end of each section there is a series of questions that you may like to use in order to check your understanding and to consider how you might apply this information to your own programme. You will also find guidance at the end of each section about further information and resource materials - most of the material referred to is on the CD ROM provided with this Handbook.

SECTION I

THE HUMAN RIGHTS FRAMEWORK

This section introduces the main features of the human rights framework. A rights-based approach to development considers the fulfilment of everyone's human rights as the end goal of development, and the application of human rights principles as constituting good practice in achieving lasting change. It is therefore important to have a working understanding of human rights standards and principles and the mechanisms for reporting on their implementation. For a rights-based approach to working with children, the United Nations Convention on the Rights of the Child is, of course, central to Save the Children's work. However, it is not the only treaty establishing children's human rights and it should be seen within the wider context of the international human rights and humanitarian law framework.

1.1 What are Human Rights?

The core concept of a right is that of an agreement or "social contract" which is established between the person(s) who holds a right (often referred to as the "rights-holder"), and the person(s) or institution(s) which then have obligations and responsibilities in relation to the realisation of that right (often referred to as the 'duty-bearer'). The moral and legal codes which originally established such obligations have often existed in societies for thousands of years, and may be found codified in a range of documents which guide social conduct.

Human rights are based on respect for the dignity and worth of each and every human being, both as individuals and as members of society as a whole. Human rights capture those qualities of life to which everyone is entitled, regardless of their age, gender, race, religion, nationality, or any other factor.

The responsibility for making sure that rights are respected, protected and fulfilled lies primarily with the state, in the form of the national government. But it also has implications for all elements of society from the level of international institutions, through to individuals in the family and community.

The international system of human rights encompasses values that can be found in all cultures and all religious, moral and ethical traditions. They provide an international guide for common standards of conduct, which can be expected from all governments and societies. Such universally agreed standards bring a new dimension to conventional relief and development theory and practice by creating a normative framework and common goals applicable globally.

1.2 The International Human Rights Framework

For the purposes of a rights-based approach we take the human rights established as universal legal guarantees by the United Nations (UN) as our global reference point. The present system of human rights came into being in the aftermath of the Second

World War motivated by the genocide, and suffering that had taken place in the first half of the 20th century. From the beginning the UN stated that human rights, justice, peace and development were strongly interlinked and has since agreed a series of human rights treaties aimed at protecting individuals and groups against actions and omissions (i.e. failures to act) that affect their freedoms and human dignity.

Main human rights declarations and treaties:

- 1948 Universal Declaration of Human Rights (UDHR)
- 1965 Convention on the Elimination of all Forms of Racial Discrimination (CERD)
- 1966 International Covenant on Civil and Political Rights (ICCPR)
- 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR)²
- 1979 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)
- 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- 1986 Declaration on the Right to Development
- 1989 Convention on the Rights of the Child (UN CRC)
- 2000 Millennium Declaration
- 2003 Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families
- (2005/6 Convention on the Rights of Disabled Persons – currently being drafted)

There are also regional human rights treaties³, national laws and constitutions – all of which may be important in applying a rights-based approach. However our global reference point remains the international human rights framework.

1.3 Human Rights Principles

There are several human rights principles, which apply across the whole of the international human rights framework:

Human rights are universal. They are held equally by all people wherever they live in the world, and whatever their circumstances. This is the principle of universality, which is also often referred to by terms such as non-discrimination, equality, and inclusion.

Human rights are indivisible and interdependent. Human rights relate to the whole range of human experience. Human rights cover civil, political, social, economic and cultural rights, and these are all interdependent, i.e. denying certain rights weakens

² The UDHR, ICCPR (and its 2 Optional Protocols), and the ICESCR are often referred to collectively as the International Bill of Human Rights.

³ E.g. the “European Convention for the Protection of Human Rights and Fundamental Freedoms”; the “African Charter on the Rights and Welfare of the Child”; and the “American Convention on Human Rights”.

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other rights. However this does not mean that decisions about resource allocation cannot focus on some rights more than others.

Human rights are inalienable. Human rights cannot be taken away or given up.

The concept of accountability. Central to the idea of human rights is establishing and sustaining the relationship between the rights-holder (who has the right) and the duty-bearer (who has the obligation to fulfil the right). States (and other 'duty bearers') have a primary responsibility to ensure that the rights of all people are equally respected, protected and fulfilled. When a country ratifies a human rights instrument, it becomes accountable to all its citizens, including children, and to the international community for these rights. Rights holders themselves are responsible to respect and not to violate the rights of others, either morally or legally through requirements in national legislation. The State has the obligation to respect, protect and fulfil rights:

- *Respect* – States must not interfere directly or indirectly with the enjoyment of the right.
- *Protect* – States must take measures that prevent third parties from interfering with the enjoyment of the right.
- *Fulfill (facilitate)* – States must adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realisation of the right.
- *Fulfill (provide)* – States must directly provide assistance or services for the realisation of these rights.

Participation is a fundamental human right. People have the right to participate in every area of their life, including input into all matters which affect them from daily life through to policy decisions, and therefore everybody is entitled to participate in, contribute to and enjoy development.

1.4 International Humanitarian Law and Principles

There is another set of international standards and principles that are relevant for a rights-based approach, namely International Humanitarian Law. As with International Human Rights Law it strives to protect the safety, health and dignity of human beings. However, humanitarian law relates specifically to the behaviour of states and other combatants in situations of armed conflict.

International Humanitarian Law is set out in the Geneva Conventions (1949) and their additional protocols (1977). It is founded on the principles of the humanitarian imperative, impartiality and neutrality. The International Committee of the Red Cross is the main organisation which monitors its application. With regard to children, the Conventions and additional Protocols offer special protection for children in the areas of education, recruitment, reunification and safe areas, and

require that medical aid, food, clothing and special items for children under 15 should be allowed free passage.⁴

1.5 The UN Convention on the Rights of the Child (UN CRC) – the human rights of children

The UN Convention on the Rights of the Child (1989) is the most 'complete' human rights treaty – in that it contains all the civil, political, economic, social and cultural human rights of children, and also covers some areas usually associated with international humanitarian law. The UN CRC re-emphasises that children are holders of rights, and their rights cover all aspects of their lives. It applies to all human beings under the age of 18.

As of January 2005 the UN CRC has been ratified by 192 out of 194 countries⁵, and it is legally binding for these countries. A full copy of the UN CRC appears as Annex 1.

History of the UN CRC

The roots of the UN CRC can be traced back to 1924 when the League of Nations adopted the Declaration on the Rights of the Child, written by Eglantyne Jebb, the founder of Save the Children. In 1948 the UDHR recognised the “special nature of childhood and motherhood”, and in 1959 the UN adopted a Declaration on the Rights of the Child. Other human rights treaties of course refer to children⁶ and all of their provisions apply to children. However, it was felt that children needed a separate convention and a clearer definition of children’s legal status under international law. After a 10 year drafting process the UN CRC was adopted by the United Nations on 20th November 1989.

The UN CRC – substantive rights and general principles

The UN CRC consists of 54 articles, some of which deal with the process of ratification and monitoring of the UN CRC. The remaining articles are categorised by the Committee on the Rights of the Child as follows:

- General measures of implementation (articles 4, 41, 42, 44.6)⁷
- Definition of the child (article 1)
- General principles (articles 2, 3, 6, 12)
- Civil rights and freedoms (Articles 7, 8, 13 - 17, 37)

⁴ There are also documents which outline minimum standards of accountability in disaster response, such as: “The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief”; and “The Humanitarian Charter and Minimum Standards in Disaster Response (Sphere Handbook)”.

⁵ Only the USA and Somalia have not ratified it, though both have signed it. The UN CRC is the most widely accepted of all human rights treaties.

⁶ For example, article 24 of the ICCPR (birth registration etc.), and article 13 of the ICESCR (which refers to education)

⁷ These refer to certain actions that must be taken by the State (including making resources available; establishing mechanisms; raising awareness; monitoring etc.) – for more guidance see General Comment on this at: <http://www.unhchr.ch/html/menu2/6/crc/doc/comment.htm>

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- Family environment and alternative care (articles 5, 9 – 11, 18 – 21, 25, 27, 39)
- Basic health and welfare (articles 6, 18, 23 – 24, 26 – 27)
- Education, leisure and cultural activities (articles 28, 29, 31)
- Special protection measures (articles 22, 23, 30, 32 - 40)

As can be seen, the UN CRC covers a very wide range of rights. The UN Committee on the Rights of the Child, set up to monitor the application of the UN CRC by states, has identified four of these rights as general principles that are to be considered in the implementation of every article of the UN CRC, and in all situations concerning children. These general principles are:

Non-discrimination (article 2)

“The state parties to the present Convention shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

The principle is that all rights apply to all children without exception. The state itself has an obligation to put into place the means to ensure children are protected from any form of discrimination and to take positive action to promote their rights.

Best interests of the child (article 3)

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”

The “best interests” principle covers all decision making affecting boys and girls, including the mobilisation and allocation of resources. Children’s “best interests” will not normally be the only consideration when decisions are made which affect children but must be among the first aspects to be considered and should be given considerable weight - “a primary consideration”, relative to the interests of adults. It is important for those taking decisions to take into consideration the views of the child when determining what the best interests of the child might be.

Rights to life, survival and development (article 6)

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.”

This article establishes the principle that children have the right to life, and in addition affirms that every child has the rights to those inputs and provisions that will enable them to develop to their full potential and play their part in a peaceful, tolerant society.

The right to be heard (article 12)

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

Girls and boys have the right to be heard in all decisions affecting them, and article 12 places an obligation on governments to ensure that girls and boys’ views are sought and considered. This article is part of a wider body of “participation rights” that children have, which is often defined as article 12 together with articles: 13 (freedom of expression); 14 (freedom of thought, conscience, religion); 15 (freedom of association); 16 (right to privacy, etc.); 17 (access to appropriate information). In the UN CRC children are recognised as social actors both in relation to their own development and that of society.

The Optional Protocols and General Comments to the UN CRC

Since the UN CRC was adopted, it has been complemented by two optional protocols, which are seen as updating and filling in gaps within the UN CRC⁸. The two Optional Protocols were adopted in 2000 and were on:

- The involvement of children in armed conflicts;
- The sale of children, child prostitution and child pornography.

The Committee on the Rights of the Child also publishes “General Comments” which are guides to the interpretation and implementation of the UN CRC^{9 10}.

UN CRC and cultural values

The UN CRC has sometimes been criticised for being based on the norms and values of Western societies. It is certainly important to look at the social and cultural context in which we work, how childhood is viewed locally and to ensure that the UN CRC is interpreted and applied in ways that are culturally relevant. The preamble of the UN CRC allows for this, stating: “Taking due account of the importance of the traditions and cultural values of each people for protection and harmonious development of the child ...” However, cultural and traditional practices cannot be a reason for violating children’s rights. The practical application of the general principle of “best interests” should protect children from harmful practices, even if attempts are made to justify them in terms of culture and tradition.

⁸ The text of these and the list of States that have ratified them are available on the website of the Committee on the Rights of the Child: www.unhcr.ch/html/menu2/6/CRC .

⁹ There are other treaties and resolutions that may be relevant for children’s rights, such as International Labour Organisation Conventions (e.g. 182), and UN Security Council resolutions.

¹⁰ As of January 2005 there were five General Comments on: the aims of education; the role of independent human rights institutions; HIV/AIDS and the rights of the child; adolescent health; general measures of implementation of the UN CRC. The texts are available at: <http://www.unhcr.ch/html/menu2/6/crc/doc/comment.htm> .

Implementation of the UN CRC

States that have ratified the UN CRC are legally bound by it, and have made a commitment to taking the necessary legal, budgetary, administrative and other measures in order to implement it, including making available maximum resources. Some states have made reservations and/or declarations related to how they will interpret the UN CRC or to the non-application of certain articles. These reservations and declarations are not supposed to be in conflict with the spirit of the UN CRC, and the Committee urges states to withdraw them¹¹.

States are the main legal (or primary) duty-bearers in the UN CRC. The State has the responsibility to create the legislation and policy framework, and provide resources, so that children's rights can be realised. The UN CRC recognises parents, families, and communities as primary caregivers, the protectors and guides of boys and girls – they have responsibilities towards children, and sometimes national legislation makes these responsibilities legal, as well as moral, obligations. The international community has obligations to support states through international cooperation and assistance as and when required.

Monitoring and reporting on the human rights of children

The monitoring and reporting mechanisms of the UN CRC provide a key means of encouraging and enforcing the states' accountability, and are a central element in child rights programming. The monitoring body of the UN CRC is the Committee on the Rights of the Child¹². It was established by the UN CRC, and is an independent body of 18 experts elected by the State Parties to the UN CRC.

States must report to the Committee within two years of ratification and then every five years. The State Party submits a report and other organisations such as UN agencies, NGOs, and child-led organisations can submit reports with supplementary information. The key role played by civil society extends beyond the report itself, encompassing an ongoing role monitoring a states commitments. The Committee enters into "constructive dialogue" with states, and adopts "Concluding Observations" containing recommended measures to be taken by the states. Though the Committee has no way of enforcing its views, it can be argued that the open reporting process makes states publicly and internationally accountable. The Committee has circulated detailed guidelines to states on what their reports should cover¹³.

In 2002 the UN General Assembly held a 'Special Session' for children, at which governments made important promises to children in a document called, "A World Fit for Children". These global pledges have been followed up through National Plans of Action¹⁴.

¹¹ A list of the reservations and declarations (and some objections to them) can be found at: <http://www.unhcr.ch/html/menu2/6/crc/treaties/declare-crc.htm>

¹² See: <http://www.unhcr.ch/html/menu2/6/crc/> .

¹³ UN Special rapporteurs also report on the implementation of children's rights in the countries, or on the topics, for which they have mandates. See the website of the Office of the High Commissioner for Human Rights at: <http://www.ohchr.org/english/bodies/chr/special/index.htm> .

¹⁴ For more information see <http://www.unicef.org/specialsession/> .

1.6 Conclusion

Since the adoption of the UN CRC, the human rights of children have been increasingly reflected in much national and international legislation. Child rights programming, as explained in the following section, involves the practical application of the UN CRC to bring about real changes in the lives of all children.

Question box

1. Which human rights treaties have been ratified in your country? Are there any reservations or declarations related to these treaties? What is the reason for these reservations? Which Human Rights Treaties have not been ratified? Why?
2. Study your government's most recent report to the Committee on the Rights of the Child, any supplementary reports, and the Concluding Observations from the Committee:
 - How did the government go about producing its periodic report, was it a consultative process, did it provide disaggregated data as to the realisation of children's rights?
 - How did your government report on the application of the four general principles of the UN CRC?
 - What are the main issues that can be identified through the differences between the Government's report and the supplementary report(s)?
 - What were the Committee's main recommendations in the Concluding Observations?
 - What additional questions would you like to ask your government regarding the implementation of the UN CRC?
3. Has your government established and sustained a plan of action for children incorporating the Committees inputs?

For Further Information

"Human Rights – A Compilation of International Instruments Volumes I & 2", United Nations (2002)

"Training Kit on the UN Convention on the Rights of the Child", Save the Children (revised in 2002 & available on CD ROM). This is a comprehensive training kit on the UN CRC with fact sheets and exercises.

"Implementation Handbook for the Convention on the Rights of the Child", UNICEF (2002)

"A Tool for Change? Reporting to the UN Committee on the Rights of the Child", Save the Children UK (2003)

"A World Fit for Children", UNICEF (2002)

Websites

<http://www.bbc.co.uk/worldservice/people/features/ihavearightto/index.shtml> – BBC World Service “I have a right to...” – a clear guide to human and children’s rights

<http://www.hrea.org/> - Human Rights Education Associates – Learning & Resource Centre on human and children’s rights

<http://www.unhcr.ch/html/menu2/6/crc/> – the website of the UN Committee on the Rights of the Child

<http://www.ohchr.org> – Office of the High Commissioner for Human Rights

www.crin.org – Child Rights Information Network

www.unicef.org – UNICEF

www.therightsapproach.org – CRIN Website dedicated to sharing knowledge on rights-based approaches to development

www.icrc.org – the website of the International Committee of the Red Cross

www.sphereproject.org – the website of the SPHERE project, including the humanitarian charter and minimum standards in disaster response

SECTION 2

RIGHTS-BASED APPROACHES AND CHILD RIGHTS PROGRAMMING

Child Rights Programming (CRP) is a child-focused version of a much broader range of approaches to doing relief and development work that are 'rights-based'. All these approaches endeavour to apply the human rights principles and standards discussed in the previous chapter. So before looking in more detail at what we mean by CRP, it is helpful to understand a little more about the wider 'family' of rights-based approaches of which child rights programming is a part.

2.1 What are rights-based approaches to relief and development?

Approaches to development work have changed considerably over the past decades, as well as differing in emphasis depending on the dominant political ideology. Early international development assistance was often based on the assumption that improving economies and personal wealth alone would improve the lives of individuals. More recently a trend to more 'people centred', empowering, and participatory approaches has emerged. Although the end goal has always included improvement in people's survival and quality of life, with a particular focus on the most vulnerable people in the poorest countries of the world, the understanding of how this is best achieved has varied a great deal.

The recent shift to a form of relief and development work that is guided by an imperative to achieve people's rights reflects the recognition that something more is needed than a trickle of external assistance from the rich "developed" world to the poorer "developing" world. Through their agreement to treaties and covenants over the past two decades governments have adopted the realisation of human rights as the goal of development. The realisation of the rights of all has become a global challenge rather than one for individual governments alone, a challenge most recently articulated through the UN Millennium Declaration¹⁵.

Key to this new way of looking at development is the way that rights-based approaches hold powerful people and institutions accountable for their responsibilities to those with less power. Rights based programmes support rights-holders - especially the poor, powerless and discriminated-against - to claim their rights. They have the potential to increase impact and strengthen sustainability by addressing the underlying causes of violations of rights, and bringing about policy and practice changes to make a sustained difference to the lives of individuals, both now, and in the future.

Rights-based approaches have now become an important way in which agencies and organisations "do" development.

¹⁵ See: www.un.org/millenniumdeclaration/ares552e.htm, for the Declaration and: www.developmentgoals.org for details of the Millenium Development Goals.

An increasing number of UN agencies, donors, NGOs and others are debating how best to focus their aid and development policies on maximising their impact on the fulfilment of human rights. In 2003, for example, the key UN agencies (including UNDP) involved in relief and development work agreed a common understanding of rights-based approaches¹⁶.

2.2 Why adopt rights based approaches?

Organisations including Save the Children, adopt rights-based approaches to programming for two main reasons. Firstly, they agree with the set of values and beliefs about human beings and development expressed in human rights, i.e. they believe that it is a *morally* right approach. Secondly, they believe that rights-based approaches bring a number of *practical* benefits compared to other approaches to relief and development work. These benefits include:

- **International agreement and legitimacy:** the goal and standards are universally agreed and set out in an international legal framework which is shared by governments, donors and civil society. This gives organisations legitimacy and authority.
- **A clear, shared long term goal (regarding the fulfilment of human rights):** this goal can be shared by everyone working in relief and development, along with the standards to measure progress towards it.
- **Accountability:** the responsibilities of governments, donors, the private sector, communities and individuals are identified and various ways in which they can be held accountable have already been developed and tested.
- **Empowerment:** the active participation of disadvantaged and discriminated-against groups is seen as essential to achieving social justice, non-discrimination and pro-poor development.
- **Equity:** there is a strong focus on justice, equality and freedom and a willingness to tackle the power issues that lie at the root of poverty and exploitation. There is a commitment to reach the most excluded.
- **Greater impact and effectiveness:** because of its emphasis on accountability, empowerment and activism the rights-based approach is seen as being more effective in the fight against injustice, poverty and exploitation.
- **An integrated approach:** rights-based approaches incorporate what is widely regarded as “good development practice” into one overall holistic approach.

Adopting a rights-based approach to relief and development is about having real impact on development ambitions, and on the way in which organisations and their staff work. But a lot of what is actually done using rights-based approaches is not radically different from what is done using other approaches. Given that rights-based

¹⁶ The UN Common Understanding (2003) outlines the UN agencies commitment to rights based approaches, see: www.undp.org.

approaches build on good development practice it would be strange if it were so different. However, some areas of focus are new and some things must be done differently.

Rights based approaches are a package and it is their systematic and complete application that makes them so effective.

One way of understanding some of these differences - particularly those that relate to the relationship between development actors such as NGOs and the people for whom they claim to work - is to compare some key elements of rights-based approaches with those of other approaches with which relief and development practitioners are familiar.

Other Approaches	Rights-based Approaches
Action is voluntary or optional	Action is mandatory
People have needs which should be met, and these needs can be prioritised	People have legally established claims and entitlements
Poor people deserve help as the object of charity	Poor people are entitled to help as the subject of rights
Some people may have to be left out (i.e. a target can be less than 100%)	All people have the same right to fulfil their potential and should be assisted to do so (i.e. the target is 100%)
People affected by development work are passive beneficiaries ; they can be invited to participate in order to improve the effectiveness of programmes or projects	People affected by development work are active participants by right
Some needs may not be recognised in some cultures	Rights are universal and inalienable , they cannot be diluted or taken away
Power structures are too difficult to change and pragmatic ways need to be found to work within them	Power structures that block progress in realising human rights must be effectively changed
Development is a technocratic process and should be led by technical 'experts' who know best	Development actors must empower rights holders to claim their rights and be involved in public decision-making
There is a ' hierarchy ' of needs and some needs are nearly always more important than others	Rights are indivisible and interdependent , though in any situation some practical prioritisation may be required

2.3 What is child rights programming?

As already noted, CRP is a child-focused version of the rights-based approaches described above¹⁷. CRP applies rights-based approaches specifically to work to realise the rights of boys and girls under the age of 18. The reason for having a specific approach like this is that children - as well as being human beings - have their own special needs and vulnerabilities. In other words, children are like adults in

¹⁷ See also: G. Lansdown's, Discussion Paper, "What's the difference? Implications of a child-focus in rights-based programming", Save the Children UK, 2005.

some respects but also different from them in other ways. This is why there is a special international convention on the human rights of children and why development organisations working with girls and boys need a rights-based approach that is adapted to the special situation of children.

The key components of CRP all draw upon the general principles of the UN CRC, as well as other fundamental human rights principles, as discussed in Section 1.

One useful way of thinking about CRP is to consider the definition of its three component words:

- *Child* – every boy and girl under the age of eighteen years, a period of childhood accorded special consideration in human rights terms (UDHR Art 26b), characterised as a period of evolving capabilities and of vulnerabilities relative to those of adults.
- *Rights* – defined as international human rights applicable to children, set out primarily in the UN CRC but also to be found in all other human rights conventions.
- *Programming* – management of a set of activities, including analysis, planning, implementation and monitoring, towards a defined goal or objective, involving good development practice.

The combination of these three definitions provides an overall working definition of CRP:

“Child rights programming means using the principles of child rights to plan, implement and monitor programmes with the overall goal of improving the position of children so that all boys and girls can fully enjoy their rights and can live in societies that acknowledge and respect children’s rights.”

Child Rights Programming brings together a range of ideas, concepts and experiences related to child rights, child development, emergency response and development work within one unifying framework. It is primarily based on the principles and standards of children’s human rights but also draws heavily on good practice in many areas of work with children as well as lessons learnt in relief and development.

Key components in CRP

The remainder of this handbook takes a more detailed look at child rights programming. At this point, however, it might be useful to outline some of the key components of CRP taking the general human rights principles and concepts and the UN CRC principles and concepts as a starting point:

1. **Focus on children:** a clear focus on children, their rights and their role as social actors.
2. **Holistic view of children:** considering all aspects of a child while making strategic choices and setting priorities.

3. **Accountability:** a strong emphasis on accountability for promoting, protecting and fulfilling children's rights across a range of duty-bearers from the primary duty bearer - the state (e.g. local and central government) to the private sector, the media, child-care professionals, and other individuals with direct contact with children.
4. **Supporting duty bearers:** consideration of the ways in which duty-bearers could be helped to meet their obligations through technical assistance, budget support and other forms of partnership.
5. **Advocacy:** the importance of advocacy, public education and awareness raising as programming tools in order to ensure that duty bearers are held accountable.
6. **Participation:** the promotion of children's effective participation in programming (and beyond), according to children's evolving capacities.
7. **Non-discrimination:** a commitment to the inclusion of the most marginalised children and to challenging discrimination on such grounds as gender, class, ethnicity, (dis)ability, etc.
8. **The best interests of children:** consideration (with children) of the impact on children of all programme choices.
9. **Survival and development:** a focus on both the immediate survival of children as well as a commitment to ensuring the development of their full potential.
10. **Children as part of a community:** an understanding of children's place in their families, communities and societies and the role that their parents and other carers have in defending their rights and guiding children's development.
11. **Root causes and broad issues:** a focus on the underlying causes as well as immediate violations.
12. **Partnerships:** building partnerships and alliances for the promotion, protection and fulfilment of children's rights.
13. **Information and knowledge.** Facilitating access to and understanding of children's rights for children themselves, their communities and key duty bearers, including government.

2.4 Conclusion

Understanding the implications of the four general principles of the UN CRC is a key step in beginning to apply the CRP approach. For example, all work carried out within the framework of CRP needs to be based on an assessment of children's best interests and the promotion of their survival and development. Similarly, all decisions about children must always consider their opinions and make efforts to avoid missing out often excluded or marginalised groups.

The implications of these principles are now considered in more detail in the following sections.

Question box

1. How would you describe the main programming approaches you currently use in your programme?
2. How far do these approaches fit with a CRP approach?
3. What do you see as the main differences between CRP and the way you currently work?
4. Why is it necessary to distinguish between adults and children when applying rights based approaches?

For further information

Harris-Curtis, Emma (2003), *The Implications of Adopting Rights-Based Approaches for Northern NGOs: A Preliminary Exploration*. INTRAC

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Theis, J (2004), *Promoting rights-based approaches – Experiences and ideas from Asia and the Pacific*, Save the Children Sweden

Uvin, P (2004), *Human rights and development*, Kumarian Press

The UN Common Understanding on the Human Rights Based Approach to Development Cooperation (The Stamford Agreement) - see www.undp.org

SECTION 3

TURNING PRINCIPLES INTO PRACTICE

This section will take the four general principles of the UN CRC, consider them in a little more depth and explore their practical implications in relation to programming. Focusing on the practical implications for practitioners, this section moves away from the more theoretical aspects of rights-based approaches presented in the earlier sections towards the more practical application of child rights within programmes.

The section will then go on to explore the relationship between children, their rights and those who have obligations to fulfil them. It begins by clarifying the varying roles played in the implementation of children's rights by the State, communities, families and children themselves. Organisations such as Save the Children position themselves in such a way as to facilitate the fulfilment of children's rights, engaging at all levels of society.

3.1 Setting the scene: human rights principles and children

As mentioned in section 2, children are included in all the international human rights treaties. We begin by looking at how the overall human rights principles apply to children.

Universality

The universality of children's rights is a principle that means that all children regardless of their sex, race, different capacities, social and economic conditions, political or religious beliefs are entitled to all their rights at all times including in situations of crisis, armed conflict or natural disaster.

Cultural identity is a specific right to which children are entitled. However, this does not mean that practices that harm children cannot be challenged. This links to the UN CRC's general principle of the right to non-discrimination and to the best interests of the child.

Indivisibility

The indivisibility of rights means that a holistic approach needs to be taken when working with children. This involves considering children as whole human beings first and foremost, rather than fragmenting their lives into 'problems' or separate roles e.g. a working child, child with disability. It also means recognising that achieving positive change in one area (e.g. creating access to schooling) may require work in other areas too (e.g. income generation or improved health care).

Inalienability

Human rights cannot be taken away or given up. This includes all children's rights and implies that children are rights holders from the time of their birth to their death. The rights outlined in the UN CRC specifically refer to children from birth to the age of eighteen. In practical terms, for example, this means that children's rights cannot be taken away from groups of children who are seen as 'deviant', 'challenging' or 'problematic' e.g. child soldiers or children in conflict with the law.

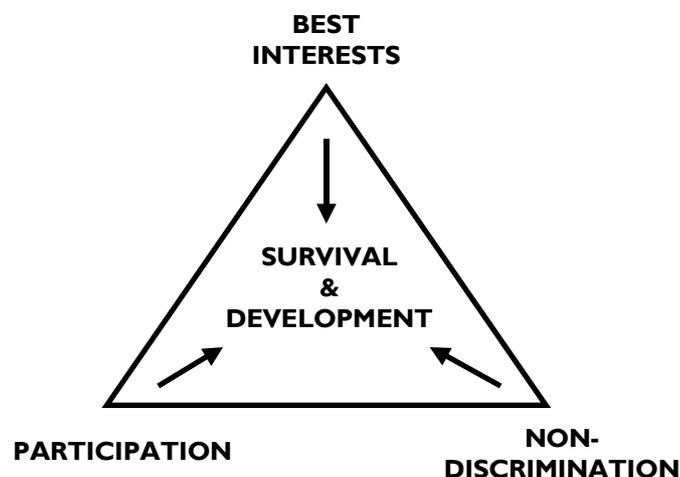
Accountability

Because children and young people are the holders of rights and have a legal entitlement to their rights being secured, it is also essential that those responsible for delivering these rights are identified and made accountable and responsive. Although governments are the main legal (or primary) duty-bearers, and indeed it is their responsibility to ensure that rights are secured, other adult members of society – both individuals and groups – also have responsibilities. This means that these individuals and groups have an active role to play in ensuring that the rights of the young people in their care are secured.

This concept makes it clear that a society that upholds children's rights is inclusive, participative and has the mechanisms in place ensuring transparency, dialogue and accountability. This means that we must work at all levels.

3.2 The four general principles of the UN CRC and their practical implications for children

As mentioned in section 1, the Committee on the Rights of the Child has identified four general principles that underpin the implementation of the UN CRC and form the foundation for child rights programming. These principles can be represented in the form of a triangle, which demonstrates the links between the principles and their interdependent nature. Each principle strengthens and supports the other.



The following explanation takes each of the four general principles in turn and explores their practical programming implications.

Non-discrimination

Non-discrimination is a principle present in all human rights treaties. The UN CRC aims to reduce discrimination in three areas: i) against individual children, ii) against specific groups of children such as the children with disability, and iii) against the population group as a whole (i.e. to stop children from being treated worse than adults e.g. in terms of the level of violence that society allows to be used against them). The obligation to provide equal rights and opportunities to all children is expressed in the non-discrimination clause in Article 2. CRP requires a particular focus on the most marginalised children and their inclusion. This means that, for example:

- Girls should have the same opportunities as boys.
- Refugee children and children of indigenous or minority groups should benefit from the same rights as all others.
- Children with disabilities should have the same possibility to lead a decent life as the more able.
- Children living in remote rural areas should not have fewer opportunities than children living in large urban areas¹⁸.

This requires that governments, civil society organisations (including Save the Children) and the private sector consider very carefully how they can operate or programme to ensure that they do not discriminate. This might include, for example, ensuring that discriminated-against and 'hard to reach' groups of children are enabled to access programmes by taking their special requirements into account.

Issues of non-discrimination must be explicitly addressed in all parts of the programme cycle. This involves:

- Considering who in a particular society is being discriminated against and why, e.g. in the context of a situation analysis (see section 4)¹⁹;
- Making sure that information and data used for situation analysis or needs assessment is relevant and disaggregated so that the situation of children suffering discrimination is properly understood;
- Identifying which groups of children are being excluded from or included within a particular programme and why, e.g. during regular monitoring and reporting processes;
- Understanding what national strategies and initiatives already exist to challenge discrimination and how they might be built upon or improved.

¹⁸ Although we have only given some examples here, the Committee has identified over 50 different groups of children who may be subject to discrimination.

¹⁹ See: "Diversity Primer", Save the Children UK, 2005, "Gender Guidelines for CRP", Save the Children, 2003; March et. al., (1999), "Concepts and frameworks for Gender analysis and planning: A toolkit", Oxfam GB.

- Considering multiple forms of discrimination, e.g. girl children with disability or indigenous children living in remote rural areas;
- Ensuring legislation to challenge discrimination is implemented and known;
- Putting in place monitoring systems and mechanisms (e.g. budget tracking, ombudsman, NGO monitoring) to check on the status of discriminated-against children and press for positive action.
- Working with the media to challenge and eliminate stereotyping of stigmatised groups of children
- Working with positive role models, demonstrating tolerance and speaking out against discrimination in all its forms
- Developing and implementing education policies and practice combating discrimination, e.g. through curriculum reform, inclusive education practices;
- Enabling children and young people from discriminated against groups to speak out and engage with decision makers, e.g. in children's parliaments, through the media.

CRP requires a particular focus on the most marginalised children and their inclusion. There may be times when it is appropriate to focus programmes and policy on specific issues of gender, disability, ethnicity, HIV status or another aspect of identity. However this should never be done in a way that overlooks the fact that a child's identity is never defined by just one aspect of it, nor that children may suffer multiple discrimination based on several elements of their identity.

The principle of non-discrimination is a challenge to all of us. We are all products of our upbringing and socialisation and often have some bias that we use to justify inequalities between groups of people. We have to challenge ourselves, our institutional practices and our opinions in relation to long held beliefs and practices (see section 5 on "becoming a rights based organisation").

The best interests of the child

Deciding how to programme on the basis of "the best interests of the child" is dependent on making a well-informed judgement based on an excellent analysis of the given situation. The principle touches on every aspect of a child's life, emphasising the holistic approach to children and their development. In the past adults have often acted towards children supposedly "in their best interests" in ways that have been harmful, and there are often many assumptions about what is in children's best interests that are implicit in decisions rather than explicit. Based on this experience, assessment of children's best interests must be clearly directed towards the realisation of their rights, and take serious account of children's own views.

This principle implies that whenever decisions are taken that affect children's lives the impact of that decision must be assessed. This means that the interests of others – such as parents, the community or the State – should not be an overriding concern although they may have an influence on the final outcome of a decision. It also means that the three other general principles should be taken into account in combination.

The best interests of the child must be explicitly considered in all parts of the programme cycle and by all actors engaged with children. This involves:

- Making sure that children’s opinions are sought and listened to in decisions affecting them (see link to participation), e.g. listening to separated children’s view of potential reunification with their families;
- Making sure that a wide range of people’s opinions are sought and listened to, including carers, community members, professionals, e.g. the placement of children in non-family based care;
- Checking that planned actions or programmes will not have unintended negative impacts on children and their rights, e.g. by undertaking child impact studies;
- Examining how national and local policy development can give real substance to the importance of making children’s best interests a “primary consideration” in different situations, e.g. through the development of child impact statements for draft legislation or new policy initiatives and the preparation of 'children’s budgets' showing how much public expenditure goes on children;
- Relating decisions made about individual children or groups of children to a well-informed assessment of their developmental needs and evolving capacities, e.g. consideration of the benefits of a child’s involvement in community decision making structures;
- Demonstrating once decisions have been made that the impact of these decisions on children and their rights has been considered, e.g. using the “five dimensions of change” (see section 4 for more detail) as an impact assessment tool.

Participation

The UN CRC is the first human rights treaty to explicitly assert children’s civil rights. Every child has the right to information, to have the opportunity to express his or her views, to have these views heard in decisions affecting him or her, and to form or join associations. Children’s “participation rights” are not about a selected few children “representing” other children at special events but about all children having their voices heard. Children have the right to participate in decision making in the family, in schools, child welfare institutions, orphanages, the media, in the community and at national and international levels.

As well as being rights themselves, “participation rights” are also important in realising other rights. The rights to information, expression, decision making and association affirm children as rights holders. These rights are instruments for demanding and realising children’s rights to survival, development, protection and participation. In situations where children are denied their “participation rights”, other rights, such as the right to life, health, education or protection, may be weakened. Equally, children who are hungry, or who are exploited or abused, face major obstacles when they want to exercise their participation rights.

Save the Children Alliance

Participation transforms the power relations between children and adults, challenges authoritarian structures and supports children's capacity to influence families, communities and institutions. Participation is a process that builds new relationships between children and adults. It requires mutual respect and trust and a long-term and sustained commitment. Children, like adults, develop communication and participation skills over time. Adults who work with children gradually improve their understanding of children's situations and recognise children's contributions to family and society.

Children's views and their involvement must be considered in all parts of the programme cycle and by all duty bearers. This involves:

- Developing the capacity of adults to facilitate children's participation and take children's views seriously, e.g. on-the-job training of programme staff, training in the use of participatory tools;
- Developing the capacity of children to access information, to assert their rights and build partnerships with key adult duty bearers, e.g. through children and young people's clubs and involvement in local decision making structures;
- Broadening the acceptance of children's right to be heard and thinking about children's active role at all levels of society, e.g. through the media;
- Encouraging and facilitating a wide range of models and initiatives followed by careful lessons-learning, e.g. piloting initiatives and disseminating lessons learnt in child participation;
- Creating protective environments where children can express their views, e.g. child friendly clubs;
- Developing policies, tools, materials and practice standards that recognise children's right to participate, e.g. Save the Children's publication on practice standards in child participation;
- Facilitating children's involvement in decision making structures, e.g. local councils, village committees, national plan of actions;
- Supporting the establishment of, and strengthen, child-led groups and organisations, e.g. working children's movements;
- Empowering children to become political actors on their own terms through civil society organisations and involvement in community affairs, e.g. children's clubs, associations, pressure groups.
- Including children within the governance systems of our own organisations (see section 6 for more details), e.g. advisory committees at country level, children present on governing boards;
- Ensuring that activities involving children are really in their interests and not primarily those of adults (NGOs, community members, etc.) and that these activities avoid tokenism and elitism.

The principle of participation makes it necessary to let go of our adult perspective and to take on the challenge to open a dialogue with children in their languages (verbal and non verbal), and from their perspective. This does not mean that children have the last word, but they have an important word.

Survival and development

Children's right to survive and develop is fundamental. The UN CRC states that children have an inherent right to life and that the State shall ensure to the maximum extent possible the survival and development of the child, so that children can contribute to a peaceful, tolerant society. Child development in this context covers a wide range of aspects – including physical, mental, cultural, spiritual, moral and social development. It assumes that children carry within them the potential for their own development. However, children must be living in the appropriate protective, caring and stimulating (free) environment to realise their potential. Creating and enabling this environment is clearly the primary responsibility of the State. However, organisations like Save the Children, have given themselves the responsibility to ensure that the State meets its obligations, to assist the State in doing so and particularly where the State is weak or non-existent, to step in and temporarily meet some of these obligations. Finding the balance between protection, care and freedom is the challenge of any rights based organisation (and of all states).

Children's survival and development must be considered in all parts of the programme cycle and by all duty bearers. This involves:

- Recognising the holistic nature of children and that their development is more than physical growth and health and includes moral and spiritual growth, e.g. including responses to children's protection with health programmes;
- Recognising that children evolve and undergo change as they move towards greater autonomy and maturity (i.e. that they have "evolving capacities");
- Recognising that the world is changing, and that child development needs to keep pace with the changing environments that children will have to contend with as adults;
- Recognising children as individuals developing within families, communities and the larger society and ensuring that the best interests of the individual child is considered, e.g. involving children in the planning of programmes alongside family and community members;
- Consideration of the macro political, economic and social trends which shape perceptions of children and childhood and which have direct impacts on their lives, e.g. undertaking a child rights based situation analysis as part of the strategic planning process;
- Listening to children and allowing their perspective to influence the decisions of adults and their own development choices
- Giving opportunities to all children, not just some, e.g. children with disabilities, e.g. informal/alternative primary education initiatives;
- Monitoring internationally and nationally set standards, e.g. supporting supplementary monitoring reports on the UN CRC.

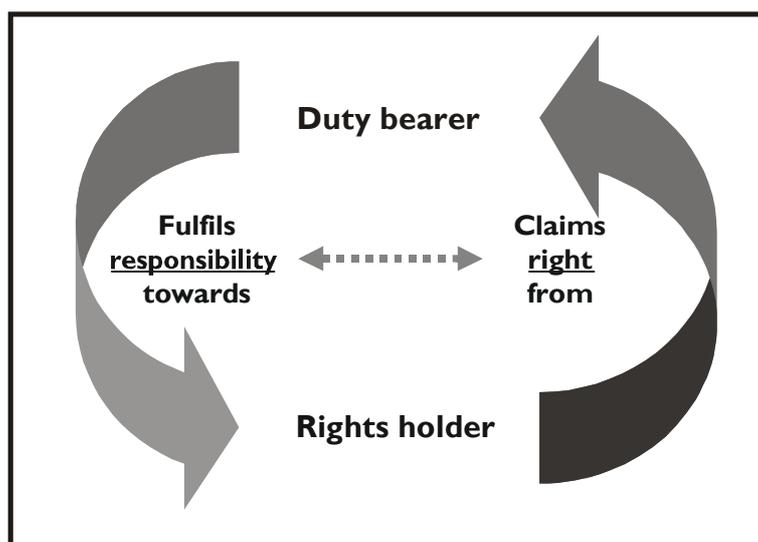
3.3 Accountability; obligations, responsibility and children's rights

Through the process of signing and ratifying the UN CRC countries have made a promise to children, and more broadly to society, and the international community. Once a country becomes a State Party to the UN CRC it has an obligation to adapt or change legislation and policies, and practices that will bring about the realisation of all children's rights (economic, social, cultural, civil and political) and conform with the UN CRC. These countries have also made a commitment to make available the maximum available resources, and to prioritise children's interests in decision-making affecting them.

In order for rights holders to enjoy their rights, a "system" of rights and responsibilities has to be made to function. It is not sufficient for people to know they have rights. For the system to work, those who have duties and responsibilities have to be able to meet their obligations and those with the rights need to be empowered to be able to claim their rights.

A central element of child rights programming is in bringing clear and effective rights messages to children and their communities. Stand-alone child rights awareness raising however is not enough, it needs to be linked to other work across society bringing about real changes for the most vulnerable and marginalised children.

Save the Children's work comprises on the one hand its relationship with rights holders (namely children), their families and communities, enabling them to become more aware of their rights, be mobilised and hold the duty bearer to account. Even if younger children are unlikely to fully understand their rights and will not be in a position to "claim" their rights, older children and adults can be empowered to take on this role. As children develop so do their abilities in turn to engage actively themselves. On the other hand, a relationship with duty bearers to assist and encourage them to meet their obligations (including resources, capacity building, advocacy – see below).



This diagram depicts the relationship between duty bearer and rights holder:

The State's obligations

As mentioned in section I, States Parties have four types of obligations: to respect people's rights, to protect people's rights, to facilitate people's rights and to provide people's rights. As the primary duty bearer they have the main responsibility for bringing about the realisation of children's rights and are accountable both to the international community and to all people living within their borders.

With promises to children that are visionary and involve the need for significant social change, governments face a complex situation. The means for meeting these promises is often not within their control and may be dependent on international policies, economic arrangements, and local cultural attitudes and practices. The state may also lack the capacity to undertake its responsibilities. This may relate to:

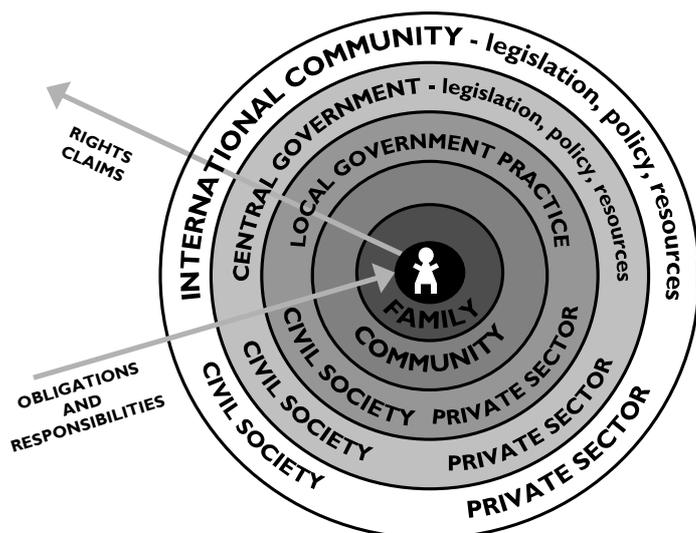
- A lack of resources (financial resources in terms of tax or other funding base, budget prioritisation and utilisation; human resources in terms of skills and institutional capacity)
- A lack of authority (comprising legal, moral, spiritual and cultural authority)
- A lack of responsibility (the duty bearer refusing to accept its responsibility and demonstrating no political will to do so)
-

Often interests other than children's rights will have a stronger political voice that undermines the primary consideration that should belong to children. Save the Children and other child rights organisations have a clear role to play in ensuring that children are given priority on government's agendas and that states are held to account for their promises.

The duty bearer

The state has to rely on other secondary stakeholders, such as individuals, parents and institutions, to contribute to the changes that are needed if their obligations to children are going to be met. In some instances the state will rely on goodwill or self-interest but in other cases it will act to encourage or require adults to help secure children's rights, e.g. through defining child care standards, laws on child work, legislation on age of marriage, etc. If an established duty bearer then fails in his/her responsibility, she/he can expect to be brought to account, e.g. for employing under-age workers or abusing children in institutions.

The diagram shows how different levels within society which impact on children's lives and the way in which the State, as prime duty bearer is positioned at a number of these levels (as is civil society and the private sector). Some actors have clear moral and/or legal responsibilities towards children (e.g. teachers and social workers), with others taking on roles to facilitate the effectiveness of the duty bearers.



Save the Children does not bear the responsibilities of the state but it is in a position to encourage and assist those with obligations and duties in meeting them. This can be undertaken in a variety of ways, e.g. capacity building of local and central authorities – government staff, teachers, health workers, etc. provision of materials; institutional building; policy development; and lobbying.

3.4 Conclusion

The following section will take the implications outlined here and explore what this looks like within the framework of the programme cycle.

Question box

1. How does your programme take into account the four general principles of the UN CRC?
2. What are the key benefits of including children as active partners in your programme?
3. Who are the key duty bearers for children in your country? Can you identify them at community, local, provincial, national and international levels?

For further information:

Lansdown G (2005), *The Evolving Capacities of Children – Implications for the exercise of rights*, UNICEF Innocenti/Save the Children Sweden.

Muscroft S (2000), *Children's Rights: Equal Rights*, Save the Children

Save the Children (2000), *The International Save the Children Gender Equity Policy*

Save the Children (2003), *Gender guidelines for Child Rights Programming*

Save the Children (2005), Practice Standards in Child Participation

Save the Children (2004) So you want to consult with children? A toolkit of good practice

Save the Children South & Central Asia (2003), Demystifying Non-Discrimination and Gender for Effective CRP

Save the Children Sweden (2000), Children's Rights: Turning principles into Practice

Save the Children UK (2000), Children and Participation, research, monitoring and evaluation with children

Save the Children UK, Participation – Spice it up! Practical tools for engaging children & young people in planning and consultations

Save the Children UK (2005), Diversity Primer

Websites:

www.idasa.org.za - Information on the South African children's and women's budgets

www.youthshakers.org - Website developed by young people in 12 countries world wide

SECTION 4

CHILD RIGHTS PROGRAMMING AND THE PROGRAMME CYCLE

A child rights programming approach offers a framework which, when applied throughout the programme cycle, should start to produce a demonstrable improvement on the lives of children. It may require some changes and shifts in our “normal” ways of doing things, as well as a focus on other new approaches. As mentioned in earlier sections, applying a CRP perspective to our work builds on the learning and experience accumulated through years of commitment to children and their survival and development.

This section looks at what is new and different when applying a CRP perspective to all stages of the programme cycle and in all contexts (local or national conflicts and natural disasters or long term development, etc.) Taking accepted best development practice as a base, it outlines the key areas that a team would want to consider when planning, implementing, monitoring and evaluating a programme. The section then goes on to look at two phases of the programme cycle which demand particular attention when incorporating a CRP approach, namely situation analysis and monitoring and evaluation. Finally, the section outlines the different forms of partnership central to CRP.

A number of tools have been developed over the past years aimed at assisting teams in incorporating CRP within their programmes. Some of these are referred to within this section. A greater number are indicated at the end of the section and included in the accompanying CD ROM .

4.1 The programme cycle

Every phase of the programme cycle not only integrates CRP principles but also is viewed through a CRP 'lens', beginning with a rights based situation analysis through to evaluation and reassessment of the original situation analysis. Each phase affects the phase both before and after it, and like the CRP principles, they are all interlinked.

In order to outline what is “new and different” when taking a CRP approach it is helpful to remind ourselves what is already accepted as good development practice. Good development practice when applied across the programme cycle is likely to include:

- An initial needs or situation analysis covering areas such as risks, power, stakeholders, root causes, gender;
- Sustainable responses and interventions;
- Community based interventions;
- Capacity building and partnership;
- Consultation with community actors;

- Gender awareness, analysis, targeting;
- Learning through monitoring, evaluation, research.

4.2 What's new and different throughout the CRP programme cycle?

Incorporating a CRP perspective within the programme involves applying the CRP components outlined in section 2. What this means in practice is a change in some approaches to the way we work, an emphasis on certain areas, a clear focus on children and a change in our relationship with others.

It is the systematic use of a CRP approach (and the combination of all its components) that determines the programme and ensures real changes for children.

The key areas of a CRP approach, in addition to “good development practice”, include the following:

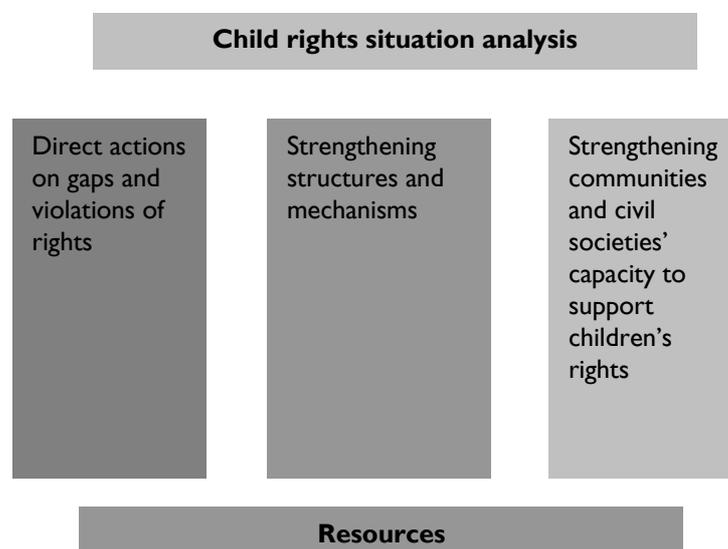
- The programme integrates the normative **framework** of the UN CRC, providing legitimacy, a reference point and engaging with its monitoring mechanisms.
- The **four general principles** of the UN CRC act as a filter mechanism throughout the programme creating a systematic focus on the non-discrimination of children, the views of children, children's survival and development and their best interests.
- The programme engages with **duty bearers**. They are identified, supported and held to account.
- Evidence based **advocacy** is used to increase the scale of impact on children (through replication, policy change, resource allocation, etc).
- The programme operates at **all levels of society**, ensuring links from one level to another.
- The programming **process** is participatory (internally and with a variety of stakeholders including children and young people), analytical and empowering.
- The programme seeks a measurable **impact on children** and their rights.
- The programme takes a **long-term** perspective, necessitating an analysis of trends, opportunities and capacities, while addressing urgent and immediate rights violations.
- Programming needs to consider a variety of **partners** (state, civil society, communities, private sector, etc.) and diverse forms or partnership (formalised partnerships, coalitions, networks, etc).
- The programme **perspective of children** ensures that children are recognised as whole people with dignity and evolving capacities; that they are empowered to speak out, be heard and become an integral part of the programme.

Save the Children has developed a conceptual model which has been used varyingly by different Save the Children organisations and partners and allows for the strategic mapping of programmes from a CRP perspective. It creates an overview of the

programme, reflects on links across the programme, its mix and focus and encourages the systematic application of CRP. Key to this model is the view that all programmes taking a CRP perspective should contain a mix of activities which aim to:

- Address gaps and violations of rights, e.g. through the distribution of food aid, reunification of separated children, sexual exploitation;
- Strengthen structures and mechanisms, e.g. policy change, legislation development, institution building;
- Strengthen communities and civil societies capacity to support children's rights, e.g. children rights coalitions, mobilisation of youth clubs.

This way of thinking about CRP is known as the Three Pillars Model²⁰:



The mix of activities across the programme will depend on both internal and external contexts. Some project areas may emphasise only one or two of the pillars. However, every programme would expect to have some mix of its activities in all three pillars, evolving through the programme cycle over time.

Making strategic decisions using a CRP perspective is about ensuring this mix based on a good child rights based situation analysis and an understanding of the internal strengths and weaknesses of the organisation. The Three Pillars, as one of a number of tools, helps in making and reviewing these decisions, combining the aspects of immediate response and sustainable, maximum impact using all disposable resources.

²⁰ Detailed exploration of the Three Pillars model is in the accompanying CDROM and can be found in: "An Introduction to Child Rights Programming; Concept and Application", Save the Children UK, 2001.

4.3 A child rights situation analysis

Taking the same approach as above, the following explores the elements that are new and different when undertaking a child rights based situation analysis. Once again, the importance lies in the systematic nature of the approach in relation to both the process and the content.

A child rights situation analysis (CRSA) is partly about asking the “right” questions so that children stay at the centre of the analysis. Though each programme will approach its CRSA differently, in terms of depth of analysis, resource investment (people, time, money) and final articulation, clear similarities should be visible in terms of the process (involving children and a range of stakeholders) and areas covered in the output.

A CRSA, in addition to “good development practice”, would include:

- Applying the **four general principles** of the UN CRC as a focus throughout the analysis with specific information and analysis regarding the non-discrimination of children, the participation of children, children’s survival and development and their best interests, e.g. applying CRP tools to sector analysis;
- A focus on **rights violations**, omissions and the root causes of these;
- A focus on **duty bearers** (their identity, capacity, political will);
- A focus on **accountability**, obligations and the obstacles to meeting these obligations;
- A focus on the normative **legal framework** offered by the UN CRC, including monitoring and reporting in relation to the UN CRC;
- Data that is **disaggregated** by sex, age, geography, etc.
- **Children’s perspectives** sought and included as part of the analysis, e.g. through interviews, focus groups, children as part of research teams;
- **Adult’s perspectives** of children sought and included as part of the analysis;
- An analysis of the **legislative, policy and practice** environment;
- A focus on **trends** over time, e.g. using “scenario planning” tools²¹;
- A process including the **views** of a range of stakeholders who both input into the analysis and are able to feed back on its conclusions.

4.4 Child rights based monitoring, evaluation and impact assessment

Monitoring, evaluation and impact assessment are all part of the documentation and learning process that is key to improving the way in which NGOs and others operate and ensuring the consistent reality check that programmes undertaken are having lasting and positive impacts on children’s lives. In addition, they are mechanisms for ensuring civil society organisations’ accountability in relation to children, their communities, supporters and donors.

²¹ See: Neil MacDonald, “Success is Extinction: Scenario Planning in INGOs”, 2005.

In summary, monitoring, evaluation and impact assessment using a CRP perspective allows relief and development organisations to compare, learn, share and be accountable.

When we talk about **monitoring** we are referring to the systematic and continuous collecting and analysing of information about the progress of a project or programme over time.

When we talk about **evaluation** we are referring to an assessment at one point in time of the progress of a project or programme.

When we talk about **impact assessment** we are referring to the systematic analysis of the lasting benefits or significant changes – positive or negative, intended or not – in people’s lives brought about by a given action or series of actions.

Taking monitoring, evaluation and impact assessment together it is possible to highlight the elements that, in addition to good development practice, reflect a CRP approach²²:

- Involving children, their communities and others in the design, analysis and sharing of learning and documentation. This impacts on the quality of the information as well as empowering children and others.
- Measuring changes in the lives of children and young people and their rights, i.e. which rights are being better fulfilled? Which rights are no longer being violated?
- Measuring changes in policies, legislation, structures and practices affecting children and young people’s rights, i.e. duty bearers are more accountable for the fulfilment, protection and respect of children’s and young people’s rights. Policies are developed and implemented, and attitudes of duty bearers take into account the best interests and rights of the child.
- Measuring changes in equity and non-discrimination of children and young people, i.e. in policies, programmes; services and communities, are the most marginalised children reached? And is discrimination reduced?
- Measuring changes in children and young people’s participation and active citizenship, i.e. children and young people claim their rights or are supported to do so. Spaces and opportunities exist which allow participation, including children’s groups and others working for the fulfilment of children’s rights.
- Measuring changes in civil society and communities capacity to support children’s rights, i.e. do networks, coalitions and/or movements add value to the work of their participants? Do they mobilise greater force for change in children and young people’s lives?

²² Save the Children UK has developed an impact assessment tool, known as Global Impact Monitoring or GIM, which uses the Five Dimensions of Change as a framework for measuring change (see accompanying CD ROM for more details), and which can also be used in the planning process to help operationalise CRP.

As with any monitoring and evaluation systems, a child rights based system is dependent on good child rights based baseline information, appropriate child rights based indicators, change objectives and the involvement of a range of stakeholders, starting with children.

Involving children, young people and adults in monitoring and evaluations is more than asking them about their views on what has happened, although this can be a first step. It means involving them in the process of deciding how to evaluate, what to evaluate and how to interpret the results. Children and adults can be involved in all parts of the evaluation process, from design, selection of questions and topics, data collection, to analysis and use of findings. The evaluation process does not end with the production of a report. Sharing evaluation results with stakeholders is an essential part of the learning process and ensures that the lessons are learned, owned and used to improve programme work. It begins to create transparency in organisations and allows children and other stakeholders to hold these organisations to account.

4.5 Working with partners

CRP requires a wide and open approach to partnerships²³ (which may be initiated through an initial mapping and analysis of stakeholders) and an understanding of the dynamics of the many actors who can influence children's rights. This commitment to working with others is rooted in a commitment to:

- Promoting children's rights and the values imbedded in the UN CRC;
- Long term changes for children through sustainable interventions and local ownership;
- Holding duty bearers to account and enabling rights holders to claim their rights;
- Building the capacity of government, civil society, professionals and communities to support children's rights.

Incorporating a CRP approach within programmes assumes an engagement with a range of partners. The way in which a rights based organisation negotiates and develops these relationships is important, not only in attaining its programming goals and objectives, but also in ensuring that consistency is present in the way the work carried out. On the assumption that CRP also involves working with others to develop a society able to support and fulfil children's rights then the process of negotiating and sustaining partnerships becomes crucial.

²³ 'Partner' here refers to any organisation that works with another in a formal or semi formal manner towards a shared goal. A formal partnership would normally involve some form of written agreement outlining the form of the relationship. An informal partnership is unlikely to involve a financial element though it might include shared targets and objectives for a specific area of work, e.g. working in coalitions, networks and alliances.

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A child rights based approach to partnership would include the following general principles:

- A shared vision and commitment towards children;
- Common objectives, clearly defined and attainable allowing them to be measured at the completion of a defined period of cooperation;
- Mutual learning and recognition;
- Mutual respect for differing cultural perspectives;
- Mutual empowerment;
- Mutual accountability;
- Transparency and trust;
- Impartiality;
- Common values, policies and practices referring to non-discrimination, the protection of children from abuse and exploitation and the best interests of children.

The form of the partnership (e.g. an informal understanding or a formal partnership agreement) would reflect the extent to which a partner shares all these principles and to what degree. In some cases these may be aspirations with the expectation that the process of developing the partnership would lead towards greater integration of these principles. With increasingly formalised partnerships the application of these principles within the relationship may be fundamental.

In practice, a CRP approach to working with others means working with a range of organisations and individuals who take on varying roles and responsibilities:

The State and its representatives

Because of its importance as the primary duty bearer, the state and its representatives should always be considered as potential partners in CRP based work. This will involve balancing a number of approaches (dependent on the child rights based analysis undertaken) when working with the state at all levels (local, provincial, national and international), including:

- Resourcing support to state institutions, enabling access to quality services, e.g. provision of drugs to health centres;
- Capacity building of state employees in order to reinforce their competencies, e.g. training of teachers;
- Institutional building of state structures in order to strengthen their organisational capacity, e.g. support to local authority infrastructure;
- Policy change and formulation with state players in order to improve the legal and policy framework for children, e.g. development of a Children's Act, influencing PRSPs;
- Lobbying for specific areas of change in the state's legislation, policy and practice, e.g. national plans of action on HIV/AIDS to prioritise support for orphans and vulnerable children.

In some cases working in active partnership with the State may be extremely difficult, particularly where organisations strive to maintain impartiality and independence and the State demonstrates limited will to meet its obligations.

Civil Society organisations

The range of civil society organisations covers:

- Community based organisations, usually representing their members and often working at a local level;
- Non-governmental organisations, usually working for the benefit of others and active at local, provincial, national and international levels;
- Trade unions, work and professional associations, single issue associations.

Save the Children considers itself to be part of civil society and shares many values and elements of its vision with other civil society organisations. A key role of civil society is holding government and other duty bearers to account, in effect, acting as a watchdog. However, civil society covers all non-governmental structures, many of which will not be working with the best interests of children in mind but who are working to promote other interests or causes.

A CRP perspective demands a good understanding of the civil society environment and some strategic choices about appropriate partners. Nevertheless, CRP also demands that organisations such as Save the Children engage actively with civil society and encourage its full development with an aim to supporting children's rights alongside other issues. As a result, working with civil society may take on a number of aims, e.g. building a voice for children within civil society; partnering in the implementation of specific programme areas; building capacity in order to respond to specific issues. In countries where civil society is weak this may be a key challenge for Save the Children's work.

Working with civil society as partners should be based on:

- A shared vision and commitment towards children;
- Common values, policies and practices referring to non-discrimination, the protection of children from abuse and exploitation and the best interest of the child.

The UN CRC offers civil society organisations the possibility of developing supplementary reports (also known as parallel, alternative and shadow reports) to the state report as well as being directly consulted by the CRC Committee²⁴. This is an excellent opportunity for civil society groups to come together around the issue of children's rights, to monitor the implementation of the UN CRC and to create greater awareness and mobilisation in-country for children and their rights.

²⁴ See: www.ohcrc.org/english/bodies/crc and www.crin.org, for further information on the Committee on the Rights of the Child and reports, both state and alternative.

The private sector

The private sector plays a crucial role in the lives of children, impacting on them in a variety of ways – as provider of goods and services, employer, violator of their rights, or supporter of their rights. The power, influence and pervasive nature of the private sector makes it a natural, if at times difficult, partner for child rights based organisations. A combination of national and international legislation offers the beginnings of a legal and policy framework in which this partnership can be strengthened.

Over recent years Save the Children has had some success (and extensive experience) in engaging with various elements of the private sector, often linking this work to national policies and international institutions. This includes work on the monitoring of labour standards, corporate social responsibility and specific areas of child labour²⁵.

It is clear that there are differences in working with civil society, the State or the private sector as partners and that it is important to consider the interrelation between the different types of actors and engage in strategic partnerships with the partners who can act as agents of change and promote lasting child rights improvements.

4.6 Conclusion

Having looked at the overall practical implications for a programme when incorporating a CRP approach within the programme cycle, the next section will go on to consider the internal implications for our organisations if they are to be truly equipped in taking a CRP approach.

Question box

1. Look at your programme strategy or plan and filter it through the four general principles of the UN CRC. What do you find?
2. What changes/additional information would you need to understand the situation of children in your country from a child rights based perspective?
3. Is there a balance and mix of strategies in the work that you are undertaking? If not, is there a need for a change and what type of change? What would a change of working methods imply for your organisation?
4. Look at a specific project/intervention of your organisation and how it could be evaluated? What would you focus on? Why? How would you use the results?
5. Who are your partners? Do you have different approaches to different types of partners (the State, civil society and the private sector)?

²⁵ See: Save the Children, “Globalisation and Children’s Rights; what role for the private sector”, 2002.

For further information

Child Rights Programming. Training Guide for Latin America (2004), to be found on www.scslat.org (publications)

Estrela M & Gaventa J, Who counts reality? Participatory monitoring and evaluation. A literature review, IDS Working Paper 70 - see www.ids.ac.uk for the Institute of Development Studies on participation and accountability

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Save the Children (2003), Closing the Circle: From measuring policy change to assessing policies in practice

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Save the Children Denmark (2002), A Tool Kit on Child Rights Programming

Save the Children Sweden/Save the Children Denmark (May 2003), Regional Capacity Building: Workshop on Child Rights Programming Tools, Dhaka

Save the Children UK (2001), An Introduction to Child Rights Programming; Concept and Application

Save the Children UK (2004), Global Impact Monitoring Guidelines

Save the Children UK East & Central Africa (2004), Child Rights Programming. A Resource for Planning

Theis J (2004), Promoting rights-based approaches: experiences and ideas from Asia and the Pacific, Save the Children Sweden

SECTION 5

BECOMING A CHILD RIGHTS FOCUSED ORGANISATION, RIGHTS BASED MANAGEMENT, OR SIMPLY GOOD MANAGEMENT PRACTICE?

Just as the external impact and achievements of an organisation reflect its mission, so too should its internal practices reflect its values and principles. For rights-focused organisations they are interdependent and indivisible – you can not have one without the other.

Taking a child rights-based approach to programming has implications for the ways in which organisations engage with the external world. In a similar way, becoming a rights-focused organisation also has implications for the internal ways of working of an organisation and for the people within it. Living up to, and demonstrating in practice, the values and principles that underpin a rights-based approach carries with it consequences and requirements for organisational governance, profile, strategies, policies and procedures.

As organisations come under ever greater scrutiny, they face demands to provide evidence of their impact and are held increasingly accountable for their use of resources, they need also to model internal practices consistent with the rights-based values and principles they promote, or risk facing charges of hypocrisy (and diminishing the potential of their impact). In all of their dealings, organisations need to treat people with respect and dignity, in all of their actions they need to demonstrate a commitment to equity and fairness. There is a need to be consistent, demonstrating practically to others the approaches, values and principles we express.

This moral imperative to systematically apply child rights based approaches within our organisations takes us beyond what is often accepted as 'good management practice'²⁶. As with the external programming aspects, becoming a child rights based organisation combines much of what we already know, while doing some things differently and adopting some new approaches and practices.

This section seeks to explore some of the implications of this more fully, looking at the people, structures and mechanisms within organisations and its relationships with children.

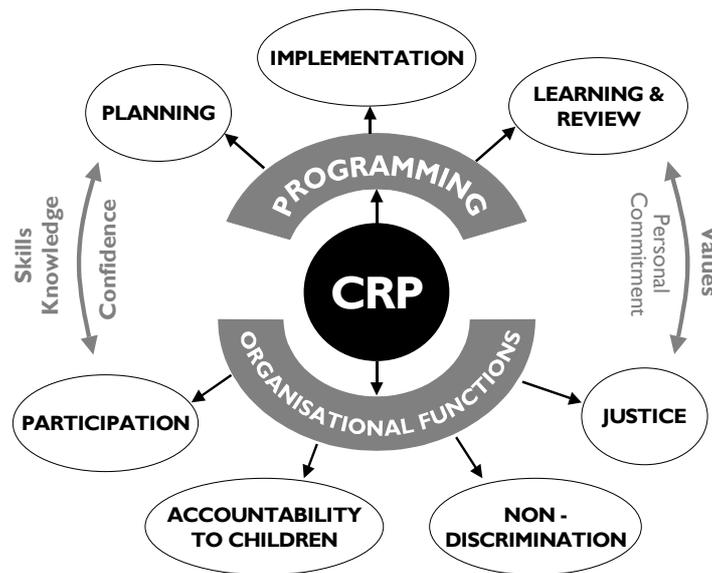
5.1 Becoming rights-focused – stages of evolution

In developing themselves as rights-focused, different organisations have worked in different ways and from very different starting points. The routes taken depend to a large extent on the history of the organisation, its current organisational culture and the issues, approaches and strategies that individual organisations are pursuing. Some organisations have started by defining global rights based change objectives and have

²⁶ See: "People in Aid, Code of Good Practice in the Management and Support of Aid Personnel", 2003, www.peopleinaid.org.

then ensured that all of their programmes work to these goals. Other organisations have taken a more experimental approach, piloting rights based approaches in different areas. In many organisations different interpretations of a rights-based approach are coexisting, and changes in staff attitudes, in programming practices and in organisational culture are emerging gradually²⁷. The style of organisational change may depend on whether this is driven by the “field” or from “head office”. In all instances the external, programming aspects tend to be addressed first before fully acknowledging the corresponding internal changes that are needed.

The following diagram illustrates the links between rights based values, CRP, and organisational change.



CRP, as depicted above, implies a shift in the way organisations function. Firstly, in the way programme decisions are made, implemented and assessed and how relations with others are negotiated and sustained. Secondly, in the way people within organisations are regarded and operate, paying particular attention to:

- Accountability
- Non-discrimination
- Dignity, respect and justice
- Participation and empowerment

Integrating a CRP perspective also requires changes in how organisations relate to children themselves in terms of:

- Consideration of children’s best interest & child protection
- Accountability to children
- Children’s participation with the organisation decision making structures

²⁷ See: Save the Children, “A Study to Benchmark Progress in Adopting and Implementing Child Rights Programming”, 2004.

Issues of capacity (i.e. the skills, competencies and confidence to take on roles and responsibilities in a child rights based organisation) and of personal commitment to CRP values and approaches, apply to all people working for the organisation²⁸ at all levels. A common understanding of child rights across the organisation is crucial if the organisation is going to succeed in applying a CRP approach. Particularly important is the commitment from senior managers, who have a key role to play in leading this change process.

5.2 Implications and application of rights-based principles to organisational processes

The application of rights-based values and principles to organisational processes brings a sharpening and reinforcement of ongoing struggles towards best management practice. What does it mean for an employer to act as a duty bearer and respect, protect and fulfil the rights of its staff? What responsibilities are conferred on employees in upholding rights principles in their work? Accountability, participation and empowerment, non-discrimination, best interests of the child, survival and development, respect for the dignity and worth of each person all carry with them challenges for management practice. Examples of these and their link to particular human rights principles are set out below. First we look at the implications for adults within the organisation and secondly the implications for the organisation's relations with children.

Working within organisations

Non-discrimination

The principle of non-discrimination carries clear implications for an organisation's approach to issues of diversity and how this is reflected in its recruitment and selection policy and procedures, cross-cultural working, language and translations policy, pay and benefits structures, and promotion of access to information and opportunities. In many organisations such issues are currently being explored and addressed through initiatives under a 'dignity at work' banner.

In practice, reducing discrimination across our organisations entails:

- Creating a working environment that promotes diversity and aims to stamp out inequality and prejudice, e.g. working hours adapted for working parents; access for people with disabilities;
- Building staff teams reflecting the diversity of the contexts and the communities in which we work, e.g. recruitment procedures adapted;
- Promoting a working environment where each person is respected, enjoys dignity at work and is protected from harassment, e.g. codes of conduct;
- Moving beyond legal compliance to taking a lead in organisational practice promoting non-discrimination, e.g. publications promoting non-discrimination;

²⁸ Including salaried staff, board members, consultants and volunteers.

- Providing guidance and opportunities for dialogue to enable staff to be clear about what is expected, supported by up to date policies, practices and procedures, e.g. staff review mechanisms;
- Managing an increasingly diverse organisation where conflict may increase but can be utilised in a constructive and innovative way.

Dignity, respect and justice

Rights-focused organisations are concerned to ensure high standards of organisational justice and seek to see these implemented throughout all organisational interactions (captured in codes of conduct, policies, etc.).

Actions taken by an organisation will range from implementation of security, health and safety measures, to mechanisms for praise and reward. Procedures would allow for staff representation, transparent and consultative decision making, communications to ensure decisions are explained and recourse and complaints mechanisms are in place.

The processes adopted by an organisation – the demonstration of “organisational justice” – are as key to the development and maintenance of effective staff morale, motivation and retention as are the external achievements and impacts of the organisation.

Accountability

For those working within an organisation, both holding the organisation to account in relation to its performance and actions and being held to account oneself is critical. The mutual nature of the employment relationship implies that the organisation and individual employee have both rights to be claimed and respected and duties to be fulfilled. Organisational accountability covers the overall commitments, decisions, behaviours and values exhibited by the organisation while individual accountability relates to conduct and performance in the fulfilment of one’s role and responsibilities. Mechanisms may include contracts of employment; job descriptions; plans and budgets; clarity of expectations; definition of competencies; reporting mechanisms; audit procedures; performance management processes including feedback and 360-degree approaches; grievance and disciplinary procedures; communications and information flows; openness and transparency.

Central to the principle of accountability is ensuring that the rights holder (in this case the person working for the organisation) is fully informed of his or her rights and that mechanisms are accessible in order to claim these rights.

Participation and empowerment

Enabling effective participation within an organisation carries clear implications for communication and consultation processes, decision-making procedures, and structures and mechanisms of governance.

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Facilitating the empowerment of staff requires that an organisation has in place many of the mechanisms identified in relation to other principles. In addition, there are implications for induction procedures; appropriate access to support, resource allocation; delegation; opportunities for growth, secondment, acting up, mentoring, and so on.

Where staff are empowered and feel fully involved in the life of an organisation, motivation, creativity and productivity are all likely to increase. However, the danger is always that tokenism, e.g. consultation on an issue when the decisions have effectively already been taken, can lead to disenchantment, low morale, high staff turnover and poor quality work.

Working with children

Best interests of the child

Ensuring the best interests of the child demands that organisations put into place the means by which, on one side, they can ensure that their actions do not work against children's interests and rights, and on the other, to promote children's interests and rights as a primary consideration in decision making. This may include introducing and rigorously implementing a code of conduct for child protection among staff and partners to minimise any possible harm to children and putting in place mechanisms that support initiatives and opportunities to bring maximum benefit to children, particularly the most marginalised and vulnerable. Additionally, there need to be mechanisms for impact evaluation – both positive and negative. Likely responses include adapted recruitment procedures; behavioural codes of conduct for staff; creation of child-friendly spaces; performance management processes; impact evaluations; ethical investment.

Children's participation and accountability to children

Incorporating a CRP approach within working practices also implies going beyond "listening" to children within the programming context to also exploring the possibilities of children's involvement in all areas of the organisation, including its strategic choices, monitoring and review systems. How far children can become an active part of the management systems of organisations like Save the Children is yet to be seen, but the responsibility is clearly ours, the adults, to take the necessary steps to try and learn from a range of initiatives. These may include:

- Children as part of governing structures
- Children as part of planning processes
- Children as part of devising, implementing and reviewing monitoring and evaluation systems
- Creating child friendly spaces within organisations giving access to facilities and resources
- Child friendly communication strategies

Children's integral involvement with the governance systems of organisations should help in improving transparency and accountability to children²⁹. However, this is not the only mechanism. A child rights based organisation must strive to be accountable in every way possible to children, their families and communities, beyond the legal responsibilities it may have towards its own board of trustees, volunteers, donors and the State.

5.3 Tensions and dilemmas

However serious and thorough the consideration of child rights-based values and principles is within an organisation there will inevitably remain areas of organisational tension. There is a need to find a balance in these and many other areas. Being rights-focused will provide no easy solutions, but open acknowledgement of the issues and meaningful and constructive dialogue around them must surely be an essential starting point for their successful resolution. Final results will almost inevitably involve some compromise between competing views along the lines of 'as aspirational as possible, as realistic and pragmatic as necessary.'

Some of the more obvious areas in question are:

Ethical funding and investment versus maximising income

What boundaries are drawn in relation to sources of funding?

What conditionalities on funding are acceptable and what are not?

Must investment portfolios prove they do no harm to children?

Communications, images and branding

Do the communications and images used in attracting and maintaining support uphold the integrity of the organisation's values, operational work and approaches?

Does the need for consistency in branding allow for adequate adjustment to context?

Governance and accountability to stakeholders - donors, supporters, partners, children

How can stakeholder interests be adequately and best represented in governance structures and mechanisms?

To what extent, to whom, and in what ways can decision making be appropriately devolved?

Enhancing effectiveness and efficiency without compromising values – costs and benefits

How can a culture of inclusion and participation be promoted without it becoming cumbersome, slow and costly?

²⁹ See: "Children as Stakeholders Policy", Save the Children UK, 2003.

How can achievement of the mission also be consistent with values - not just what we do, but the way that we do it?

5.4 Conclusion

Becoming a child rights based organisation requires a real shift in the way organisations function. Not only is this a moral imperative based on a commitment to clear values and principles, but also a conviction that only by building the appropriate organisational structures, teams and mechanisms can effective programmes be implemented.

Question box

- What does your organisation understand by the term non-discrimination in relation to its staff?
- Are there any areas in which particular groups of staff appear, or perceive themselves to be, marginalised, treated unfairly, or under-represented? What can be done about this?
- What mechanisms exist to support both individual and organisational learning? What is the quality and frequency of feedback on individual performance? How might this be improved?
- Does your organisation have clear and effective processes for communication and consultation?
- How are the interests of the various stakeholders, particularly children, represented in the governance structures and mechanisms of your organisation?
- Does the experience of working in your organisation generally increase the future employability of staff?
- Does your organisation have or subscribe to a code of conduct for child protection? How is implementation of this monitored? Does it include partner organisations?
- Do job descriptions and recruitment procedures consider all elements of the UN CRC four general principles?

Further information

Save the Children (2003), Child Protection Policy

Save the Children (2003), Gender Guidelines for CRP

Save the Children (2003), So you want to consult with children?

Save the Children (2004), A Study to Benchmark Progress in Adopting and Implementing Child Rights Programming

Websites

www.peopleinaid.org

SECTION 6

CONCLUSION

This handbook has demonstrated that child rights programming is not a “new concept”, the “development fashion of the month” or even the “latest great idea from the development thinkers”. It has evolved through long experience and a clear articulation of values. Yes, it is challenging and certainly challenges our own perceptions of ourselves, of others and the role each of us as individuals has to play. Yes, it means a shift in the way we operate as organisations and some risk taking. But at the end of the day CRP is deeply rooted in a long term global commitment to human rights, an understanding of good development practice and above all a drive to see the rights of all children fulfilled.

Experience in applying CRP in a range of contexts is becoming richer, more accessible and diverse. As tools are developed and lessons learnt these have been shared between programmes and organisations. As organisations build on this experience the real value of CRP, that is its lasting impact on children’s lives, will become increasingly evident.

Child Rights Programming is the key to bringing the UN CRC to life in Save the Children’s practical programming.

It provides an overall goal for Save the Children’s work, based on a vision of a society where children are able to live their lives to their full potential. It indicates key standards that Save the Children needs to meet in order to fulfil its obligations as a rights-based agency, e.g. involving children and their communities in its work.

Critically, it reflects existing good practice in relief and development work but brings it together in a framework firmly founded in shared human values and international law. Because of this, Child Rights Programming can improve the effectiveness of all our work and the impact of that work on children’s everyday lives.

Only in using CRP in your own programming will the true value of it become apparent. And in using this approach you can also contribute to the process of further developing CRP, confronting challenges, and making it ever more useful in realising children’s rights.

APPENDIX I

THE UN CONVENTION ON THE RIGHTS OF THE CHILD

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”,

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and

Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration, *Taking due account* of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

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.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local

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custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane

and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

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2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for

identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
 - (a) To diminish infant and child mortality;
 - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
 - (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
 - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
 - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
 - (f) To develop preventive health care, guidance for parents and family planning education and services.
3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.
4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
 - (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
 - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
 - (d) Make educational and vocational information and guidance available and accessible to all children;
 - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29 – General comment on its implementation

1. States Parties agree that the education of the child shall be directed to:
 - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
 - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
 - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
 - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
 - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and

psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 - (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
 - (i) To be presumed innocent until proven guilty according to law;
 - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
 - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
 - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
 - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
 - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - (vii) To have his or her privacy fully respected at all stages of the proceedings.
3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
 - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
 - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in

a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

- (a) The law of a State party; or
- (b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a *Committee on the Rights of the Child*, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems. (*amendment*)
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.

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10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.
11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.
12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:
 - (a) Within two years of the entry into force of the Convention for the State Party concerned;
 - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.
3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.
4. The Committee may request from States Parties further information relevant to the implementation of the Convention.
5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.
6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

- (a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

- (c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;
- (d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Part III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.
2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.
3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

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2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

***Save the Children fights
for children's rights.***

***We deliver immediate and
lasting improvements to
children's lives worldwide.***

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