



Hands, minds and hearts

An examination of the relationship between
child poverty, child rights and inequality



Save the Children

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OUR VISION is a world in which every child attains the right to survival, protection, development and participation.

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Acronyms

CCF	Christian Children's Fund (now ChildFund)
CHIP	Childhood Poverty Research and Policy Centre
CRC	UN Convention on the Rights of the Child
DFID	UK Department for International Development
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMF	International Monetary Fund
MDG	Millennium Development Goal
NHRI	National Human Rights Institution
ODA	Official Development Assistance
OECD	Organisation of Economic Cooperation and Development

Executive Summary

This study explores current literature and ideas concerning child poverty, inequality and child rights. It aims to be thought-provoking rather than comprehensive or definitive and seeks to provide some context and background for framing how Save the Children Sweden could address child poverty more directly in its work. It considers how poverty has been defined, identified and measured by different methodologies such as the monetary approach, capabilities approach, through participatory assessment and according to a rights-based approach and examines the extent to which each approach successfully reflects and identifies poverty experienced by children.

It then examines the particular features of child poverty as a phenomenon which is intimately related to but distinct from adult poverty. The conclusion reached is that childhood poverty can be more severe than that of adults and is conceptually distinct. The following are some key characteristics:

- Child poverty is multidimensional – poverty creates obstacles to children’s survival, development, protection and participation in decisions that affect their lives.
- The impact of poverty changes over the course of childhood – in terms of vulnerabilities and coping capacities; for example, young infants have much lower capacities than teenagers to cope with shocks without adult care and support.
- Resilience to poverty is intimately linked to the status of caregivers – given the dependence of children on the care, support and protection of adults, especially in the earlier parts of childhood, the individual vulnerabilities (and resilience) of children are often compounded by the vulnerabilities and risks experienced by their caregivers (owing to their gender, ethnicity, location and so on).
- Voicelessness – although marginalised groups often lack voice and opportunities for participation in society, voicelessness in childhood has a particular quality, owing to legal and cultural systems that reinforce their marginalisation.

It concludes with an examination of how Save the Children Sweden can use a rights-based approach to address child poverty based on the premise that there is an organic link between child poverty and the failure to realise children’s rights. A child rights based approach can therefore be an ethical and effective tool for reducing child poverty which exposes the inequalities and structures which sustain discrimination, social inequity and injustice.

Introduction

Save the Children Sweden's work is founded upon the principles of the United Nations Convention on the Rights of the Child (CRC) and it takes a child rights-based approach to its programming with a particular emphasis on the rights to non-discrimination and to participation. In the past, Save the Children Sweden has not explicitly directed programming at addressing poverty. There has been a tendency to assume that the overarching goal of working towards the realisation of child rights would automatically include addressing many of the root causes of child poverty. However, in the last two decades the many different faces, causes and dimensions of child poverty have come more into focus. There has been growing awareness about child poverty as a multi-dimensional phenomenon and much research has been undertaken including research based on children's own opinions, perceptions and perspectives. As definitions and concepts of child poverty have evolved, and the relationship between children's rights and poverty has become more clearly defined, this has become an area of increasing relevance for Save the Children Sweden's work.

The challenge is urgent because, as the UN Committee on the Rights of the Child has recognised, '[g]rowing up in relative poverty undermines children's well-being, social inclusion and self-esteem and reduces opportunities for learning and development. Growing up in conditions of absolute poverty has even more serious consequences, threatening children's survival and their health, as well as undermining the basic quality of life¹.'

This study examines child poverty from a rights perspective and considers the opportunities and challenges of using a child rights based approach to addressing poverty. It is a desk review of existing literature supplemented by discussions with Save the Children Sweden employees. It begins with a consideration of how poverty has been defined, identified and measured and concludes that childhood poverty is at times not only more severe than that of adults, but is also conceptually distinct. It then gives an overview of current ways of conceptualising child poverty and moves on to examine the relationship between child poverty and economic, social and cultural rights as well as the right to non-discrimination. It concludes with an examination of child poverty in the context of child rights programming and examines some of the implications raised for Save the Children Sweden's work.

1. UN Committee on the Rights of the Child, General Comment No. 7 (2005) Implementing child rights in early childhood.

What is child poverty?

I. DIFFERENT APPROACHES TO POVERTY

There is widespread consensus, amongst Western donors at least, that poverty reduction should be the principal aim of international development assistance². Furthermore, the Millennium Development Goals (MDGs), adopted by 189 countries, have as their central objective the halving of poverty by 2015. In 2002, the UN Special Session on Children produced a declaration on a World Fit for Children in which all UN member States reaffirmed their vow to break the cycle of poverty within a single generation united in the conviction that investments in children and the realization of their rights are among the most effective ways to eradicate poverty. However, there is no uniform approach within international development discourse about how to define, identify or measure poverty and there is considerable debate over what causes poverty and ways in which it can be measured and compared nationally and internationally³.

How poverty is defined by states, by bilateral and multilateral donors and by civil society is extremely important. Different definitions will result in the use of different indicators for measurement. Different measuring tools will in turn lead to identifying different individual children and different groups of children as poor; a study in India and Peru, drawing both on national data sets and micro-surveys, found that significantly different people were identified as poor in the two countries according to whether the monetary, capability or participatory approach to defining poverty was adopted⁴.

Different definitions can also lead to different law, policy and programme solutions for poverty reduction. For example, if poverty is defined in terms of absolute income such as the ability to purchase a minimum basket of food and other goods, then the logic is to focus on economic growth in poverty reduction so that the levels of income can be 'lifted'. On the other hand, if poverty is

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2. The definition of Official Development Assistance (ODA) by the Development Assistance Committee (DAC) of the Organisation of Economic Cooperation and Development (OECD) sets the tone for how traditional Western donors approach their development aid: 'ODA is defined as those flows to developing countries and multilateral institutions provided by official agencies, including state and local governments, or by their executive agencies, each transaction of which meets the following tests: i) it is administered with the promotion of the economic development and welfare of developing countries as its main objective; and ii) it is concessional in character and conveys a grant element of at least 25 per cent.'
 3. For an overview of different approaches to defining poverty see QEH Working Paper Number 107 'Does it matter that we don't agree on the definition of poverty? A comparison of four approaches' Caterina Ruggeri Laderchi, Ruhi Saith and Frances Stewart (2003) <http://www3.qeh.ox.ac.uk/RePEc/qeh/qehwps/qehwps107.pdf>
 4. See Footnote 3 above pp 32.

understood as a lack of ability to read or to have a healthy life or as a violation of the right to non-discrimination (which turns attention to social inclusion), then efforts at poverty reduction will be more multifaceted and might include efforts to improve access to health and education services or to introduce legislation aimed at ensuring equality.

According to UNICEF, over half of children in the developing world live in poverty⁵. Yet this level of child deprivation is not often taken into account, by states or by donors in discussion of how countries should define, plan, implement and evaluate their poverty reduction efforts. Because child poverty does not in general feature in the debate about poverty, it is also frequently invisible in policy and programme efforts to measure and address poverty. In its 2005 State of the World's Children report, UNICEF states that:

‘Children experience poverty as an environment that is damaging to their mental, physical, emotional and spiritual development. Therefore, expanding the definition of child poverty beyond traditional conceptualizations, such as low household income or low levels of consumption, is particularly important. And yet, child poverty is rarely differentiated from poverty in general and its special dimensions are seldom recognized’⁶.

So it is vitally important to have a way of defining and measuring child poverty as something related to but separate from poverty experienced by communities in general so that it is given visibility and accorded the importance it deserves. The following section of this study introduces some definitions and ways of measuring and identifying poverty, which have developed and evolved over time and it considers how useful they are in defining, identifying and measuring child poverty in particular. It focuses on the following four different approaches: monetary; capabilities; participatory poverty assessment and rights based. This is not a comprehensive list by any means but these approaches were selected because they were judged to be the most widespread or influential. The next section goes on to consider how certain organisations, such as UNICEF and Christian Children's Fund (CCF) have taken elements of these approaches to develop more specific approaches to addressing child poverty.

1.1. Monetary approach

The monetary approach defines poverty as a shortfall in income relative to an established minimum poverty ‘line’ which people will fall either side of. It is the most widely used measurement around the world with almost every country identifying its own national poverty line for the identification of poor households. Measuring poverty in this way involves complex calculations of the market price of key goods and items as well as assigning a monetary value to items not valued in monetary terms, such as subsistence production and access to public goods.

This approach makes a distinction between people living in absolute and relative poverty. Absolute poverty means living below a certain income threshold

5. UNICEF (2005), The State of the World's Children 2005 – Childhood under Threat, UNICEF, New York.

6. See note 5 above.

which provides for subsistence or the number of households with no access to certain basic goods and services, such as food, shelter, water, sanitation, or health. Relative poverty measures the extent to which a household cannot reach a standard of living similar to the average or the majority of the population of a given country. It is an indicator that measures whether an individual or household's income is low *relative* to other sectors of society; it does not imply that the basic needs are not being met. Relative poverty measures can also be used as indicators of social inequality.

This definition of poverty focuses poverty reduction measures on increasing the income of individuals and households. One of the strengths of this approach is that, if the data is robust (and this is perhaps a big 'if') then defining people as poor because they fall below a minimum income can be a convenient short-cut or proxy to identify people who are also poor in other dimensions such as nutrition, health and political voice.

Child poverty and the monetary approach

The monetary approach can be used to identify and measure the number of children who are living in low-income families or households⁷. This lack of income can then be used as a proxy for identifying children who could be said to be poor in other areas. However, it has some significant short-comings which are examined below.

i. The monetary approach looks at household income as a whole rather than the poverty experienced by individual children within a household. Addressing child poverty requires an understanding **of how income is distributed within households** particularly according to age and gender. Numerous studies have shown that within households, '*... the burden of poverty [is] being unequally heaped in accordance with age and gender biases that adversely affect women and children in particular*'⁸. For instance, children frequently find themselves having domestic responsibilities such as caring for younger siblings, housework, cooking, tending to crops and to animals. This contribution to the household by children – especially girls – is not taken into account by a monetary approach which relies on conventional macro-economic models that '*rarely consider children to be productive members of a family*'⁹. However, when children work, a family's income often rises above the poverty line. These children are still deprived, yet according to the traditional monetary approach, their households would no longer be considered poor.

The implication of this is that it is necessary to focus on children as individuals within households rather than as part of households. However, it must be acknowledged that this raises immediate, practical difficulties since child-specific

7. Household is defined by the World Bank as: 'a group of people who live together, usually pool their income and eat at least one meal together when they are at home. This does not include people who have permanently migrated or are considered visitors'.

8. Feeny, Thomas and Jo Boyden (2003), 'Children and poverty: a review of contemporary literature and thought on children and poverty', in Children and Poverty Series, Part I, Christian Children's Fund, Richmond.

9. Jo Boyden and Deborah Levison (2000) 'Children as economic and social actors in the development process' Expert group on Development Issues Ministry for Foreign Affairs Stockholm Sweden.

information is far less available to most states than household level information. Frequently the main sources of information for poverty analyses are budget or living standards surveys which rely on household level data alone.

ii. Access to basic services such as health and education can be more dependent on the level of local provision than on household income. This means that often individuals cannot access these services even if theoretically they have ‘sufficient’ income to pay for them. Lack of access to basic services is not reflected in the monetary definition of poverty and this conceals the fact that not being able to access health, clean water and sanitation services can have a disproportionate effect on children. Children under five, for instance, experience more than 80 per cent of the diarrhoeal diseases related to the inadequate provision of water and sanitation.

iii. The impact on children of a range of deprivations associated with poverty is especially critical because of their implications for children’s **long-term development**. Such deprivation might include inadequate nutrition and lack of access to health care and education but also might include environmental deprivation. For example, overcrowded living conditions, stressful for all age groups, have been particularly related to poor cognitive development, behavioural problems, lower motivation and delayed psychomotor development for children¹⁰. Because of their drive for play, children are also disproportionately affected by adverse health conditions created by poor drainage and waste collection. Play in hazardous environments can result in much higher rates of preventable injury for children. The long-term implications for children of living in poverty are not reflected in the monetary approach which takes a ‘snap shot’ in a moment in time.

iv. The monetary approach relies on household level data, which almost by definition **does not cover groups of children** who live and work outside of conventional households, such as children in child-headed households, orphans, street children, children living under the care of the state, children of illegal immigrants or those without papers.

The monetary approach is in widespread use. It can play a role as part of a broad and wide-ranging jigsaw of different indicators and measurements of child poverty provided its limitations are clearly understood. It does not capture sufficiently how poverty affects children in physical, emotional and social ways, or how it affects children over extended periods of time. Additionally the monetary approach does not capture the multidimensional and interrelated nature of poverty as experienced by children (for example that malnutrition can affect health and education which in turn may impact a child’s long term development).

1.2 Capabilities Approach

The ‘capability approach’ which developed during the late 1970s and 1980s, addresses poverty as *‘the deprivation of basic capabilities rather than merely as*

10. Sheridan Bartlett (2009) ‘Environments of Poverty and What they Mean for Child Protection’ Save the Children Sweden.

*lowness of incomes*¹¹. Sen (one of the central originators of this approach) refuses to limit the approach with a definitive list of basic capabilities and thresholds for their achievement and argues that it is the people who will be affected by poverty reduction policies who should decide on what will count as valuable capabilities in terms of policy questions. Others, such as Nussbaum, have argued that there is an 'overlapping consensus' between different societies on the conception of a human being and what is needed to be fully human. She sets out to define a list of capabilities which is not *'the mere projection of local preferences but is fully international and a basis for cross-cultural attunement'*¹². Her list suggests that basic capabilities for a life with human dignity include the capability to live a human life of normal length, to ensure one's bodily health and integrity, to be treated as someone whose worth is equal to that of others, to have control over one's political and material environment and to be able to play.

Child poverty and the capabilities approach

The understanding of poverty as a deprivation of capabilities includes situations of low income, under-nourishment, illiteracy, pre-mature mortality, lack of access to play and also social stigmatisation and low self-esteem. Biggieri has generated a corresponding list for children through participatory research with child labourers. These capabilities focus on education, love and care, life and physical health, and leisure¹³.

This approach has the distinct advantage of taking into account that there are factors other than income which influence poverty and that different individuals (including adults and children) will need different levels of resources to achieve the same level of capabilities. It also takes into account the importance of relationships which is so crucial when talking about child poverty given children's dependence on the care, support and protection of adults especially in the earlier parts of childhood. It gives space for the fluidity and dynamics of poverty to be acknowledged so that children's cyclical movement in and out of poverty can be captured where relevant; for example, escape drivers from poverty might include migration or attendance at school whilst descent drivers into poverty might be ill-health, disability, conflict or natural disaster.

However, a major challenge of the capability approach is the difficulty of converting a set of basic capabilities and thresholds for their achievement for different individuals into a set of concrete and measurable indicators: *'[t]he crucial issue is, of course, that capabilities represent asset of potential outcomes and as such are problematic to identify empirically.'*¹⁴

11. Amartya Sen (1999) *Development as Freedom*, Oxford: Oxford University Press.

12. Nussbaum, M. (2000). *Women and Human Development: A Study in Human Capabilities*. Cambridge, Cambridge University Press.

13. Biggieri, Mario, Libanora, Renato, Mariani, Stefano and Menchini, Leonardo (2006) 'Children Conceptualising their Capabilities: Results of a Survey Conducted during the First Children's World Congress on Child Labour', *Journal of Human Development* 7(1): 59–83.

14. 'Does it matter that we don't agree on the definition of poverty? A comparison of four approaches' Caterina Ruggeri Laderchi, Ruhi Saith and Frances Stewart (2003) <http://www3.queh.ox.ac.uk/RePEc/queh/quehwp/quehwp107.pdf>

1.3 Participatory Poverty Assessment

A growing body of work explores the experience of poverty from the perspective of the poor. Such participatory poverty assessments (PPAs) use a variety of largely qualitative methods including focus groups, in-depth discussions with key informants and various visual techniques such as matrices, mapping, transects and venn diagrams. They originated in earlier attempts by practitioners in the field to promote 'bottom-up' appraisal and evaluation of development projects through a range of techniques collectively known as Participatory Rural Appraisal (PRA).

Participatory approaches are increasingly prominent in national poverty assessment exercises carried out by international development agencies. SIDA for example started a five year long Reality Check initiative in 2007 in Bangladesh which aims to demonstrate how results of health and education programmes are felt by people living in poverty. It gathers their experiences, opinions and insights. These complement the more conventional monitoring and evaluation mechanisms of these programmes.

A review of 22 national poverty assessments undertaken in sub-Saharan Africa during the mid 1990s, identified the following among the dimensions of poverty:

- food insecurity (irregular meals and periods of food shortage);
- exclusion from social services (for financial reasons, but also due to a lack of infrastructure and/or the behaviour of providers);
- lack of ownership of productive assets (e.g. grinding machines, cattle, credit, ox-carts, fishing nets, radios, bicycles and land);
- poor quality housing;
- irregularity of income flows; and
- powerlessness (not being heard in the community).

The World Bank publication *Voices of the Poor* analysed definitions of poverty constructed by poor people themselves. For them, poverty was multi-dimensional and material poverty was only one part of the equation. Other elements they mentioned included dependency, feelings of helplessness, inability to participate in culturally defining activities, humiliations suffered at the hands of state agents and private sector actors, and a sense of acute vulnerability should illness or a funeral remove their last bulwark against destitution. Recourse to short-term survival strategies known to be risky – including risk to life itself – was also identified as part of the mental pain of being poor.

PPAs have highlighted how different aspects of poverty are connected and thereby underlined the need for a comprehensive approach to poverty reduction. Ill-health, for example, was shown to be both a major cause and a consequence of poverty. Similarly, hunger undermines school attendance as well as the capacity to learn. The benefits of this approach in enriching our understanding of poverty, are as follows:

- The information they provide is not determined in advance but emerges out of the process of data collection. This allows findings from quantitative surveys to be verified and interpreted. It can also help to correct entrenched misconceptions.
- They can provide a more dynamic analysis of poverty as they draw attention to its underlying causes and processes as well as to its description.

- They can illuminate the factors that connect policy measures at the macro-level and outcomes at the level of individuals, households and communities.

Child poverty and participatory poverty assessment

In 2008 the UNICEF Innocenti Centre examined nine different analyses of children's own perspectives of economic disadvantages in developed countries.¹⁵ This paper concluded that *'the idea of asking people who experience disadvantage about their own situations is still a relatively new one in the social sciences, and the idea of asking children about their own perceptions of economic and social disadvantage is even more recent.'* The research which had been done with children showed the extent to which children's agency matters in responding to their economic disadvantage – both for themselves in order to make sense of their situation and to interpret it positively or otherwise, and for their parents and families: *'the studies show that many children respond to economic disadvantage with resourcefulness and optimism. But some also respond with anxiety, pessimism and reduced levels of ambition.'*

In 2003, Christian Children's Fund (CCF) conducted a multi-country study of child poverty with participatory research with children, families and their communities in five countries: Belarus, Bolivia, India, Kenya and Sierra Leone¹⁶. They found that children understand poverty as a deeply physical, emotional and social experience and that child poverty is not a static state but a continuously changing condition. They also found that children are not passive recipients of experience but active contributors to their own well-being and in all but the most severe circumstances, children have options and make choices (depending on their age and social context) that impact their situation.

Learning from children about how they experience poverty provides an invaluable grounding for a richer, more complex and variegated understanding of what child poverty is, how it operates and what interventions might reduce its grip. It also creates opportunities for children themselves to contribute to discussions and interventions that affect their lives and allows them to gain confidence in sharing their opinions and having a voice. The following are some areas which research with children can highlight in order to deepen an understanding of child poverty:

- The question of 'time' poverty, that is the amount of time children are working which inhibits play or study.
- The extent to which children play a role in pulling families out of poverty either through work or through being 'sold' or trafficked.
- Variations in household relationships.
- How children living outside of conventional households respond to poverty.
- Children's own agency in responding to poverty.

15. Redmond, Gerry (2008), 'Children's Perspectives on Economic Adversity: A review of the literature'. *Innocenti Discussion Paper* No.IDP 2008-01. Florence: UNICEF Innocenti Research Centre. http://www.unicef-irc.org/publications/pdf/idp_2008_01.pdf. The term 'economic disadvantage' rather than 'poverty' is used since the research being reviewed was all from developed countries such as the United Kingdom and United States.

16. D. Wordsworth, M. McPeak & T Feeny (2005), *Understanding Children's Experience of Poverty: an Introduction to the DEV Framework*, CCF, Richmond, USA

Participatory research with children who are living in poverty is a vital corrective to the decades of research into poverty which failed so spectacularly to take them into account. However, to do justice to these voices, it is also important to put what they are saying into a broader context which is framed by social, cultural, political and economic forces. Furthermore, the ethical issues which this kind of research generates need to be fully understood and managed.

Save the Children Sweden is well versed in the ethics of consulting with children¹⁷. However, it is useful to consider particular ethical considerations which may arise when working with children who are living in poverty. The Young Lives project (outlined in more detail in Part Two – 2.5 below) conducts extensive participatory assessments with children living in poverty. Based on its practical experience it has devised a list of areas which need attention when working with children and their families. Whilst these are particular to this longitudinal study, which is conducted not by an aid organisation but for research to inform public policy, they are still very illuminating.

The areas they identify are: seeking informed consent; dealing with raised expectations in research with people in very poor communities (for example explaining that the research is not going to help children in their current situation but feed into future long-term change); compensating respondents for their time; child protection concerns and parent's fears; reciprocity in research; managing long-term relationships and the effects of the research on children and their families. Perhaps not surprisingly they conclude that an understanding of local context is central¹⁸.

1.4. Rights-based approach

There is currently no single definition of a rights-based approach to poverty. However, general consensus is emerging on the central components of the approach which include the following five dimensions:

i. Link with international human rights instruments

The human rights-based approach to poverty endeavours to integrate human rights law, concepts, analysis, values and language into the poverty reduction dialogue. Because international human rights laws have been formally recognized by almost all countries, and are reinforced by legal obligations, the human rights-based approach provides a compelling and explicit normative framework to guide national and international policies' anti-poverty programmes. The concept of rights gives the poor the opportunity, as rights holders, to claim from their governments the policies that will improve their lives.

17. See for example *So you want to consult with children: a toolkit of good practice* Save the Children Alliance, Save the Children, London 2003 and *Participation is a virtue that must be cultivated* Feinstein C and O'Kane C, 2008 (An analysis of children's participation working methods and materials within Save the Children Sweden.)

18. Virginia Morrow, (2009) Young Lives Working Paper 53, The Ethics of Social Research with Children and Families in Young Lives: Practical Experiences.

ii. Focus on non-discrimination

With a strong focus on the principle of non-discrimination and equality, rights-based approaches place an emphasis on those who are most marginalized and whose rights are denied. A rights-based framework therefore analyses dynamics of social exclusion, discrimination and power which perpetuate poverty and inequity. By concentrating on what rights and whose rights are not being realized, a rights-based approach requires a disaggregated analysis of poverty along axes such as gender, age, ethnicity, caste, disability, social status and so on.

iii. Recognition of the indivisibility and interdependence of rights.

The realization of one right is interrelated to the realization of other rights and promotion of a particular right cannot be to the detriment of other rights. This does not imply that all rights have to be addressed simultaneously or that poverty in a particular context will be defined by all human rights. The principle of indivisibility and interdependence underlines the multidimensional nature of human well-being and the need for integrated approaches in addressing poverty¹⁹.

iv. Identification of duty-holders

A rights-based framework identifies duty-holders, of whom the state is the principle agent, who have a responsibility to respect, protect and fulfill human rights. Recognizing that states may be resource constrained, the principle of progressive realization allows states to set human rights priorities and time-bound targets, but also requires that certain core obligations be respected (such as equal treatment) (for more on progressive realisation see Poverty and Child Rights – 1.2 below). Other actors also have obligations, including the private sector, international organizations, third-party states and families and communities themselves.

v. Identification of rights-holders

A rights-based approach to poverty reduction defines the poor as rights-holders with the potential to shape their own destiny and poverty as social exclusion that prevents such action. Instead of focusing on creating an inventory of public goods or services for distribution and then seeking to fill any deficit, the rights-based approach seeks to identify the underlying systemic obstacles that keep people from accessing opportunity and improving their own lives. The focus is on structural barriers that impede communities from exercising rights, building capabilities, and having the capacity to choose.

As a contribution to the empowerment of the poor as rights-holders, the human rights-based approach includes several relevant features: an emphasis on accountability, the principles of non-discrimination and equality, and the principle of participatory decision-making processes. These features aim to ensure that poverty reduction efforts are more than mere window dressing, that marginalized groups are not excluded, and that the poor are included in the formulation, implementation and monitoring of poverty reduction strategies.

19. Ljungman, C. (2004) "Applying a Rights-Based Approach to Development: Concepts and Principles" Paper presented at "The Winners and Loser from Rights-Based Approaches to Development" conference at University of Manchester, Feb. 2005.

The rights based approach assumes that poor people have dignity, aspirations, and ambition and that their initiative is being blocked and frustrated by persistent systemic challenges, such as poorly functioning state social service delivery systems. It assumes that those who are most directly affected know first-hand what institutional obstacles thwart their aspirations and how to resolve this. This strategy is anchored in the reality of local context since often outside actors cannot adequately imagine the circumstances confronting the poor.

Child poverty and the rights-based approach

The relationship between child poverty and the rights-based approach is discussed in more detail in Part Three below. However, it is instructive here to consider how a rights-based approach might help to define child poverty. All international human rights instruments can contribute toward a human rights approach to tackle child poverty. However, of most relevance is the CRC. Its virtual universal acceptance and holistic approach offers a coherent framework for child poverty reduction which can bring to an end the invisibility of poor children and is based on the principles of non-discrimination, the best interests of the child, survival and development and respect for the views of the child.

The CRC refers to the conditions of material, social, economic, civil and political deprivation underlying poverty in a number of different Articles including: the right to non-discrimination, life, survival and development, social security, an adequate standard of living, education, family relations and parental guidance, birth registration and participation. A rights-based approach to poverty would therefore define a child as poor if rights within the CRC which are of particular relevance to the issue of poverty are not fulfilled.

2. WHAT IS 'DIFFERENT' ABOUT CHILD POVERTY?

In the past few years, there has been growing recognition of the importance of defining child poverty as something related but different to adult poverty and a range of approaches and methods have been developed. The following is an overview of how a few organisations have attempted to define and also at times measure child poverty. These organisations include: UNICEF, Bristol Group, CHIP, Christian Children's Fund and Young Lives.

2.1 UNICEF

UNICEF's working definition of child poverty, presented in *The State of the Worlds' Children 2005*, is: *'Children living in poverty [are those who] experience deprivation of the material, spiritual and emotional resources needed to survive, develop and thrive, leaving them unable to enjoy their rights, achieve their full potential or participate as full and equal members of society...This definition suggests that the poverty children experience with their hands, minds and hearts is interrelated'*.²⁰ Here material resources include income, food, access to education or health service, protection from health risks, such as those associated with hard

20. UNICEF (2005): *The State of the World of the Children 2005 – Childhood under Threat*, p 18.

physical work and others. Spiritual resources include stimuli, meaningfulness, expectations, role models and peer relationships, and emotional resources include love, trust, feelings of acceptance, inclusion, and lack of abusive situations²¹. There are obvious challenges to measuring the extent of spiritual and emotional resources, and few available indicators.

UNICEF also refers to child poverty in relation to an increased likelihood of being engaged in child labour which may negatively impact a child's cognitive and physical development in particular by depriving the child of education. Children in rich households may also not be free of suffering from deprivation. *'Living in an environment that provides little stimulation or emotional support to children ... can remove much of the positive effect of growing up in a materially rich household'*²². In essence, UNICEF's definition stresses the multidimensional and interrelated nature of child poverty.

UNICEF's Global Study on Child Poverty and Disparities was launched in 2007 and is being carried out currently in over 40 countries and seven regions²³. The Study's aim is to raise the policy profile of child poverty and of disparities in MDG outcomes, and to steer development and donor agencies towards an agenda of achieving results for children. The Study looks at gaps and opportunities in national poverty reduction strategies, including the demographic and economic context, employment, public and private social expenditures, fiscal space and foreign aid. The Study focuses on the poverty and disadvantages faced by families with children and examines in detail how public policies could more effectively reduce child deprivations by providing better services and protection for all children and for all families caring for children, including measures that promote gender equality.

The Study is premised on the assumption that the 'best' model to capture factors that influence child outcomes would consider:

- both income and non-income factors of the caretakers or the household, and how these determine whether or not a child enjoys her/his right to survive, grow and develop;
- how resource scarcity and deprivations directly impact children, as well as how they are more broadly experienced differently according to gender, age and social status at the family, household or country level;
- childhood as a space that is separate from adulthood (life cycle approach); and
- how family care and protection enables girls and boys to enjoy other basic rights.

2.2 Bristol Study

In 2003, a team of researchers from the University of Bristol and the London School of Economics finished work on an extensive study of child poverty based on survey samples from 46 developing countries²⁴. This study established seven measures of basic needs and looked at how children in developing countries are

21. Guide to Global Study on Child Poverty and Disparities 2007–2008 UNICEF.

22. UNICEF (2005): The State of the World of the Children 2005 – Childhood under Threat, p18.

23. Guide to Global Study on Child Poverty and Disparities 2007–2008 UNICEF.

24. Gordon, D., et al. (2003) Child poverty in the developing world. The Policy Press, UK.

affected by severe deprivations of these needs. The term ‘absolute poverty’ was used for cases when children have been exposed to two or more severe deprivations, partly to increase the robustness of findings, and partly because factors other than (material) poverty, such as discrimination, can also result in child deprivations. This study represents the first scientific measure of child poverty in the developing world and showed that more than a billion children are severely deprived of basic human needs, and 674 million live in conditions of absolute poverty.

Bristol’s Deprivation Indicators

1. *Severe food deprivation*: children whose heights and weights for their age were more than 3 standard deviations below the median of the international reference population, that is, severe anthropometric failure.
2. *Severe water deprivation*: children who only had access to surface water (for example, rivers) for drinking or who lived in households where the nearest source of water was more than 15 minutes away.
3. *Severe deprivation of sanitation facilities*: children who had no access to a toilet of any kind in the vicinity of their dwelling, that is, no private or communal toilets or latrines.
4. *Severe health deprivation*: children who had not been immunized against any diseases or young children who had a recent illness involving diarrhea and had not received any medical advice or treatment.
5. *Severe shelter deprivation*: children in dwellings with more than five people per room (severe overcrowding) or with no flooring material (for example, a mud floor).
6. *Severe educational deprivation*: children aged between 7 and 18 who had never been to school and were not currently attending school (no professional education of any kind).
7. *Severe information deprivation*: children aged between 3 and 18 with no access to radio, television, telephone or newspapers at home

A great advantage of this approach is that it recognises different dimensions of child poverty in a straightforward manner by simply counting the number of children who fall below a certain cut-off point for each indicator. These figures can be very useful for advocacy and for tracking progress. However, in practical application, this approach relies on national surveys such as Demographic and Health Surveys and Multiple Indicator Cluster Surveys which rarely include children who live outside of conventional households. This suggests that the extent of child poverty is likely to be under-estimated using this approach.

The study has been very influential and clearly informed the January 2007 UN General Assembly statement on child poverty: ‘Children living in poverty are deprived of nutrition, water and sanitation facilities, access to basic health-care services, shelter, education, participation and protection, and that while a severe lack of goods and services hurts every human being, it is most threatening and harmful to children, leaving them unable to enjoy their rights, to reach their full potential and to participate as full members of the society.’

2.3 Childhood Poverty Research and Policy Centre (CHIP)

The Childhood Poverty Research and Policy Centre was established by Save the Children, the Chronic Poverty Research Centre and partners in China, India, Kyrgyzstan and Mongolia. The project ran between 2001 and 2005. Although its website still functions as a useful resource, the programme itself is no longer running. CHIP offers the following definition for child poverty: *‘Childhood poverty means children and young people growing up without access to different types of resources that are vital for their wellbeing and for them to fulfill their potential. By resources we mean economic, social, cultural, physical, environmental and political resources.’* The following elaborates on this definition:

- Growing up without an adequate livelihood – that is the economic, physical and environmental resources needed for survival and development.
- Growing up without opportunities for human development – social, cultural and physical resources such as quality education and life skills, health and water/sanitation.
- Growing up without family and community structures that nurture and protect them – social and cultural resources such as having parents/guardians with the time (or ability/desire) to care for them or an extended family/community that cannot cope if parents and guardians are not able (or not there).
- Growing up without opportunities for voice – political resources, powerlessness and lack of voice often underpins the emergence of poverty²⁵.

Like UNICEF, CHIP’s child poverty definition is multifaceted and stresses that the different aspects of child poverty are interrelated; CHIP also supports comprehensive poverty reduction strategies that address these different aspects of child poverty.

2.4 Christian Children’s Fund (now ChildFund)

In 2002 the Christian Children’s Fund (CCF) commissioned a three part study on the experience and impact of poverty on children. As part of this, CCF consulted with children and their families to learn directly from them how children experienced poverty. CCF found that for children, poverty is a deeply relational and relative, dynamic and multidimensional experience. In particular three elements are interrelated. Poor children are deprived of essential materials conditions and services; they are excluded on the basis of their age, gender, class and so on; and they are vulnerable to an increasing set of threats in the environments where they grow up. Thus, CCF views child poverty as comprising three inter-related domains:

Deprivation: a lack of material conditions and services generally held to be essential to the development of children’s full potential such as food, shelter and safe drinking water. The severity, intensity and context of deprivation are also assessed.

25. CHIP Briefing, Children and Poverty (2003) www.childhoodpoverty.org

Exclusion: the result of unjust processes through which children's dignity, voice, and rights are denied, or their existence threatened. Four types of exclusion are identified: social status, group membership, economic status and cultural bias.

Vulnerability: an inability of society to cope with existing or probable threats to children in their environment so that children are more likely to fall into poverty rather than to evade it.

CCF's definition of child poverty is not designed to be developed into a tool for measurement or analysis. It points to a commitment to supporting comprehensive poverty reduction strategies that recognize the unique nature of child poverty, and also encourages a participatory approach that includes children's voices. It takes the view that focusing on statistics and quantifying poverty in crude terms is of limited assistance since it does not reflect the complexity of child poverty nor does it reflect children's own experiences.

2.5. Young Lives: An International Study of Childhood Poverty

The Young Lives Project is a UK Department for International Development (DFID) funded international collaborative study to investigate the changing nature of child poverty. Whilst the Bristol study aimed to provide a 'snapshot' measure of child poverty today, the Young Lives Project aims to address the lack of information on changes in children's wellbeing over time and to provide evidence of how children's development in contexts of poverty is mediated by a range of personal, social, and environmental factors, including the effects that this has on their psychosocial well-being and subjective experiences.

Data collection commenced in 2002 with an initial survey of 12,000 children aged 6–17 months and 7.5–8.5 years in Ethiopia, India (Andhra Pradesh), Peru and Vietnam. It has a longitudinal design over 15 years (five rounds of data collection) that incorporates survey data from community, household, and child questionnaires, qualitative data from in-depth interviews and group-based activities with adults and children, and national and sub-national policy monitoring and analysis. Its approach to poverty is influenced by participatory research, enabling multi-dimensional and often non-material conceptions and definitions of poverty.

Its underpinnings are that research should focus on children's strengths, connect with their visions of a good life, and explore how they understand and make sense of their experiences. Children should also be seen as active social and economic agents, who creatively respond to and construct their social environments. The different types of data collected allow exploration of interactions and relationships between different aspects or 'domains' of children's development. The project tries to examine all aspects of children's lives, including:

1. *Access to basic services:* Access to electricity, safe drinking water, and toilet facilities
2. *Access to primary healthcare and children's health:* Vaccination, prevalence of childhood diseases, distance to medical care
3. *Child caring and rearing*
4. *Child malnutrition*
5. *Literacy and numeracy*
6. *Child work*
7. *Social capital among community*

3. KEY FEATURES OF CHILD POVERTY

We have considered some general approaches to defining, measuring and identifying poverty as well as some recent attempts by child-focused organisations to define, identify and measure child poverty. It is useful to summarise the key features of these approaches, not to be prescriptive, but to provide a framework for our overview in the following sections how child poverty and a rights-based approach interact.

3.1 Child poverty is a structural problem

Child poverty is intimately linked with inadequate access to income and poor access to essential services in the realms of housing and environment, education, health care, social welfare services, social security. It is linked to discrimination, social isolation and exclusion and also to limited developmental and participation opportunities in terms of education and sport, recreational and cultural activities, safe environments in which to play, political influence and participation rights and participation in family and daily life.

Child poverty is compounded by exposure to violence and exploitation whether as a result of violence in the home, homelessness, trafficking and sexual exploitation, child labour or migration. It is compounded by living in institutions such as care homes or orphanages as well as by ill-health and disability. It is also worsened by armed conflict and disaster.

3.2 Children experience poverty differently to adults

Children experience poverty differently to adults not least because they are vulnerable to detrimental treatment from adults who may not always act in their best interests particularly during periods of social, political and economic insecurity. Children are not always independent economic actors and rely on the distribution of resources by their parents, household or community members – this distribution may not always happen in their best interests.

The impact of poverty during childhood may in certain circumstances have enduring effects on children which last their entire lives since their development is particularly susceptible to deprivation in terms for example of environmental conditions or lack of access to education. This susceptibility changes over the course of their lifespan and children will be particularly vulnerable (or particularly resilient) to poverty at different times of their life. As they get older, chronic entrenched poverty can have a cumulative impact and there is an increasing likelihood that their lives will be scarred by educational under-achievement, poor health and low employment and participation opportunities. This is a different experience to children who experience poverty for a short, intense period of time.

3.3 Agency and participation

However, it is not sufficient to view children's poverty solely from the perspective of the negative aspects of their lives. It is also vital to consider children's agency or control over the poverty they confront. Boyden states that *'the insistent focus on what has been 'lost', 'damaged' or 'destroyed' through poverty at the expense of what*

has survived or even gained can degrade the self-esteem of children, who are constantly pushed to confront the inadequacies of their situation²⁶.

It is very important to consider children's own agency and the extent to which they can influence their own environment. This will also include consideration of their relationships with families, parents and communities, the amount of community participation or social capital where they are living and how to accommodate the idea of evolving capacities so that research can highlight how children's experiences change over time.

3.4 Summary of key features of child poverty

There are four broad characteristics which should be considered in any definition of child poverty:

- Poverty is multidimensional – poverty creates obstacles to children's survival, development, protection and participation in decisions that affect their lives.
- The impact of poverty changes over the course of childhood – in terms of vulnerabilities and coping capacities; for example, young infants have much lower capacities than teenagers to cope with shocks without adult care and support.
- Resilience to poverty is intimately linked to the status of caregivers – given the dependence of children on the care, support and protection of adults, especially in the earlier parts of childhood, the individual vulnerabilities (and resilience) of children are often compounded by the vulnerabilities and risks experienced by their caregivers (owing to their gender, ethnicity, location and so on).
- Voicelessness – although marginalised groups often lack voice and opportunities for participation in society, voicelessness in childhood has a particular quality, owing to legal and cultural systems that reinforce their marginalisation.

26. Thomas Feeny And Jo Boyden (2004) QEH Working Paper Series –Working Paper Number 116, Acting in Adversity – Rethinking the Causes, Experiences and Effects of Child Poverty in Contemporary Literature.

Poverty and child rights

I. CHILD POVERTY AND THE INDIVISIBILITY OF RIGHTS

Some definitions

Social and economic rights relate to guaranteeing children a minimum standard of living, such as a minimum income, housing, health care, and education.

Cultural rights relate to the recognition and safeguarding of ethnic/religious groups' practices and beliefs.

Civil rights relate to personal freedoms, such as the right to privacy, freedom of movement, and right to a fair trial.

Political rights relate to political participation, such as the right to be heard, to be registered at birth and the right to peaceful assembly.

I.1 Poverty and child rights

Economic, social and cultural rights are a broad category of human rights guaranteed in the International Covenant on Economic, Social and Cultural Rights (ICESCR), the CRC and other legally binding international and regional human rights treaties. Nearly every country in the world is party to a legally binding treaty that guarantees economic, social and cultural rights. Such rights include:

- The right to life, survival and development;
- The right to social security;
- The right to an adequate standard of living;
- Rights at work, particularly just and fair conditions of employment, protection against forced or compulsory labour and the right to form and join trade unions;
- Right to protection from economic exploitation;
- The right to education, including ensuring that primary education is free and compulsory, that education is sufficiently available, accessible, acceptable and adapted to the individual;
- Cultural rights of minorities and indigenous peoples;
- The right to the highest attainable standard of physical and mental health, including the right to healthy living conditions and available, accessible, acceptable and quality health services;
- The right to adequate housing, including security of tenure, protection from forced eviction and access to affordable, habitable, well located and culturally adequate housing;

- The right to food, including the right to freedom from hunger and access at all times to adequate nutritious food or the means to obtain it;
- The right to water – the right to sufficient water and sanitation that is available, accessible (both physically and economically) and safe.

There is an important overlap between these economic, social and cultural rights and the way in which we have defined child poverty as a multi-dimensional phenomenon which is dynamic and alters over a child's life. Therefore realisation of the right to survival and development, right to health, right to education, right to an adequate standard of living and right to social security would go a long way towards lifting children out of poverty. This reflects the important fact that children are particularly dependent on public policies to provide the conditions they need to evade poverty, in particular, in relation to access to health, social welfare and educational services.

However, a depiction of poverty as a failure to realise certain economic, social and cultural rights omits crucial dimensions of how children experience poverty: it does not reflect the centrality of children's agency in responding to their circumstances, how their capacity to respond changes and evolves over the course of their lives, nor how violation of their right to participation both at home and in the wider world can be both a cause and effect of poverty. It does not reflect the importance of protection issues nor how birth registration and having an identity can go some way to mitigate the effects of poverty. It does not give sufficient focus to the question of how discrimination engenders and perpetuates poverty.

Article 4 of the CRC asserts that '*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 cooperation.*' This suggests a distinction between civil and political rights on one hand and economic, social and cultural rights on the other. The Committee on the Rights of the Child makes it clear in General Comment No.5 that there is no simple or authoritative division of human rights in general or of the rights outlined in the CRC into these both categories. Instead, there are articles that contain elements which constitute economic and social as well as civil and political rights, thus reflecting the interdependence and indivisibility of all human rights; for example, Article 6 comprises the right to life, survival and development thereby incorporating a whole range of civil, political, social, economic and cultural factors. The Committee on the Rights of the Child has said that: '*[e]njoyment of economic, social and cultural rights is inextricably intertwined with enjoyment of civil and political rights*'²⁷.

Human rights are interdependent and indivisible. To 'split' the question of child poverty into economic, social and cultural rights and civil and political rights is artificial and unhelpful although it is important to acknowledge that state obligations towards economic, social and cultural rights can be differently defined

27. UN Committee on the Rights of the Child, General Comment No. 5, para 6 (2003) General Measures of Implementation.

(this is discussed more in 1.2 below). The Committee on Economic, Social and Cultural Rights acknowledges this indivisibility and defines poverty as *‘a human condition characterized by the sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights’*.

1.2 State obligations and economic, social and cultural rights

States have legal obligations towards children living in poverty that relate to a whole range of civil, economic, political, cultural and social rights. Yet the historical division between civil and political and economic, social and cultural rights has created a situation where state obligations are viewed differently and implementation of economic, social and cultural rights is viewed by many states *‘as part of discretionary and distinct administrative initiatives that fall into the realm of social policy rather than enforceable law’*²⁸. This is in part born of the fact that economic, social and cultural rights are subject to progressive realisation and to resource availability.

Article 4 of the CRC states *‘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 cooperation.’* This wording is similar to that of article 2(1) of the IESCR.²⁹ It allows for the fact that full realisation of these rights can only be achieved by states progressively over time where sufficient human, technical and economic resources are available (including international cooperation and development aid.) However, the UN Committee on Economic, Social and Cultural Rights *‘is of the view that a minimum core obligation to ensure the satisfaction of, at least, minimum essential levels of each of the rights is incumbent upon every member state party. Thus, for example, a state party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic form of education is, prima facie, failing to discharge its obligations under the convention.’*

Economic, social and cultural rights impose the following clear and immediate legally binding obligations on states:

- States have a duty to **take deliberate, concrete and targeted steps** as *‘expeditiously and effectively as possible’* towards fulfilling economic, social and cultural rights³⁰. Such steps might include legal, policy and administrative measures. One of the implications of this obligation is that states must have plans to realise them which must include appropriate and disaggregated indicators and benchmarks to measure progress. Otherwise there is no way of knowing whether or not the state is progressively realising economic, social and cultural rights for all children.

28. ‘Protecting The World’s Children Impact of the Convention on the Rights of the Child in Diverse Legal Systems’ Savitri Goonesekere UNICEF (2007).

29. “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures”.

30. UN Committee on Economic, Social and Cultural Rights, General Comment No. 3 (1991).

- Given the requirement of progressive realization, states must maintain their current levels of implementation of these rights (the principle of ‘**non-retrogression**’). If, therefore, measures are taken which reduce the scope or level of programmes for reducing child poverty, states have to show that they have been introduced after consideration of all alternatives and are fully justifiable in regard to the protection of all economic, social and cultural rights³¹.
- States have an immediate duty to ensure the realisation of economic, social and cultural rights on a non-discriminatory basis so that for example, access to primary health care, education, safe water and adequate sanitation is equitable and all of its laws, policies, programmes and projects are non-discriminatory.
- States have ‘a **core obligation** to ensure the satisfaction of, at the very least, minimum essential levels’ of the right to the highest attainable standard of health³². These obligations include:
 - The right of access to health facilities, goods and services on a non-discriminatory basis, especially for vulnerable or marginalized groups;
 - Access to the minimum essential food which is nutritionally adequate and safe;
 - Access to shelter, housing and sanitation and an adequate supply of safe drinking water;
 - The provision of essential drugs;
 - Equitable distribution of all health facilities, goods and services³³.

1.3 Justiciability of economic, social and cultural rights

The term ‘justiciability’ refers to the ability to claim a remedy before an independent and impartial body when a violation of a right has occurred or is likely to occur. Justiciable rights grant right-holders a legal course of action to enforce them, whenever the duty-bearer does not comply with his or her duties. There has been a widely held view that economic, social and cultural rights are not suitable for adjudication. The view is that there is uncertainty of the content of these rights; the judiciary is ill-equipped in practice to adjudicate matters of social policy decided by the political branches of the state and that, under the ‘separation of powers’, courts should not encroach on the domain of these other branches; and finally that procedural difficulties and limitations in the judicial process render the adjudication of economic, social and cultural rights cases fraught with difficulty, useless or even meaningless. This view has contributed to a devaluing of economic, social and cultural rights, many of which are so central to the question of child poverty³⁴.

The UN Committee on the Rights of the Child issued General Comment No. 5 in 2003. This General Comment emphasizes that economic, social and cultural rights, as well as civil and political rights, must be regarded as justiciable. Increasingly modern constitutions and bills of rights are embracing the economic,

31. UN Committee on Economic, Social and Cultural Rights, General Comments Nos. 3, 14 and 19.

32. UN Committee on Economic, Social and Cultural Rights General Comment No. 14 (2000)

33. As above.

34. *Courts and the Legal Enforcement of Economic, Social and Cultural Rights – Comparative Experiences of Justiciability* International Commission of Jurists (2009).

social and cultural rights of children (noteable amongst these are Brazil, Columbia, Croatia, Malawi, South Africa and Turkey). Some Courts have also made significant rulings concerning children's economic, social and cultural rights including in India and South Africa.

In 2002 the Constitutional Court of South Africa declared that the Government had breached its human rights obligations by failing to take reasonable measures (at affordable cost) to make wider provision of anti-retroviral medication to prevent mother-to-child transmission of HIV. In reaction to starvation deaths that had occurred in India in 2001, a coalition of Indian NGOs petitioned the supreme court of India for enforcement of national food schemes and the Famine Code, a code permitting the release of grain stocks in times of famine. As a part of this judgment the court also ordered the reinstatement of the school lunches' programme which had essentially closed down in most of the states of India. The reinstatement made education an actual possibility for many impoverished children who were reliant on free school mid-day meals in order to be able to attend school.

Courts alone cannot supervise the planning and implementation of public policies which will work towards reducing child poverty in areas such as health, access to food, housing or education. The creation and strengthening of such policies requires debate and action by the executive and legislative branches of the state. While courts and litigation are far from being the only means for realizing children's economic, social and cultural rights, the absence of an effective method of recognizing justiciability for these rights serves to narrow the range of mechanisms available for children living in poverty to receive remedies and reparations and weakens the accountability of the state.

2. CHILD RIGHTS AND THE MYRIAD DIMENSIONS OF CHILD POVERTY

A child rights based approach to addressing poverty implies that the state of living in poverty constitutes a denial or non-fulfilment of children's rights. But does this mean that poverty is the same thing as non-fulfilment of children's rights in general – does the non-fulfilment of any kind of children's rights constitute poverty? Or should only certain kinds of children's rights matter in the context of poverty? If so, how are we to decide which ones?

Although the CRC does not contain an explicit right to freedom from poverty, if we define child poverty as being a multidimensional phenomenon then all of the rights contained in the CRC would be relevant to a greater or lesser extent in any discussion of child poverty. However, to be meaningful, a definition of poverty must include some reference to material disadvantage and deprivation and it must recognise that poverty is a major obstacle to fulfillment of children's rights but that not every violation of children's rights constitutes childhood poverty. The following are some key rights (both economic, social and cultural and civil and political in character) which, it is argued, are central to the question of child poverty and should therefore be prioritised in efforts to reduce poverty. The relationship between child

poverty and the right to non-discrimination is discussed separately in paragraph 3 below.

Right to life, survival and development (Article 6)

Article 6 of the CRC articulates the obligation of governments to *‘ensure to the maximum extent possible the survival and development of the child.’* Children’s right to life, survival and development is a general principle of the CRC which informs the interpretation of all the other articles in the Convention. Child poverty can severely undermine children’s capacity to survive and develop – child development in this context covers a wide range of aspects including physical, mental, cultural, spiritual, moral and social development.

This right assumes that children carry within them the potential for their own development and this reflects the assumption that children have some agency in how they respond to circumstances of poverty. However, it also recognises that children’s resilience to poverty will be affected by whether or not they live in the appropriate protective, caring and stimulating environment to realise their potential to survive and develop. Creating and enabling this environment is the primary responsibility of the state but is also the responsibility of the concentric circles of care which surround children including family and community. This right also recognises that children evolve and undergo change as they move towards greater autonomy and maturity (that is they have ‘evolving capacities’) which means that their capacity to respond or deal with poverty will change as they develop.

Right to Health (Article 24)

Ill-health can be both a cause and a consequence of poverty. Ill health can prevent children from attending school, from working and earning an income, from playing and having expanding opportunities to develop. Ill health and poverty can also significantly affect children’s cognitive development. Save the Children estimates that nearly 40 percent of all children under 5 in the developing world fail to reach their potential in cognitive development because of poverty, poor health and nutrition and deficient care. That’s more than 200 million children worldwide³⁵.

Conversely, poverty can mean that children are more likely to experience ill-health. The relationship between poverty and health is complex and symbiotic: for example, children living in poverty may be less likely to be able to access health services (perhaps owing to the barrier of user fees), they may live in environments where there is no clean water or sanitation, they may not have been registered at birth and therefore may not be eligible for universal vaccination programmes. Health outcomes for children are determined not only by individual factors and access to health care services but by the wider social, political, environmental, and economic determinants of health. All these determinants of health impact on poverty, and poverty in turn is a major determinant of health status.

Article 24 of the CRC guarantees children the right to *‘the highest attainable standard of health and to facilities for the treatment and rehabilitation of health. State*

35. State of the World’s Mothers: Investing in the Early Years, Save the Children (2009).

parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.’ Other international legal instruments also acknowledge the right to healthcare such as Article 12 of the IESCR which provides for the healthy development of the child. The state bears primary responsibility for realisation of children’s right to the highest attainable standard of health.

Right to education (Article 28)

Article 28 of the CRC states that all state parties are obligated to establish educational systems and ensure access to them. When read together with Article 2, concerning the right to non-discrimination, it forcefully addresses discrimination in children’s access to education. Education is a right in itself but can also be a transformative tool for addressing inequalities and in some circumstances can be a route out of poverty. Children, particularly girls, who have been to school, are more likely to find work, look after their health and demand that governments act in their interests. Children who are poor may not be able to attend school, or attend only sporadically owing to the costs of attendance, ill-health or the demands that they work to contribute to their household economy.

Right to an adequate standard of living (Article 27)

Every child has the right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development. This right includes fulfilment of the rights to health, social security, education and housing. Bad housing damages children’s development and magnifies other aspects of poverty. The condition of a child’s home can cause ill health, lower educational attainment and contribute to behavioural problems. Child poverty is linked to experiences of overcrowded housing conditions, homelessness, temporary accommodation and neighbourhoods that suffer social exclusion and these can impact negatively on all aspects of children’s development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The state’s duty is to ensure that this responsibility can be fulfilled which might include the state providing material assistance to parents and their children.

Right to social security (Article 26)

Under Article 26, children have the right to benefit from social security according to their means. The duty of states to implement policies to advance the protection available to poor children flows directly from the right to social security (Article 26 CRC) and the right to an adequate standard of living (Article 27 CRC). A full range of other rights are also relevant to social protection, such as the right to the highest attainable standard of health and the right to education. The Committee on Economic, Social and Cultural Rights has identified the core obligations of states towards social protection, which include the obligation to provide a minimum essential level of benefits to all individuals and families, and to ensure the right of access to social security systems or schemes in a non-discriminatory manner, especially for disadvantaged and marginalized individuals and groups. Over time, the right to social security must be realized fully by states in accordance with their maximum available resources.

The independent expert on the question of human rights and extreme poverty has defined social protection in the following terms: *‘social protection is defined as encompassing a wide range of policies designed to address the risks and vulnerabilities of individuals and groups, both those who can and those who cannot work, in order to help them cope and overcome situations of poverty, especially when it results from incidents outside their control. Social protection includes a broad range of instruments ranging from safety nets, social assistance and social insurance to mutual and informal risk management.’*³⁶ She finds that *‘[t]here is significant evidence that children are the main indirect beneficiaries of social protection measures’*³⁷.

One aspect of social protection programmes is the use of cash transfers – the provision of direct, regular and predictable financial support to households living in poverty in order to increase their real income. Usually, the transfer aims to improve the conditions of groups that are particularly vulnerable to poverty such as children. In some cases, the transfer of resources is conditional to the fulfilment of education, health or nutrition targets by the recipients (referred to as ‘conditional cash transfers’). Research conducted by Save the Children UK finds that well-designed cash transfer programmes can help to reduce child poverty. In its report ‘Lasting Benefits’³⁸ it cites the example of Brazil where it is estimated that cash transfers have reduced the poverty rate by 5 per cent and reduced the severity of poverty by 19 per cent. Cash transfers have also been found to decrease the extent to which families, during difficult periods, are forced into harmful coping strategies that can affect short-term consumption and have long-term knock-on effects on children’s health and nutrition.

The right to participation (Article 12)

Article 12 of the CRC, states that children have the right to express their views in all matters affecting them and requires that those views be heard and given due weight in accordance with the child’s age and maturity. It is one of the general principles informing all of the rights in the CRC and recognizes the potential of children to enrich decision-making processes, to share perspectives and to participate as citizens and actors of change. Other participation rights include the right to freedom of expression (Article 13), the right to freedom of thought, conscience and religion (Article 14) and the right to freedom of association (Article 15). These rights create an obligation on states to undertake all appropriate legislative, administrative and other measures to ensure that children participate in the family, in schools, at the community level and in judicial and administrative proceedings.

Lack of participation in family, community and political life is both a cause and consequence of child poverty. Poor children are excluded from society by poverty, are discriminated against because they are poor, they have limited life chances, limited access to key services and face multiple barriers to participation –

36. Report of the independent expert on the question of human rights and extreme poverty, UN General Assembly, 64th session, A/64/279 (2009).

37. As above.

38. Lasting Benefits: the role of cash transfers in tackling child mortality, Save the Children UK (2009).

as such they are not achieving their right to active participation in the community. Children are not passive but active contributors to their own survival and development. They have ideas and opinions about their own poverty and how to solve the problems that arise in their communities due to poverty and their right to participation can be a very important tool to ensure that this happens.

Birth registration (Article 7)

The right to a name and a nationality is well established by the CRC. Article 7 requires the registration of a child immediately after birth. Yet every year the births of around 51 million children go unregistered. These children are almost always from poor, marginalized or displaced families or from countries where systems of registration do not function. Lack of birth registration can be a cause and effect of child poverty. Registration is often required so that a child can access essential services such as health care and schools. Children may be unable to register because they do not fulfil nationality criteria of the country where they are living, they may not be able to afford the fee or they may be in remote rural areas with no access to registration offices.

Protection from Violence (Article 19)

Under Article 19 of the CRC, children have the right to be protected from being hurt and mistreated, physically or mentally. States should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them. As well as considering protection from caregivers in the home, the Convention is comprehensive in its consideration of the need for child protection in out-of-family care (Art. 22), in educational/school settings (Art. 28), involving substance abuse (Art. 33), in illegal and exploitive sexual practices (Art. 34), in work (Art. 32), through subjection to sale, trafficking, abduction and other forms of exploitation (Art. 35, 36), and in correctional and juvenile justice institutions (Art. 37,40).

Research on child maltreatment has shown that factors such as concentrated poverty, high residential mobility and unemployment, overcrowding and low levels of social capital all appear to increase the risk factors of child maltreatment.³⁹ The UN Secretary-General's Study on Violence against children also recognises economic inequalities and social exclusion among the risk factors for child maltreatment. The third recommendation of the UN Study calls on States to allocate adequate resources to address the root causes of violence, by taking 'economic and social policies aiming at combating poverty, gender and other forms of inequality, income gaps, unemployment, urban overcrowding, and other factors'⁴⁰.

39. Preventing Child Maltreatment, a Guide to tacking action and generating evidence, World Health Organisation, 2006, p.36.

40. UN Secretary General Study on Violence against Children, §99.

3. WHAT IS THE RELATIONSHIP BETWEEN POVERTY AND DISCRIMINATION?

‘Any attempt to reverse entrenched discrimination ... necessitates a closer look at the rights violations hidden under a landscape of poverty’⁴¹.

3.1 What is discrimination?

Discrimination is a widely used term although it can be defined in different ways. International human rights conventions are a useful starting point. The CRC defines discrimination in Article 2: *‘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 guardians’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.’*

State 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 opinion, or beliefs of the child’s parents, legal guardians, or family member.’

In one of its General Comments, the Human Rights Committee proposes that the term ‘discrimination’ should be understood to imply *‘any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedom.’*⁴² The Committee on Economic, Social and Cultural Rights defines discrimination in a 2009 General Comment as *‘... any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of covenant rights.’* In addition, the ICCPR establishes that nondiscrimination is a non-derogable right (this means it cannot be violated even in situations of emergency) and that everyone has the right to equality before the law. The Committee which monitors the ICESCR has also argued that the principle of non-discrimination overrules the concept of the ‘progressive realisation’ of economic, social and cultural rights: discrimination cannot be justified on the grounds of lack of available resources and should be addressed immediately; for example, a child with a disability cannot be excluded from school on the basis of limited resources.

These definitions, while broad, both focus on the core issue – unequal treatment on the basis of group identity rather than individual merit; and capture why this is a problem – it can impair the enjoyment of basic rights or freedoms.

41. Narula, S. and Macwan, M. (2001) “‘Untouchability’: The Economic Exclusion of Dalits in India’. Paper for ICHRP Seminar on the Economics of Racism, Geneva, 24–25 January.

42. Human Rights Committee, General Comment 18, Non-discrimination (Thirty-seventh session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 26 (1994).

2.2 Non-discrimination and child poverty

Children in almost every society lack power and are therefore vulnerable to discrimination. Most girls and boys grow up aware, that as children, they have inferior status to adult. Many children face additional forms of discrimination and the discrimination they face is especially pervasive because it is not only based upon age, but also upon other grounds such as gender, disability, religion, caste, sexual preference, social status, HIV status and so on. The research conducted for a CCF Study found that many children prioritize the psychological and social experience of poverty (for example, humiliation, shame and stigma) as being more significant than any material deprivation⁴³. Furthermore, children are acutely aware of the divisive nature of poverty and feel its effects particularly in terms of changing and constraining their relationships with family and friends.

Poverty is often a precursor, a marker or component of discrimination. However, discrimination can be applied to a wide range of phenomena and acts which are not always directly connected to poverty; for example, is a child who is excluded from a school because of her HIV/AIDS status automatically poor? If a child does not have a voice in society because of their ethnicity are they automatically poor? It is likely that not every violation of children's right to non-discrimination is directly linked to poverty but there is a very intimate and symbiotic relationship between the two concepts which can lead to a vicious circle of discrimination, exclusion and worsening poverty.

For example, poor children who suffer discrimination may come to internalise the belief-systems which justify their negative treatment and contribute to their poverty. One experimental study in India, comparing Dalit and higher caste children's behaviour in solving puzzles for a monetary reward, shows how expectations of discrimination are formed at an early age. The researchers found that when the experimenter publicly announced the caste of each participant, the performance of Dalit children suffered significantly but their performance was otherwise indistinguishable from that of the higher caste children⁴⁴.

Furthermore, a high number of Dalit children drop out of school. Many do so to supplement their family's income or because they cannot pay school fees. Some leave because they lose faith in education because they face physical and verbal abuse in the classroom on the basis of their social caste. Dalit children are often made to sit at the back of classrooms and face abuse and other degrading treatment from their teachers and classmates⁴⁵. They are poor because they are Dalit, they are discriminated against within schools because they are Dalit and the discrimination they face means that they are often unable to enjoy their right to education.

43. D. Wordsworth, M. McPeak & T Feeny (2005), *Understanding Children's Experience of Poverty: an Introduction to the DEV Framework*, CCF, Richmond, USA.

44. *Belief Systems and Durable Inequalities: An Experimental Investigation of Indian Caste* Karla Hoff Priyanka Pandey (2004).

45. http://www.ichrp.org/files/reports/23/113_report_en.pdf

2.3 Positive and negative discrimination

Poverty and discrimination can be conceptually linked through examining power relations with the unfavourable treatment of members of less powerful groups by members of more powerful groups reinforcing power relations. This is sometimes contrasted with 'positive discrimination', where those deemed to be less powerful are treated *more* favourably on the basis of their group status. Essentially both of these treatments are types of discrimination – it is the purpose of the act of discrimination, rather than the act itself, which is used to justify the classification of 'positive' and 'negative.'

Article 2 of the CRC does not mean that all children must be treated the same. The Committee has suggested that proactive measures are sometimes necessary in order to counter disparities effectively. Preferential treatment means actions to promote the rights of the members of a group previously discriminated against, provided that this group desires such measures. Such measures should be based on specific needs of the group and not on group membership. The treatment should be on a temporary basis and should cease once the aim has been reached.

2.4 Formal and informal discrimination

There is also an important distinction between formal or informal discrimination. Formal discrimination is the result of a deliberate act. This might be discrimination in law: for example, having a lower age of marriage for girls than boys; for example, China's Hukou registration system penalises children born to migrant parents from rural areas⁴⁶. This has a profound impact on their ability to enroll in public schools and access health services. It also prevents parents from taking up certain categories of (well paid) job which again contributes to their poverty. This kind of formal discrimination against children is overt and visible.

Informal discrimination on the other hand, may occur as a result of a failure to recognize or address implicit barriers, such as hidden costs associated with education, even though there is no (overtly) deliberate intention to exclude. The discrimination resulting from these apparently benign policy regimes is, nonetheless, real. Moreover, Sen warns of the danger that tolerance of passive exclusion may foster accommodation to more active measures over time.⁴⁷ For example, significant numbers of states do not have the resources or the political commitment to run an effective administration beyond the more fertile, inhabitable and controllable areas of their countries. In large states, sheer physical distance and the dispersal of rural communities place a heavy burden on administrative and communications systems. This physical and social isolation can increase poverty. In rural Nigeria, for example, children from the poorest socioeconomic group have to travel seven times as far to reach a health facility than children from the wealthiest group, and many are therefore deterred from doing so⁴⁸.

46. For more information on the discriminatory aspects of China's Hukou system see Chan and Buckingham 'Is China Abolishing the Hukou System?' *The China Quarterly* 2008 <http://faculty.washington.edu/stevehar/Chan%20and%20Buckingham.pdf>

47. Sen, A 'Social Exclusion: Concept, application and scrutiny', *Social Development Papers No. 1*, June 2000, Asian Development Bank, Manila.

48. 'Saving Children's Lives why equity matters' <http://www.savethechildren.org.uk/en/docs/saving-childrens-lives.pdf>

Many children are poor for reasons of informal discrimination that have more to do with the attitudes of those around them. Discriminatory social attitudes can also result in startlingly different treatment of children within households: for example, an analysis of conditions in the Punjab showed that expenditure on healthcare during the first two years of life was two to three times greater for sons than for daughters⁴⁹. Such attitudes may persist even when anti-discrimination legislation is in place. Although such laws can enhance the rights of groups that suffer direct discrimination, indirect discrimination is much harder to tackle. Impartial laws and policies often fail in practice to remove the inequalities or entrenched disadvantage from which children suffer.

2.5 Poverty as a ground for discrimination

Discrimination against adults and children on the ground of their poverty is a little understood area that is a consequence of the view that poor people are in some way inferior or in some way responsible for their poverty. Challenges to such discriminatory beliefs or processes against adults and children living in poverty can threaten not only existing social and economic arrangements which benefit those who discriminate, but also their world view and social identity. The International Council on Human Rights Policy, in a report on economic and racial discrimination, notes that *‘from the perspective of dominant groups, their [victimised groups] inferiority “justified” their exploitation and their consequent impoverishment “demonstrated” their inferiority*⁵⁰.’ One explanation proposed for such resentment against poor people is the precariousness of existence for many: in a very unequal society, people feel highly protective of any advantage they have. As a result, children who experience poverty may be portrayed, in the media and in general public discussion, as not sharing society’s common values and not worthy of equality of respect.

2.6 State obligations to address discrimination and poverty

States routinely fail to meet their international and domestic legal obligations to respect, protect and fulfil the rights of poor children by failing to allocate sufficient resources to ensure their implementation. It could be argued that this doesn’t happen by accident but is in fact a response to political pressures which relegate the rights of poor children to a secondary status and which define poor children and their communities as less deserving than other sectors of society.

49. C Victora, A Wagstaff, J Armstrong Schellenberg, D Gwatkin, M Claeson, J Habicht, ‘Applying an equity lens to child health and mortality: more of the same is not enough’, *Lancet*, 362, 2003.

50. See Racial and Economic Exclusion, International Council on Human Rights (2001) http://www.ichrp.org/files/reports/23/113_report_en.pdf

Implications for Save the Children Sweden

I. CHILD POVERTY AND A RIGHTS BASED APPROACH

Save the Children Sweden is committed to the fulfilment of children's rights which means it takes a rights based approach to all of its work. This provides a conceptual framework for addressing child poverty that is based on international human rights standards and the CRC in particular. There is an organic link between child poverty and the failure to realise children's rights. A child rights based approach can therefore be an ethical and effective tool for reducing child poverty which exposes the inequalities and structures which sustain discrimination, social inequity and injustice.

A fundamental element of a child rights based approach to addressing child poverty, is the process through which duty-bearers meet and are held to account for their obligations and through which rights-holders are empowered to claim their entitlements. The following section examines how Save the Children Sweden could use these processes to work towards the reduction of child poverty in practice.

I.1 Duty bearers' obligations to reduce child poverty

A rights-based framework identifies duty-holders, of whom the state is the principle agent, who have a responsibility to respect, protect and fulfill children's rights. Other actors also have obligations, including the private sector, international organizations, third-party states and families and communities themselves. A child rights based approach to addressing poverty means that Save the Children Sweden works toward influencing and supporting states to change law, policies and practices to better realise the rights of all children for whom they are responsible.

- **Some implications for Save the Children Sweden**

- i. Building consensus that poverty constitutes a denial of children's rights**

The CRC is a set of universally agreed values that imposes legal obligations upon states. As such it is an invaluable tool for Save the Children Sweden to build a social consensus at the national, regional and international levels to support policies and interventions that aim to reduce child poverty. A first stage in this process is to build consensus that poverty does constitute a denial of children's rights. Part of this will involve promoting the fact that economic, social and

cultural rights are not in any sense secondary rights and that strong mechanisms for remedying violations of these rights must be made available by states.

ii. Holding duty-bearers to account for poverty reduction measures

In 2003, the Committee produced guidance on the requisite steps that State parties must take to fulfill their obligations under the CRC in its General Comment No.5 on General Measures of Implementation of the CRC. These measures include legislative reform, the establishment of coordinating and monitoring bodies – governmental and independent – comprehensive data collection, awareness-raising and training and the development and implementation of appropriate policies, services and programmes. General Comment No. 5 makes clear that with regards to the right to survival, *‘implementation measures should be aimed at achieving the optimal development for all children.’* These general measures of implementation provide a useful framework for Save the Children Sweden to conduct poverty analyses which scrutinise the extent to which a state is respecting, protecting and fulfilling children’s rights in order to reduce child poverty. Such analyses can be used as a tool to hold states to account as well as to explore the role that Save the Children Sweden can play in supporting and influence the state to reduce child poverty. The following is an overview of the general measures looking at how Save the Children Sweden can support duty-bearers.

Law reform: Does a state have in place a legislative framework which helps rather than hinders efforts to reduce child poverty? Is there legislation in place which perpetuates inequalities? Are economic, social and cultural rights incorporated into domestic legislation in such a way that children have effective legal remedies for their violations? How can Save the Children Sweden influence and support this process?

Poverty reduction strategies and plans of action: The CRC (and other instruments) will not necessarily prescribe specific policy measures which states should undertake, and states have the discretion to formulate policies that are most appropriate for their circumstances. However, they must ensure that international human rights obligations are taken into account when designing, implementing and evaluating social policies related to child poverty and social policies that aim to reduce poverty must promote the fulfilment, and avoid any violation, of human rights. Child rights standards therefore provide an important normative framework that can assist states in designing and implementing policies to reduce poverty.

In 1999, the IMF and the World Bank introduced a new approach to tackle poverty – the Poverty Reduction Strategy Paper. Poverty reduction strategies should be scrutinised to consider whether they include:

- Steps which will tackle inequalities
- Real and achievable targets for children
- Particular attention to identifying and prioritising marginalised groups of children
- Targeted implementation measures
- Adequate financial and human resources behind it (including specific budget allocations)
- Assessment and evaluation measures
- Dissemination to local levels of government for implementation

Governmental Coordination: Does the ministry or department responsible for implementing the CRC have sufficient data and research on the situation of children and poverty? Does it have political weight, a clear mandate and adequate resources? Does it work closely with other ministries who are working on issues relating to the reduction of child poverty? In particular does it have much voice within the ministry concerned with finance and also health, education, social welfare, justice, water and sanitation, housing and so on? Do these departments work effectively together to reduce child poverty – is there a mechanism which ensures that this can happen? How can Save the Children Sweden influence and support this process?

Data collection and monitoring: Do states collect reliable, accurate, comprehensive data which is disaggregated and reflects the multi-dimensional nature of child poverty? Are the most marginalised and discriminated against children being identified? How do we know this? What sort of research, indicators and measurements could be used to help illuminate violations of children's right to participation and to non-discrimination? How could Save the Children Sweden influence and support this process?

Allocation of resources: The process of how states allocate resources is critical not least as a means of determining the political priority afforded to reducing child poverty and the extent to which discriminated against children are targeted. Without knowledge of how much is being invested, both in financial and human terms, it is difficult to track progress or ensure accountability for reducing child poverty. States have an obligation to allocate 'maximum available resources' to the realisation of economic, social and cultural rights such as the right to an adequate standard of living, to health, to education and to social security.

What specific indicators are relevant to resources allocated for reducing child poverty? How do we know if the maximum available has been allocated? Are children who are discriminated against receiving additional allocations to counteract their discrimination? Is corruption being dealt with? Are budgets specifically targeted at children attached to poverty reductions strategies? If so are these budgetary lines defined and protected even in situations of economic crisis or emergency? Does the state track the budget from a child rights perspective? How can Save the Children Sweden influence and support this complex process?

Collaborating with civil society: General Comment No. 5 recognizes that responsibilities to ensure the rights of children '*extend in practice beyond the State and State-controlled services and institutions to include children, parents and wider families, other adults, and non-State services and organizations.*' Does the state involve civil society in research, policy formulation, monitoring and evaluation of the CRC and of child poverty reduction programmes? Are they involved in formulating poverty reduction strategies? Are they involved in dissemination of the CRC and the Concluding Observations? How can Save the Children Sweden influence and support this process?

International cooperation: Article 4 allows for States to actively seek international cooperation when they are in need of additional (human, financial or other) resources to realise children's rights. There are divergent views on whether or not this represents a legal obligation on the part of wealthier nations to provide

such assistance⁵¹. General Comment No. 5 states *‘The Committee advises States Parties that the Convention should form the framework for international development assistance related directly or indirectly to children; programmes of donor states should be right-based....The Committee encourages States Parties that receive international aid and assistance to clearly dedicate a substantive part of that aid to children. The Committee expects States to be able to identify on a yearly basis the amount and proportion of international support dedicated to implementation of children’s rights.’*

Donors should ensure that children are a prominent priority in the development of poverty reduction strategies and sector-wide approaches to development and these should reflect children’s rights principles, with a holistic, child-centred approach recognizing children as holders of rights. There is a clear obligation on the part of donors to include and to prioritise child poverty reduction within their international development assistance to countries.

But does development assistance work towards reducing child poverty? Does it focus sufficiently not just on health and education services and infrastructure but also the broader components of child poverty envisaged in the CRC: equity, discrimination, participation and protection? Can donors identify the contribution their development assistance makes to reducing child poverty? Does development assistance support equitable state systems? Does it address the social and structural determinants of child poverty? How can Save the Children Sweden support and influence this process?

National Human Rights Institutions: National Human Rights Institutions (NHRIs) can play a very important role at a domestic level in reducing poverty and protecting, respecting and fulfilling children’s rights.⁵² Their functions can include advising the Government and recommending policy or legislative changes in line with the CRC; handling complaints of violations of children’s rights; carrying out investigations; ensuring that the CRC is implemented; conducting research and assessment into child poverty; speaking out on behalf of poor children and providing training and public education on children’s rights. NHRIs sometimes have quasi-judicial functions and a mandate allowing them to contribute to the development of legislation. They can adopt a holistic, multi-sectoral and multi-disciplinary approach which is essential when addressing issues of child poverty.

Do they have an explicit mandate to address child poverty? Do they have sufficient financial and human resources to fulfil their role in reducing child poverty? Are they accessible and user-friendly for poor children in particular? For example, are they located in urban centres or do they have outreach into rural areas as well. Do they conduct awareness-raising programmes about their work and in particular their complaints procedures so that poor children know how to access them? Are they independent so that they can challenge the state’s efforts are reducing child poverty irrespective of political considerations? How can Save the Children Sweden support and influence this process?

51. For more on this see UNHCHR ‘States parties’ obligations: realizing economic, social and cultural rights. Are child rights a luxury during an economic crisis?’
www2.ohchr.org/english/bodies/crc/docs/20th/BackDocWG3.doc

52. See General Comment No. 2 (2002) The role of independent national human rights institutions in the promotion and protection of the rights of the child and Principles relating to the status of national institutions.

1.2 Building constituencies of support

Another fundamental component of a child rights based approach to child poverty reduction is to strengthen the motivation and capacity of children themselves as well as other civil society groups to play a role in claiming children's rights, seeking to create a public climate which better enables the achievement of those rights, and holding governments (and other dutybearers) to account for fulfilling their responsibilities to children

A child rights based approach is in essence about empowering marginalised and poor children. Focussing on rights and obligations helps identify who is entitled to make claims and who has a duty to take action and thereby empowers those who have legitimate claims to rights. While children living in poverty may remain largely invisible to policymakers, a child rights approach facilitates their visibility because it requires that they are given a voice.

- **Some implications for Save the Children Sweden**

- i. Giving children living in poverty a voice**

Discussing the concept of 'social exclusion', Estivill writes that 'very often, the first response to it is *denial and concealment* of its existence...One of the first conditions for the formulation of strategies to address exclusion is therefore precisely to bring it to the surface, make it visible and give it recognition... this not only involves promoting research, studies, publications and different statistical approaches, but also laying the basis for a public debate in which all the actors involved intervene⁵³.' Save the Children Sweden can play a vital role in empowering children living in poverty and making them visible at national, regional and international levels.

- ii. Filling in gaps in knowledge**

This study highlights that child poverty is routinely marginalised in debates and discussion of poverty reduction. There are persistent knowledge gaps about how macro development and poverty-reduction policies affect children's experiences of poverty at ground-level, and the extent to which poverty is perpetuated from generation to generation. There is not enough systematically documented understanding of how different aspects of violations of child rights relate to each other. Research in these areas could help to clarify how child poverty relates to family and household deprivations, how child and family deprivations are linked to weaknesses in public policies, and how local or region-wide constraints could best be addressed at the national level.

Save the Children Sweden could conduct research to fill some of these gaps particularly on the question of how different rights violations can work together to inhibit children's survival and development and to perpetuate poverty – for example, by examining the relationship between violence, failure to be registered at birth, lack of health care, inadequate or non-existent education, lack of social

53. Estivill, J. (2003) Concepts and strategies for combating social exclusion: an overview, International Labour Office, Geneva.

security, material deprivation, lack of voice and discrimination for a range of different reasons but including being poor itself. Save the Children Sweden could play an important role in providing knowledge and technical capacity to inform discussion on policy making.

1.3 Challenges of this approach

Some commentators have emerging concerns that child rights-based approaches may lack operational effectiveness and widespread relevance in addressing poverty.

– Too much focus on legal dimension

The rights-based approach is criticized for being an overly technical framework, particularly in its connection to legal documents such as the CRC or African Charter on the Rights and Welfare of the Child. This is an approach which may be inadequate at times for dealing with issues of power: *'some authors argue that the concept of rights is over-formalised and an incomplete framework through which to understand and address the reality of differences in power'*⁵⁴ A child rights-based analysis of poverty is therefore at risk of disregarding the ways in which power operates both for and against children's best interests and of not taking into account the reality of how children's rights relating to poverty might be defined and claimed within specific political and social contexts⁵⁵.

– Understanding of power dynamics of child as rights-holder

Poor children lack power in nearly all societies nearly all of the time. Some argue that rights-based approaches are an inappropriate strategy for working with the poorest and most vulnerable, who may feel more secure in entering (often informal) negotiations with duty bearers such as parents, teachers or local government officials rather than in making formal, legally explicit demands of duty-bearers. Save the Children Sweden needs to demonstrate that a child rights-based approach will bring real, practical benefits to children who are poor and excluded and is not just useful for those who are already well-off, well-educated and well-connected who are already able to claim their rights with assurance and confidence.

– What to do if state too weak/ unwilling to fulfil role as duty-bearer?

In circumstances of civil conflict or natural disaster, weak or contested states may have no capacity to protect their citizens and may in fact be actively engaged in rights violations which are deepening and worsening children's poverty.

– What are the obligations of non-state actors?

The relevance of a state-centric focus is also criticized in an era when private corporations and international financial organizations such as the Bretton Woods

54. Conway, T. et al. 2002. "Rights and Livelihoods Approaches: Exploring Policy Dimensions." *Natural Resource Perspectives* 78. Available at www.odi.org.uk/nrp.

55. Nyamu-Musembi, C. and A. Cornwall. 2004. "What is the rights-based approach all about? Perspectives from international development agencies." IDS Working Paper 234. Brighton: Institute of Development Studies.

Institutions and the WTO have a powerful impact on poverty and the fulfillment of human rights. Obligations of non-state actors such as the private sector are (as yet) unclear within the rights framework.

- **Some implications for Save the Children Sweden**

This study has argued that poverty is a consequence of the systemic and structural violation of children's rights. It has argued that a child rights approach can address child poverty by supporting and influencing duty-bearers (primarily local and national governments) to meet their legal obligations and be held accountable to them. A child rights based approach can address poverty by empowering rights-holders (primarily children and their families living in poverty) to claim their entitlements.

However, child poverty is the product of complex and evolving forces. The rights-based approach has a great deal to recommend it, but it may not be sufficient to focus on national governments, families and communities alone. There is a wider, more internationalised picture of political and economic factors which prevent the realisation of children's rights and fuel and sustain poverty and these too need to be acknowledged.

Hart argues that childhood poverty must be understood by locating: *'local experience in relation to global political economy'*⁵⁶. 'Save the Children Sweden must acknowledge the importance of political and economic forces in creating and sustaining child poverty. This means framing its work on poverty reduction in relation to the murky waters of how macro processes of political economy impact on the lived realities of children living in poverty. It means assessing to what extent a rights-based approach will in fact address the forces that perpetuate inequality and poverty. This could imply consideration of areas which are not at present at the centre of Save the Children Sweden's work such as: the impact of taxation regimes, of budgetary allocations, how actions of the private sector can deepen child poverty, whether states regulate the private sector with regards to children's rights, whether a state has a minimum wage, the impact of cuts in social spending and the introduction of user fees, of privatisation of services such as health and water and sanitation, of children's engagement in unpaid and paid labour. Save the Children Sweden may therefore need to create capacity within the organisation, to analyse and understand these forces so that a child rights based approach to reducing poverty can fulfil its promise.

56. Jason Hart (2008), 'Business as Usual? The Global Political Economy of Childhood Poverty, Young Lives Technical Note No. 13 p.8.

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