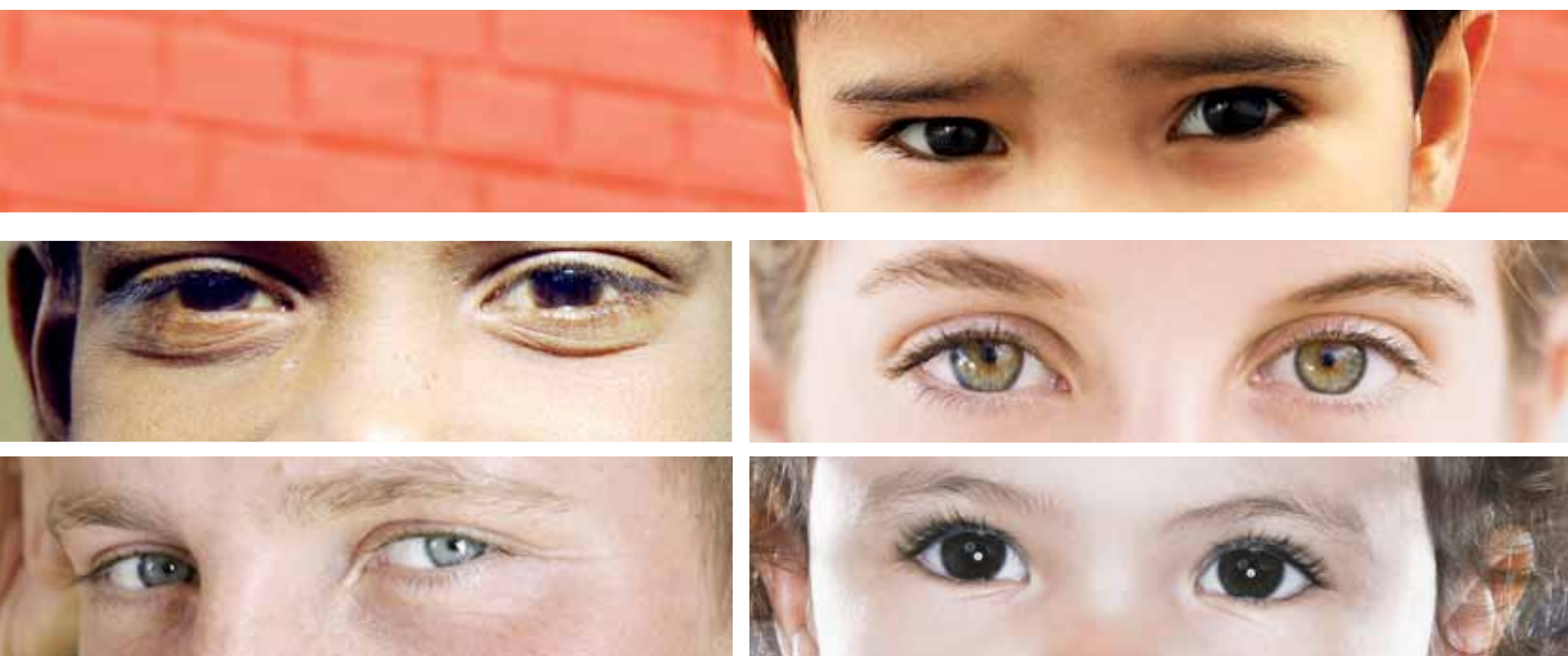


# Governance fit for Children

To what extent have the general measures of implementation of the UNCRC been realised in five European Countries?



Co funded by the European  
Union's Fundamental Rights  
and Citizenship Programme



**Save the Children**

WE ARE the world's leading independent organisation for children.

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

OUR MISSION is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

The report was written by an independent consultant, Sandy Ruxton, and was completed in March 2011.

© 2011 Save the Children Sweden

ISBN: 978-91-979462-0-9

Project coordinator: Camilla Nygren, Save the Children Sweden  
Graphic Design: Press Art

Save the Children Sweden  
107 88 Stockholm  
Phone: +46 8 698 90 00  
Internet: [www.rb.se](http://www.rb.se)  
E-mail : [info@rb.se](mailto:info@rb.se)

This publication has been produced with the financial support of the Fundamental Rights and Citizenship Programme of the European Commission. The contents of this publication are the sole responsibility of Save the Children Sweden and can in no way be taken to reflect the views of the European Commission.

# Contents

<b>Foreword</b>	<b>4</b>
<b>Key findings</b>	<b>5</b>
<b>1. Introduction</b>	<b>6</b>
<b>2. Country contexts</b>	<b>10</b>
<b>3. Findings</b>	<b>22</b>
3.1 National law and the Convention on the Rights of the Child	22
3.2 Development of National Strategies and National Action Plans	29
3.3 Co-ordination of implementation	39
3.4 Monitoring CRC implementation	50
3.5 Data-collection and child rights indicators	57
3.6 Making children visible in budgets	64
3.7 Co-operation with civil society	71
3.8 Independent human rights institutions for children	80
3.9 Information and awareness-raising	90
<b>4. Recommendations</b>	<b>105</b>
<b>Annex I: Executive summary</b>	<b>108</b>

# Foreword

[FROM THE UN COMMITTEE ON THE RIGHTS OF THE CHILD]

The Convention on the Rights of the Child (the CRC) has the ambition to face two challenges:

- ❖ to confirm the status of the child, who has to be considered as a person, not as an object of adults' benevolence, entitled with dignity and rights – from a historical point of view, a “new” child was born in 1989;
- ❖ to offer universal coverage of all rights to which the child is entitled, irrespective of the place, where the child is living.

This new status of the child, subject of rights, is well illustrated by two principles of the CRC: The primary consideration to be given to the best interests of the child (CRC, art. 3), which places the child at the centre of all decisions affecting him/her, and the child's right to be heard (CRC, art. 12), which considers the child as competent enough for influencing such decisions. These two articles complement each other and present a concept of the active and participating child, which now has to be made a reality.

But how to translate this new status of the child and all the provisions of the CRC, including social, economic and cultural rights (food, shelter, education, health...) and rights to protection (against violence, exploitation, neglect...) into the different realities of countries, regions, communities, ethnicities, cultures and juridical systems?

The legislators of the CRC have not proposed a universal mechanism, but have drafted the article 4 stating that “States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention”, which leaves it to the State Parties find out which measures are helpful to achieve the shared objectives of the CRC. Additional articles give directions; Article 42 (make the CRC widely known), Article 44(6) (make reports widely available), Article 2 (respect the rights of all children) and Article 3(2) (ensure protection and care).

On this basis, the Committee has generated the concept of “General Measures of Implementation” that are to serve as general prerequisites for the implementation of children's rights in details. In the General Comment No. 5 on “General measures of implementation” (CRC/ GC/2003/5) the Committee has explained what all State Parties should consider to do: examine and amend laws, allocate resources, coordinate measures, raise the awareness, carefully monitor the implementation process and arrange for an independent assessment of progress made. These measures are the toolbox for promising efforts to make the substantive rights a reality for children.

The instruments of this toolbox look so far away from what children need and desire. The Committee knows that children are not living in Ministries or in Services, but in villages and cities, in large families or with one parent alone, in an apartment house or in the streets. Still, the very concrete actions, appropriate to context and cultural background, require a framework of general measures in order to secure their effectivity and sustainability.

The studies presented in this report series has investigated, in which ways five member states of the EU and EU institutions have used such general measures of implementation. The results will be seriously considered by the committee in order to make its recommendations to State Parties the most applicable and useful for the benefit of children and their universal rights.

**Jean Zermatten**

Vice-Chair of the Committee on the Rights of the Child

**Lothar Krappmann**

Member of the Committee on the Rights of the Child

# Key findings

The main findings of the study are that:

- Ratification of the CRC and its Optional Protocols has had a generally positive impact on the development of law and policy in the countries studied.
- A wide range of obstacles may impede progress, including: the lack of a child rights culture; continuing focus on the family as a whole rather than on children; and attention to the situation of some groups of children rather than all children.
- There is a general lack of adequate financial and human resources allocated for the implementation of all the GMIs in the countries studied.
- There is widespread recognition of the value of the CRC as a set of guiding principles and standards, and a common willingness to do more to ensure effective implementation through National Strategies and Action Plans. But in most of the countries studied, implementation plans may be very vague or limited; may lack verifiable objectives and fixed time-frames; are poorly resourced; and may be subject to weak coordination.
- Children have been – and continue to be – adversely affected by the economic crisis, and this is also affecting the implementation of children’s rights. In *Lithuania*, for example, the economic position of families has deteriorated, whilst the workload of service providers has increased. In *Romania* the Government adopted a positive National Strategy in 2008, but lack of resources and frequent institutional restructuring has given rise to real concerns about the chances of the Strategy being implemented.
- There is a lack of co-ordination mechanisms, both at state, regional and local level. In most of the countries studied there is no ‘vertical’ coordination mechanism, but there are some examples of ‘horizontal’. In *Sweden*, for example, the CRC Co-ordination Office has established a CRC Network bringing together Government Offices. There is also a ‘Child Rights Network’ set up by the Swedish Association of Local Authorities and Regions to spread effective methods for promoting children’s rights in the work of regional authorities.
- Although there has been significant progress in many states in monitoring implementation, various weaknesses remain to be addressed, for example the frequency of monitoring. Often, states believe they fulfill their obligation to undertake CRC monitoring by submitting periodic reports to the UN Committee, which is not enough.
- Few, if any governments, appear to have developed a set of specific national child rights indicators. The Scottish Government is currently drafting a set of indicators on children’s well-being, and it is hoped that with NGO input the outcome of this project will be a set of child rights indicators for *Scotland*.
- There are examples of Government initiatives to engage with children directly, but much remains to be done. Children themselves generally do not feel that they have been listened to, because their views have not been taken into account in the subsequent decision made and/or because the feedback is lacking.
- Of the countries studied, three have established independent National Human Rights Institutions (NHRI)<sup>1</sup> for Children. *Romania* and *Italy* have not done so, in spite of repeated recommendations by the UN Committee on the Rights of the Child. In *Italy*, however, there has been an increase over the past five years in the number of regions that have adopted laws to establish regional Children’s Ombudsmen.
- Although several states have made welcomed efforts, the level of awareness of the CRC is low among children in general. Not all professional groups that work with children receive adequate training in children’s rights.

1 Although in England the role of the Children’s Commissioner is not to protect and promote children’s rights, see page 84

# I. Introduction

## ***Implementing the UN Convention on the Rights of the Child***

The 1989 UN Convention on the Rights of the Child (CRC) and its Optional Protocols<sup>2</sup> enshrine a clear set of principles and standards to realise a positive vision for child rights, where children are seen not only as passive recipients of protection, but also as active contributors to society. Encompassing civil, political, economic, social and cultural rights, the CRC provides a comprehensive framework against which to evaluate existing and proposed legislation, policy, and institutional structures.

The CRC has been ratified by almost all states. This reflects that there is a universal commitment to respect, protect and fulfil the rights of the child. However the act of ratification alone does not automatically ensure that the rights of the child are implemented. The CRC should be seen as a dynamic tool for the development of a comprehensive and coherent approach to implementing children's rights by all the key stakeholders – including central and local government, NGOs and other groups and individuals working with children, as well as children themselves. What is needed is the political will to translate the principles and standards of the Convention into practical action at community, national, regional and international levels.

Under Article 4 of the CRC, States Parties are obliged to '*undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.*' Article 44 requires governments to submit periodic reports on progress towards implementation to the UN Committee on the Rights of the Child in Geneva<sup>3</sup>. Following hearings where the UN Committee are able to discuss the report of a particular State party with government representatives (the reporting process)<sup>4</sup>, the Committee publishes 'Concluding Observations'. These set out the Committee's assessment of implementation of the CRC in the State Party examined, highlighting any progress made and underlining any problematic areas, and inviting the Government to respond to specific recommendations.

To assist states in fulfilling their obligations, the UN Committee (or in this report also referred to as the Committee), the UN treaty monitoring body for the CRC, has drawn up a series of guidelines ('General Comments') for interpreting and implementing the provisions and principles of the CRC.

This report focuses on General Comment No.5 'General Measures of Implementation'<sup>5</sup> (GMI), which sets out the key cross-cutting measures required to implement all the rights in the CRC<sup>6</sup>. They are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation; the establishment of coordinating and monitoring bodies; comprehensive data collection; awareness-raising,

---

2 Optional Protocol on the sale of children, child prostitution and child pornography, General Assembly resolution A/RES/54/263 Of 25 May 2000, entered into force 18 January 2002; and Optional Protocol on the involvement of children in armed conflicts, General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force 12 February 2002

3 An initial report is submitted two years after ratification, and thereafter states present periodical reports every fifth year. Since it is the state that bears ultimate responsibility for ensuring observance of the CRC, it is the government that reports to the UN Committee. Alternative or supplementary reports and comments can, however, be submitted by 'other competent bodies', including non-governmental organizations.

4 Representatives of NGOs who have sent their own Report are invited to meet the UN Committee "behind closed doors" in a pre-session so they can present their point of view on the situation regarding the rights of the child in their country.

5 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6) and General Comment No. 5 (2003), UNCRC/GC/2003/5, 27 November 2003. Also relevant are the General Guidelines regarding the form and contents of periodic reports to be submitted by states parties under Article 44, paragraph 1(b) of the Convention, UNCRC/C/58, 20 November 1996

6 The report also addresses General Comment No.2, which sets out further standards for independent human rights institutions for children. UN Committee on the Rights of the Child (2002) General Comment No.2 'The role of independent national human rights institutions in the promotion and protection of the rights of the child'

training and the development and implementation of appropriate policies, services and programmes. According to General Comment no.5, the emergence of initiatives and mechanisms such as these *‘indicates a change in the perception of the child’s place in society, a willingness to give higher political priority to children and an increasing sensitivity to the impact of governance on children and their human rights’*.

## **Background to the report**

The Save the Children Europe Group, consisting of thirteen national Save the Children organisations in Europe (Denmark, Finland, Germany, Iceland, Italy, Lithuania, the Netherlands, Norway, Romania, Spain, Sweden, Switzerland and the UK), has been working together at European level and engaged in EU advocacy since the middle of the 1990s.

Save the Children is the world’s leading independent organisation for children. Save the Children’s vision is a world in which every child attains the right to survival, protection, development and participation. The mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

Over the years, a number of studies of good practice in relation to the CRC have been carried out. However, very few have focused on the GMI, despite the fact that these provisions underpin the implementation of the CRC as a whole. ChildOnEurope carried out a study in 2006, bringing together all the concluding observations from the UN Committee on the Rights of the Child for the EU Member States. This study included the GMI, however was not focused on them, but on the Convention as a whole.<sup>7</sup> From a different perspective, UNICEF published research the same year on the GMI, but this focussed on specific themes in both Europe and Central Asia<sup>8</sup>.

In 2010, Save the Children received financial support from the European Union’s Fundamental Rights and Citizenship Programme to assess how far the CRC ‘General Measures of Implementation’ have been realised in five European countries: Italy, Lithuania, Romania, Sweden and the United Kingdom. While the project’s geographical scope is limited to the partners’ countries in terms of its research activities, the results have wider application to other EU Member States. Indeed, the countries highlighted reflect main welfare traditions across Europe, from the Liberal/neo-Liberal (UK), to the Nordic (Sweden), the Mediterranean (Italy), and the Post-Socialist (Romania, Lithuania).

This report brings together evidence from the national studies carried out in each of these states by Save the Children organisations for the ‘Governance Fit for Children’ project. By identifying trends and patterns between and within states, it helps to shed light on the various ways in which the CRC is being understood and implemented at all levels. Highlighting good practice examples from other countries will also facilitate an invaluable sharing of experiences between EU Member States.

This comparative report by Save the Children is complemented by a parallel and linked report on how the GMI could also be applied by the EU institutions. The latter is intended to inform and assist the European Commission in its current efforts to develop a comprehensive rights-based EU Strategy on the Rights of the Child. The good practices from Member States set out in the comparative report therefore serve as inspiration for how appropriate mechanisms can be established to ensure the fulfilment of the GMI at EU as well as national and local levels.

7 ChildOnEurope (2006) Survey on the CRC Committee’s Concluding Observations on the last EU Countries’ Reports, Istituto degli Innocenti June 2006

8 UNICEF (2006) The General Measures of the Convention on the Rights of the Child: The Process in Europe and Central Asia, Florence: UNICEF Innocenti Research Centre



## **Focus of the Report**

The report draws on the research undertaken in the five countries at local and national levels on the CRC ‘General measures of implementation’ (GMI).

The study focuses on the following areas:

- ❖ National Law and the UN Convention on the Rights of the Child
- ❖ Development of National Strategies and National Action Plans
- ❖ Co-ordination of implementation
- ❖ Monitoring implementation
- ❖ Data-collection and indicators
- ❖ Making children visible in budgets
- ❖ Co-operation with civil society
- ❖ Independent human rights institutions
- ❖ Information and awareness-raising

The report includes:

- ❖ A review of background documents;
- ❖ A review of the national research reports in relation to Italy, Lithuania, Romania, Sweden, and the UK;
- ❖ Overall findings/conclusions from the research, including the identification of critical issues for the implementation of the GMI;
- ❖ Identification of good practices in relation to implementation of the CRC at local and national levels;
- ❖ Recommendations for future actions.

The report is relevant to a range of actors at all levels. Member States are the key duty bearers in relation to the realisation of children’s rights, with responsibility falling to national governments and parliaments, as well as other state authorities and local policy makers that play a crucial role in terms of realising children’s rights. Civil society organisations in EU Member States will find the report helpful in providing information to inform their advocacy and monitoring activities in relation to central and local governments and/or the EU. Ultimately, the main beneficiaries are children, whose rights will be enhanced if the GMI are implemented effectively.

## **Development of the report**

The research for the national studies, upon which this comparative report is based, was conducted between March and October 2010 according to a common methodology. Qualitative research methods were used.

The main components were:

- ❖ Desk research of documents and statistics (official and other), and web searches
- ❖ Semi-structured interviews with key stakeholders (e.g. civil servants, independent human rights monitors, ‘technical’ experts, NGOs) at national and local levels
- ❖ Visits to selected municipal/local authorities<sup>9</sup>
- ❖ Interviews/focus groups with children and young people<sup>10</sup>
- ❖ Analysis of the information collected in the research, identifying good practice standards and formulating key messages and recommendations

---

<sup>9</sup> In most states, four municipalities/local authorities were studied in more detail.

<sup>10</sup> A small number of interviews were conducted with children and young people in Sweden, UK, Lithuania, Romania and Italy, on the basis of a modified questionnaire. Further details are set out in the national studies.



Having said this, the precise methodology was adapted according to the circumstances within particular country contexts. For example, in the UK the methodology focussed on the UK level, and on devolved government arrangements in Wales, Scotland and Northern Ireland, rather than on the experience of local authorities. Conversely, in Italy there was a focus on four regions (Emilia Romagna, Lazio, Lombardy and Sicily), which not only represented different areas of the country but also reflected the significant degree of decision-making power at this level as compared to the national level. Further details of the methodology in each country are available in each national report.

The comparative report was written by an independent consultant contracted to carry out the analysis of the national reports. His work was informed by a meeting of the partners in Stockholm in October 2010 to discuss the findings of the national studies, develop recommendations, and identify good practices. The report was then finalised, and an executive summary drafted by March 2011.

### ***Issues in comparative research***

There are considerable similarities, but also considerable differences, between European countries, and any transnational comparisons have to be set in appropriate context. All the countries in this study are EU Members and are therefore included within a single institutional framework, with parliamentary systems, the rule of law, and free market economies. But they remain geographically, historically and culturally very diverse. For example, the historical legacy of Soviet domination and communist regimes in the newer EU Member States (Lithuania and Romania) impacts on the present in different ways from the experience of the states in Western Europe.

Related to this, the selected countries will also be at very different stages of economic and social development; this will need to be taken into account in making any comparisons. Attempts to reduce the risk of inconsistency between country assessments are therefore essential.

The five country studies were carried out on the basis of the same framework of questions, according to a consistent research method, and from a similar child rights orientated value base. The interviews were conducted according to a questionnaire agreed between the partners. Nevertheless, the chapter “Country Contexts” of this report explores in some detail and acknowledges the different contexts in which information was collected.

## 2. Country contexts

In this Chapter, we provide some basic contextual information within which to locate the subsequent more detailed sections on national responses to particular aspects of the CRC General Measures of Implementation. This is broken down into the following categories:

- ❖ Ratification of the CRC and Reporting to the UN Committee
- ❖ Attitudes to child rights
- ❖ Government Structures affecting children
- ❖ Government Approaches to children and child rights

Given the huge range of information that could be covered under these headings, it is acknowledged that the report does not provide a comprehensive picture. However we believe the material set out here provides important insights into the different contexts within which CRC implementation takes place.

### ***Ratification of the CRC and reporting to the UN Committee***

The UN Convention on the Rights of the Child (CRC) was adopted by the UN General Assembly in 1989, and has been ratified by all 27 EU Member States (and 192 states worldwide), who have thereby committed themselves to implement its provisions fully. In addition, the UN Committee has consistently urged States parties to ratify the two Optional Protocols to the CRC (on the involvement of children in armed conflict [2000] and on the sale of children, child prostitution and child pornography [2000]) and the other major international human rights instruments<sup>11</sup>. The CRC has been ratified by the governments of all the countries studied in this report. The earliest to do so were Sweden and Romania (1990), followed by Italy and the UK (1991), and Lithuania (1995)<sup>12</sup>.

Almost all EU Member States have ratified the ‘Optional Protocol on the involvement of children in armed conflict’, including all the countries examined in this study<sup>13</sup>. The vast majority of EU states have also ratified the ‘Optional Protocol on the sale of children, child prostitution and child pornography’<sup>14</sup>.

Some states enter ‘reservations’ (unilateral statements by states limiting the domestic legal effect of certain provisions of the UNCRC) when ratifying or acceding to the Convention and/or its Optional Protocols. Of the five countries in this study, only the *UK* did so in relation to the CRC, entering reservations in relation to Articles 32 (employment of young people), 37(c) (separate detention of children and adults), 37(d) (children’s hearings in Scotland), and a general reservation on immigration matters. However over time all these reservations have subsequently been withdrawn.

Throughout this report, we draw extensively on documents produced during the CRC reporting process, including State party reports, the Committee’s Concluding Observations, and NGO submissions. Whilst specific references are made in the sections of this report that analyse the various components of the Committee’s ‘General Measures’ in more detail, here we summarise some of the overall findings of the

---

11 E.g. International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), International Convention on the Elimination of all Forms of Racial Discrimination (1966), Convention on the Elimination of all Forms of Discrimination Against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Convention on the Rights of Persons with Disabilities (2006)

12 Some governments entered into ‘reservations’ on ratification in relation to particular aspects of the CRC and/or its Optional Protocols. Some States have also made ‘declarations’, intended to clarify their interpretation of a particular phrase within the Convention.

13 Romania (2001), Italy (2002), Lithuania (2003), Sweden (2003), UK (2003)

14 Romania (2001), Italy (2002), Lithuania (2004), Sweden (2007), and the UK (2009)

Committee in relation to progress on implementation in the states highlighted in this study.

*Sweden:* Sweden played an active role in the work of drawing up the UN Convention on the Rights of the Child (a process which took the whole of the 1980s).<sup>15</sup> One prominent feature was the active role of Swedish NGOs in the work.

To date the Swedish government has submitted four reports (1992, 1997, 2002 and 2007).<sup>16</sup> In its latest report, the government responded to previous criticisms from the UN Committee<sup>17</sup>. The report was examined by the UN Committee in May 2009. In its concluding observations, the Committee welcomed a number of positive developments recently, such as the entry into force of the Anti-Discrimination Act<sup>18</sup> and ratification of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography. However it expressed its concern at the *"continuing lack of formal recognition of the Convention as Swedish law, which can have an impact on the rights contained therein and on the application of such rights."*

The Committee also recommended that Sweden should continue to seek ways of improving the co-ordination of child rights work. The Committee stated that the disparities existing between different municipalities and regions in terms of how well the CRC is implemented are a ground for concern. These disparities cause differences in levels of child poverty, in the resources available to the social services, and in academic results at school.

The Committee repeated its previous recommendation that the Children's Ombudsman should be given a mandate to investigate individual complaints, and that Sweden's statistics should be improved in certain respects. The Committee also said that it would like to see better information being made available as to the proportion of the state's budget that is spent on meeting children's needs. The Committee was concerned that Swedish children in general have a low level of knowledge of the CRC, and that not all occupational groups which work with children receive adequate training on children's rights.

*Romania:* Three State Party reports have been submitted to the Committee on the Rights of the Child (1994, 2003, and 2009)<sup>19</sup>. In its Concluding Observations on the most recent report, the Committee appreciates that Romania has made efforts to address some of its previous recommendations. For example, it has made progress in developing legislation (although enforcement requires strengthening), establishing a National Action Plan and National Strategy on child rights, and improving the training of professionals working with children and of decision-makers at local level.

However the Committee also highlights some continuing failings. These include: the need to further improve co-ordination between, and clarify the responsibilities of, national and local institutions; the absence of an independent body for the promotion and implementation of the Convention; the poor development of monitoring and data collection systems; and the shortage of resources to provide social services at the local level, in particular in disadvantaged communities. Within this context, the Committee cautions that Romania should consider the provisions of the Committee's General Comment no. 5.

15 Ek, S. (2009) Självklart barnets rättigheter. Om frivilligorganisationernas roll i tillkomsten av Barnkonventionen.

16 As a complement to the most recent report, the Committee received additional reports from Save the Children Sweden (Rädda Barnen), ECPAT Sweden, and the CRC Network.

17 E.g. In relation to issues such as improving the mandate of the Children's Ombudsman; the establishment of a permanent structure for co-ordination between municipal and regional authorities and the government ministries; and the setting up of a system for co-ordinating the collection of statistics relating to children.

18 The Act includes age as a ground of discrimination and prohibits discrimination in all parts of the education system, and establishes the Office of the Equality Ombudsman

19 In 2009 two alternative reports were also submitted, one from Save the Children and the other from the NGOs Federation for Children, [www.crin.org/resources/find\\_altrep.asp](http://www.crin.org/resources/find_altrep.asp)

*Lithuania:* The Government has submitted three reports to the UN Committee on the Rights of the Child (1998, 2004, and 2009)<sup>20</sup>. The comments of the Committee on the second and third reports show that implementation of the rights of the child in Lithuania remains inadequate, particularly in relation to certain issues.

For example, in both 2001 and 2006 the Committee expressed concern that a culture of physical punishment, particularly in the family, still dominates. The Committee has also expressed its concern about lack of awareness among (and accessible materials for) both adults and children about the rights of the child and the CRC. In general, public opinion about the rights of the child is negative, with children's rights perceived as a source of children's misbehaviour and disrespect for adults.

Whilst the number of adopted children is increasing gradually, the number of children living in childcare institutions remains high. There is also still a high number of 'families at risk', although this number is gradually decreasing. In addition, the non-discrimination rights of children (Article 2) are not fully ensured. This issue is particularly sensitive when it comes to groups of children at risk; children living in childcare institutions; Roma children; refugees and children seeking refuge; and children living in rural areas.

*Italy:* Three Government Reports have been submitted; the first in 1995; the second in 2000; and the third-fourth 'consolidated' report in 2009<sup>21</sup>. The examination of this latest report has been scheduled for 2011.

A positive outcome of the UN Committee's Concluding Observations of 1995 was the passing in 1997 of Law 451, which created the Parliamentary Committee on Children and Young People, and the National Observatory on Childhood and Adolescence, whose task it is to draw up the National Action Plan every two years.

A considerable part of the most recent Concluding Observations (2003), which the Italian Government will be asked to refer to during its next meeting with the UN Committee, is devoted to the GMI for the implementation of the CRC (in particular, legislation, resources, coordination, national action plans, independent monitoring bodies, data collection, training and the dissemination of the CRC). These issues are discussed in detail in the individual sections later in this report.

*UK:* The UK Government submitted an initial report to the UN Committee in 1994 and two periodic reports in 2002 and 2008. The UN Committee published its most recent Concluding Observations on the UK in 2008.<sup>22</sup> It made 127 recommendations, many echoing those made in its 2002 report which had not been addressed. In relation to the 'GMI', it highlighted a number of positive developments, including: the removal of the UK's general reservation on immigration and its reservation to Article 37 (c) relating to detaining children with adults; the fact that there have been instances where the Convention has been referred to in domestic courts; and efforts to better co-ordinate implementation of the CRC in England and at devolved level. However, the UN Committee also raised a number of areas of concern and made twenty recommendations for action. For example, the State party should: incorporate the CRC into domestic law; ensure effective coordination of implementation of the CRC across the UK; adopt comprehensive plans of action for the implementation of the CRC in all parts of the UK; and ensure that all four established Children's Commissioners be independent, in compliance with international standards and mandated to receive and investigate complaints from or on behalf of children concerning violations of their rights.

20 Comments and/or alternative reports have been submitted by Save the Children Lithuania, the Confederation of NGOs for children, and the Family Planning and Sexual Health Association.

21 Gruppo CRC (the Italian NGO Group for the CRC) was formed in 2000 and has submitted supplementary reports in 2001, 2005 and 2009.

22 UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland

Other key issues raised by the UN Committee included?: the high levels of children living in poverty; the discrimination and social stigmatisation that certain groups of children continue to experience (e.g. Roma and Irish Travellers' children; migrant, asylum-seeking and refugee children; lesbian, bisexual, gay, and transgender children); the lack of progress in enshrining participation rights in education law and policy; and the failure of the State party to explicitly prohibit all corporal punishment in the home and to fully implement international standards in relation to the treatment of children in trouble with the law.

## **Attitudes to child rights**

In European societies, there is often little acknowledgement or recognition that children are actors and citizens in their own right, and there is a widespread lack of awareness of children's rights. Whilst this is the general picture, attitudes to child rights, whether at home or internationally, differ greatly both between and within states. This is not just at official levels, but also among the general public. And as we highlight later in this report, the common lack of awareness about children's rights is reflected to varying extents among children themselves<sup>23</sup>.

The absence of a child rights culture affects the ability of governments and other stakeholders to implement child rights policies and practices. In particular, in contexts where child rights are misunderstood or misrepresented, the barriers are much higher, and progress towards effective implementation is consequently much harder to achieve. Conversely, if political will and public support can be mobilised, this can provide a platform for positive initiatives, and a bulwark against setbacks.

Support for human rights – and linked to this, children's rights - has traditionally been a central feature of *Sweden's* approach. Sweden likes to consider itself to be a country that leads the way in international contexts, and in certain respects this is a fair self-image: in 1979, for example, it became the first country in the world to adopt a law prohibiting the physical punishment of children. Studies have shown that since the law was passed, the number of children who are subjected to beatings has fallen sharply. There has also been a parallel development in attitudes, so that very few Swedes now find it acceptable for adults to hit children. The well-developed welfare state also means that children are likely to grow up under conditions where their rights are respected, especially in comparison with many other parts of the world.

In contrast, in *Lithuania* a negative attitude towards the rights of the child and the Convention on the Rights of the Child is dominant: many people believe that the fact that children have rights leads them to behave inappropriately, and restricts the ability of adults to educate, raise, and discipline children as they see fit. Even some professionals lack understanding that the Convention places the state under an obligation to allocate all available resources to ensure the welfare of the child and to help families educate and raise their children properly.

Lithuanian children also believe that attention to their needs is insufficient.

Similarly, discussions in the *UK* concerning children's rights far too often begin with questions about whether children can in fact be rights holders at all or are linked to how children can be more responsible citizens. The UN Committee also raised concern about the general climate of intolerance and negative public attitudes towards children, especially adolescents, which it suggested may be often the underlying cause of further infringements of their rights. Giving evidence to the Westminster Parliament's Joint Committee on Human Rights, the then Children's Commissioner for England said "*What is happening now*

---

23 The Gallup Organisation (2008) The rights of the child: Analytical report, Flash Eurobarometer 235

*is unprecedented in terms of the persistent demonisation of children and young people”<sup>24</sup>.*

In *Romania* children are not understood from the broad perspective of their rights. The focus is on the child's need for protection, instead of on all the rights of the child. This means that child rights mainly are interpreted in terms of social work. Children are seen as potential beneficiaries of protection instead of being seen as rights holders.

In *Italy*, as has been seen, issues in relation to children are often considered primarily within the framework of family policy, and focus on the child as an independent subject is therefore lacking. Unsurprisingly, this focus has resulted in limited attention being accorded to promoting child participation in the decisions that affect them (Article 12, CRC). Despite some initial impetus provided at the end of the 90s as a result of Law 285/1997<sup>25</sup>, the core principle has still not been fully accepted by the institutional and social structures. Initiatives regarding the participation of children usually take place at a local level and tend to be one-off. They usually stem from the enlightened approach of certain local administrators and the presence of NGOs or associations active in this field and/or involved in participatory processes.

## **Government structures affecting children**

There are considerable differences between countries in the way state responsibilities for children and child policy are organised and delivered, both nationally and regionally or locally.

The UN Committee on the Rights of the Child believes that there are various mechanisms that can be established at national level to promote and co-ordinate effective implementation of child rights policy. In particular they highlight the advantages of, for instance, inter-ministerial or interdepartmental committees for children and of a specific department or unit ‘*close to the heart of government*’. The country studies provide some positive examples of specific arrangements of this kind (e.g. the CRC Co-ordination Office in the Ministry for Health and Social Affairs [*Sweden*]; a Minister of State for Children and Families [*UK*]; a Cabinet Committee for Children and Young People [*Wales*]). But overall, the evidence of ineffective structures and mechanisms, and poor coordination of policies, is much stronger. In *Romania* researchers in the national study found it hard to confirm which central institution was currently responsible for the co-ordination of CRC implementation due to frequent changes of the institutional framework (major changes were made during the period of the research for the national study).

Another key axis is around centralisation or decentralisation, with different emphases in different countries. In the *UK*, for example, fiscal policy remains fairly centralised, whereas the devolved administrations in *Wales*, *Scotland* and *Northern Ireland* are now responsible for a lot of the policy that relates to the implementation of the CRC. In general central government also still has a lot of control over local authorities, however this is less true in *Scotland*. In *Italy*, responsibilities are decentralised to a significant extent, with regional authorities having exclusive competence for social policy matters. *Sweden* is also strongly decentralised in terms of the how services are delivered at local, however central government sets a clear framework as to the objectives to be achieved.

There are arguments on both sides here. As the *Swedish* national report outlines, the advocates of decentralisation claim that it makes it easier to match public services to local needs, and that it is therefore better for the end user; but critics maintain that decentralisation has the effect of accentuating inequalities

24 House of Lords House of Commons Parliamentary Joint Committee on Human Rights (2009) Children's Rights Twenty-fifth Report of Session 2008–09

25 Art. 7 “Positive action for the promotion of children's rights”.



between different areas of the country, and making it harder for weaker groups to make their voices heard. Overall, whatever the arrangements in place, a consistent theme within most of the country reports is the weak structures for cooperation between different levels of governance.

Another important issue is the relationship between the state and non-state actors. For example, countries vary significantly in the degree of development of NGOs and the extent to which they are involved in various activities (e.g. service delivery, policy/campaigns, fundraising, user involvement). In practice, there is often a risk that service delivery can be fragmented between different actors, with insufficient communication between them. In *Italy*, for instance, there is a significant number of NGOs working at community, local and/or regional levels, but there is no national structure bringing them together. In *Lithuania*, NGOs focus specifically on filling gaps in direct service provision for children – often children at risk – but not on advocacy or monitoring. Due to its history of state intervention, it also lacks a substantial NGO culture, and confidence in these organisations is not high enough. In *Romania* NGOs have been very active for some years, undertaking projects to, for example provide services, support communication and cooperation, promote best practice, develop the institutional framework, and raise awareness. In the *UK* there is a very wide range of NGOs fulfilling different roles, and public support for them remains relatively strong. Similarly in *Sweden*, NGOs are engaged in practical work to translate the CRC into practice, and work as pressure groups lobbying government and municipal authorities.

*UK:* The UK Government retains responsibility for a number of important policy areas including UK foreign policy; macro economic and monetary policy; and policy related to immigration. The UK Parliament legislates for laws in England and for some laws applicable to Wales and for the whole of the UK where the issue is non-devolved. In May 2010 a Coalition Government (joint Conservative/Liberal Democrat) was formed, replacing the Labour Government which had been in power for 13 years.

Devolved governmental structures exist in Wales<sup>26</sup>, Scotland<sup>27</sup> and Northern Ireland<sup>28</sup>. The UK Government and the devolved administrations, therefore, have responsibility for implementing the CRC according to their respective powers, although overall responsibility remains with the UK Government as the State Party.

The UN Committee has commented in relation to the UK that: “*decentralisation of power, through devolution and delegation of government, does not in any way reduce the direct responsibility of the State party’s government to fulfil its obligations to all children within its jurisdiction, regardless of the State structure*” and that it should “*establish a permanent monitoring mechanism to ensure that the Convention is respected and applied to all children within its jurisdiction without discrimination*”<sup>29</sup> Devolution is not therefore an excuse for disparities in the realisation of the CRC across the UK.

*Sweden:* At national level, government ministries are grouped together in the Government Offices (‘Regeringskansliet’); two of the ministries whose work most closely impacts on children are the Ministry of Health and Social Affairs, which has responsibility for welfare issues and the health and care services, and is home to the CRC Co-ordination Office; and the Ministry of Education and Research.

Sweden is divided into twenty-one regions (called ‘län’); in each region there is a state body called the

26 The National Assembly for Wales was established by the Government of Wales Act 1998, and the Government of Wales Act 2006 established the distinct Welsh Assembly Government (WAG).

27 The Scottish Parliament was created in 1999 under the Scotland Act 1998.

28 The Northern Ireland Assembly was established by the Northern Ireland Act 1998 following the Belfast Agreement of 10 April 1998. Devolution was suspended in 2002 and direct rule (from Westminster) continued until 2007. In 2006 the St Andrew’s Agreement provided for the Northern Ireland Executive to be restored. The Executive operates as a power sharing form of government.

29 UN Committee on the Rights of the Child (2003) General Comment No. 5, General measures of implementation on the Convention on the Rights of the Child (arts 4, 42 and 44, para. 6)



regional administration board ('länsstyrelse', which represents national government in the region) and a regional authority (called 'landsting' or 'region'), whose main responsibility is the provision of health services. The regional authority is led by an elected body, the regional council. At local level, Sweden is divided into 290 municipalities. In each municipality ('kommun') there is a municipal authority; the decision-making body of the authority is the municipal council, which is made up of elected politicians. The far-reaching decentralisation that is a characteristic of Swedish governance – with political and administrative power devolved away from central government to the regions and municipalities – is the subject of much debate.

The constitution regulates the entitlement of municipal and regional authorities to raise taxes. A large amount of public sector work is discharged by the municipalities and regions; local authorities exercise considerable autonomy, and have a high level of responsibility for service provision – not least services which affect children, such as health care, education, and protection.

The Swedish model of governance and public administration – where Government Offices are relatively small-scale, and departments and authorities have a high degree of independence – differs from the organisational models in many other European countries, where it is more usual for departments to be part of ministries. In Sweden, the holders of national political office steer the country via laws, annual 'letters of appropriations and directives', and the allocation of funding in the state budget. The public administrations then have a considerable degree of freedom to decide how, in practice, the objectives laid down by government are to be achieved. The ministries are, however, able to exert considerable influence over the way the work is done, despite the ostensible lack of ministerial control – for example, via the directives in the letters of appropriations and directives, or through dialogue with the public bodies concerned.

*Lithuania:* Protection of the rights of the child is ensured by the state and its institutions, and by local municipal institutions. Non-governmental organisations operating in the field of child's rights or child welfare are also becoming more important<sup>30</sup>.

Under Resolution No.194 of 6 February 2003, the Ministry of Social Security and Labour is responsible for administering protection of the rights of the child<sup>31 32</sup>, and the State Child Rights Protection and Adoption Service also sits in the Ministry<sup>33</sup>. The same Resolution defines the responsibility areas in relation to children of other Ministries - Education and Science, Health, and Internal Affairs - as well. To record violations of the rights of the child, there is Children's Rights Ombudsman Office<sup>34</sup>.

The territory is divided into ten counties (Vilnius, Kaunas, Klaipėda, Šiauliai, Panevėžys, Marijampolė, Alytus, Telšiai, Utena, Tauragė). The counties are divided into 60 municipalities, and the municipalities are divided into 546 neighbourhoods. In the Municipalities, there are Divisions for the Protection of the Rights of the Child, and Municipal Child Rights Protection Councils which bring together local stakeholders to advise on policy and implementation<sup>35</sup>.

30 The biggest NGOs working in the field of child rights are **Gelbėkit vaikus** (Save the Children), the Lithuanian National Committee for UNICEF, Lithuanian SOS Children's Villages Association, and the Confederation of NGOs for children.

31 Resolution No. 194 of 6 February, 2003 of the Republic of Lithuania "On the Designation of the Ministry of Social Security and Labour to be Responsible in the Field of Protection of the Rights of the Child and on the Definition of Competence of Other Ministries" // **Valstybės žinios** (Official Gazette), 2003, No. 15-611.

32 Among other things, the Ministry: develops and implements child protection policy; organizes cooperation of the state and municipal institutions; collects, organizes and analyses information prepared by the state and municipal institutions and agencies; reports to international treaty bodies; prepares and implements programmes to improve children's social security.

33 The service must: improve the child rights protection system; implement measures for the protection of children's rights under the existing legislation (national and international); promote inter-institutional cooperation; develop legislation; and improve the work of municipal Divisions for the Protection of the Rights of the Child.

34 For more detail on the role of the Ombudsman, see section 3.8 below.

35 Coordinating Councils of Child Welfare may also operate in municipalities, with similar functions to the Child Rights Protection Councils.

*Italy:* There are 13 Ministries and 10 Ministers without portfolio in the Government, but no single ministry is responsible for policies regarding children. Since 1997 there has been a bi-cameral Parliamentary committee on Children and Adolescents, made up of 20 senators and 20 deputies; this is responsible for guiding policy and checking whether international agreements and legislation are being implemented.

Italy is divided up into 20 regions, five of which enjoy special status (including Sicily), which guarantees them considerable autonomy. The country is also divided up into 110 provinces, three of which (Milan, Rome and Naples) have more than 3 million inhabitants each, and 8,100 municipalities, around 150 of which have more than 50,000 inhabitants. The main organs of local government are the Giunta (the executive and administrative organ), which is divided up into Councillorships based on responsibility for specific areas of policy, and the Consiglio, which is the legislative body.

In 2001 the Constitution was reformed, and exclusive competence for social policy was conferred on the regions. The process of devolution, which should have respected the framework provisions of Law 328/2000 (the framework law for the creation of an integrated system of social services), has raised serious concerns about the risk of regional discrimination in the services provided; this concern has been heightened by the failure of central government to define the essential levels of social services (LIVEAS).

*Romania:* Institutional responsibilities in relation to child rights are shared between several ministries, central and local authorities. The Ministry of Labour, Family and Social Protection (MLFSP) is the lead Ministry, especially since it took over in 2010 the responsibilities of the former National Authority for the Protection of Family and Child Rights (NAPFCR) and those of the National Authority for People with Disabilities. Two specialised directorates have been set up within the Ministry: the Directorate General Child Protection and the Directorate General for the Protection of People with Disabilities. Other relevant Ministries, with some responsibilities in relation to children issues, are those for: Education, Research, Youth and Sports; Health; Administration and the Interior; and Justice. In addition, there are also the Romanian Office for Adoptions and the National Agency for the Roma, both directly reporting to the Government's Secretariat General or the Prime Minister.

Since the 1990s a process of continuing decentralisation has been underway, which is inadequately co-ordinated and is leading to some confusion over the responsibilities of different bodies. Romania is divided into 41 counties and the municipality of Bucharest, which in turn is organised into 6 districts. The General Directorates for Social Work and Child Protection (GDSWCP) are public institutions with legal personality, subordinated to the county council and the local councils of Bucharest. Their role is to ensure the implementation of social policies and strategies, including those to provide assistance and support for children and families; they also provides a range of social services, including foster care and residential services, day-care, and services to protect abused or neglected children<sup>36</sup>. The Commission for Child Protection also comes under the county council and the local councils of Bucharest districts; it is a specialist body with decision-making powers related to cases involving the protection and promotion of child rights.

Local Councils act at the level of cities, towns, districts of Bucharest and communes, through elected councillors. The Mayor has the obligation to ensure the observance of the fundamental rights of children. They also lead local public services, among other responsibilities. At city, town and commune level, Public Services for Social Work (PSSW) are organised by the local councils, developing measures and social work activities in order to (inter alia) ensure the protection of children.

---

36 Government of Romania, Romania and the UN Convention on the Rights of the Child – third and fourth progress report, CRC/C/ROM/4, 18 November 2008

## Government approaches to children and child rights

Government approaches to the specific issues facing children must be viewed alongside their approaches to the related and overlapping areas of family policy and gender equality policy. All these areas have been gaining in importance in recent years, particularly as a result of the complex challenges presented by factors such as population ageing, declining birth rates, the diversification of family forms, rising immigration, and the increasing participation of women in the labour force.

Whilst these issues are common to all the countries examined in this report, the emphasis of policy responses varies considerably. *Sweden's* approach reflects that in other Nordic countries, with a strong focus on gender equality, female labour market integration, and particular attention paid to children's rights. In the liberal/neo-liberal *UK*, there is a long-standing emphasis on individual responsibility, means-tested support, and market-orientated intervention, but more recently there has been a strong focus on tackling child poverty. *Italy* shares similarities with other Mediterranean countries in its emphasis on family rather than child rights policy, its Catholic influences, and a significant degree of responsibility devolved to regional and/or local level. Whilst the post-socialist countries, including *Romania* and *Lithuania*, have followed a variety of paths, they have all tended to move towards greater emphasis on family responsibility and child welfare (rather than child rights), coupled with weak state intervention and funding<sup>37</sup>.

Although the emphasis varies, overall it appears nevertheless that many common obstacles remain to the development of effective child rights approaches. These include: lack of awareness of children's rights; lack of political priority given to children; poor co-ordination between different policy areas and different institutions and levels of government; limited sharing of good practice; an absence of good quality data; and insufficient funding<sup>38</sup>.

*Sweden:* The current centre-right Coalition Government (which calls itself 'the Alliance') assumed office in 2006 having defeated the Social Democratic Government. The change of government did not lead to any major changes in child rights policy (which was known as child policy until 2009). The new government presented its first written Communication on child policy in 2008, in which it emphasized the importance of reinforcing strategic work to ensure implementation of the CRC. The most concrete expression of this emphasis was that the Children's Ombudsman was given a clearer mandate to follow up and evaluate how well state bodies and municipal and regional authorities applied the CRC. Other new initiatives mentioned in the Communication – such as the arranging of a series of conferences, and the establishment of a 'child rights forum' – have either since been discontinued or have not achieved any tangible effect. Alongside strategic initiatives on CRC implementation, the government's Communication emphasized three areas of action: support and education for parents; work to combat violence; and improvements in children's mental health.

The Communication also highlighted the work that was under way to improve education – school issues being a priority area for this government. The 'Alliance' has pledged its commitment to ensuring that schools help pupils acquire the knowledge they will need to succeed in life – and accuses the previous government of encouraging a lax approach to education, discipline, and academic performance. A new School Education Act was passed by parliament in 2010. Both the new Act, and the new national curriculum with new subject syllabuses, contain clearer references to human rights than the documents they replace.

37 Blum S., Rille-Pfeiffer C. (2010) Major Trends of State Family Policies in Europe, Working Report, Austrian Institute for Family Studies, University of Vienna, Family Platform

38 Frazer H. (2010) Who cares? Roadmap for a Recommendation to fight child poverty, Report on Belgian EU Presidency Conference, 2-3 September 2010.

The proposal for a new strategy for children's rights presented by the government in 2010 consists of nine principles. Among these are that children, parents, decision-makers and relevant occupational groups are to be provided with information on children's rights; actors in different areas of work that concern children are to work together; children are to be given opportunities to voice their opinions; and decisions and measures which affect children are to be followed up and evaluated. None of this is controversial, and similar strategy proposals could just as easily have been put forward by the opposition parties.

Neither the incumbent government nor its predecessor has proved capable of developing a system for monitoring and evaluating the current strategy, which was adopted in 1999. An important question will be to see whether the new strategy, when launched, is linked to measurable objectives with set time-frames – in other words, tools which make it possible to measure the strategy's results. (See box below)

*"Sweden is a good country to grow up in. The vast majority of children in Sweden grow up under good material conditions, and have parents who provide them with care, well-being and protection. Studies carried out by bodies such as the Office of the Children's Ombudsman show that both girls and boys are, on the whole, very happy with their lives. In an international comparison Sweden is a leading country in the area of child welfare. At the same time, we know that between ten and fifteen per cent of all children suffer from mental problems at some stage. We also know that there are children in Sweden who do not live in safe and secure conditions, who are the objects of or witnesses to violence in their everyday lives, or are in other ways exposed to physical or psychological distress."*

Skrivelse 2007/08:111, Barnpolitiken – en politik för barnets rättigheter (2008)

*Lithuania:* Currently, Lithuania has no comprehensive and detailed strategy for children, based on the CRC. However, the Government has approved a fairly comprehensive and clear Strategy of State Policy on Child Welfare and Plan of Implementing Measures for 2005-2012. According to a representative of the Child Rights Ombudsman Office, the mere fact that such a strategy exists, shows that guaranteeing children's rights is a priority. The Plan of Implementing Measures sets out the responsible institutions and implementation periods, however it will be important to monitor and evaluate progress. Other programmes and reforms related to children's rights in specific fields are also being implemented.

The main institution responsible for the Plan of Action related to implementation of child rights is the Ministry of Social Security and Labour (MSSL). The MSSL Strategic Action Plan for 2010-2012 notes that *"protection of the rights of the child and legitimate interests is one of the key objectives for the country and society"*<sup>39</sup>. The Ministry Plan also identifies the main violations of children's rights in Lithuania: violence against children; socially vulnerable families and their children; and children deprived of parental care.

The overall situation of children in Lithuania shows that implementation and protection of the rights of the child will not be achieved simply by adopting new legislation and taking care of their material well-being; it must be accompanied by the development of measures promoting respect for the rights of the child, giving due weight to children's opinions and fostering child participation, and measures ensuring family well-being and the ability to take care of a child properly.

*Italy:* There have been three different Governments in Italy in the last 10 years: XIV legislature 2001-2006 (Berlusconi Governments II and III), XV legislature 2006 -2008 (Prodi Government II), and the current XVI legislature since May 2008 (Berlusconi Government IV). Policies for children and young people have suffered as a result of a lack of a clear strategy and priorities in the general political agenda. Moreover, the

39 The Strategic Action Plan for 2010 – 2012 of the Ministry of Social Security and Labour of the Republic of Lithuania // Internet access: <http://www.socmin.lt/index.php?-l384509614>

changes in government have not helped to create a child rights-based approach.

Responsibility for childhood policies is fragmented among numerous Ministries (there are at least 10 departments that have some responsibility, which is sometimes shared, with regard to childhood policies<sup>40</sup>), without there being any effective coordination between them. The creation of a Ministry for Family Policy in 2007 (now a Department of the Presidency of the Council of Ministries), entrusted with a number of important roles in relation to children (including co-presidency of the National Observatory on Childhood and Adolescence), has fostered a cultural approach based on the family rather than strengthening the idea of children as subjects in their own right.

Italy has not had a National Action Plan for Children since 2004, even though by law such a Plan should be approved every two years<sup>41</sup>. As a result, there is no general framework to guide policymakers and determine the priorities. Despite the undertakings given by the various political leaders who have replaced one another over the last few years, no law has yet been passed to create a national Children's Ombudsperson, while at a regional level, even though almost all the regions have introduced legislation instituting a regional ombudsperson, only four regions have so far appointed such a figure<sup>42</sup>.

The alternation of governments has often interrupted parliamentary discussions on Bills concerning children's issues, without discussion of these Bills being resumed by the new Parliament (or if they are, the discussions start from scratch, as in the case of the creation of the national Children's Ombudsperson). Several important laws have, however, been passed during the last few years with regard to the protection of children, but this legislation does not form part of a general framework similar to the Children's Act in Anglo-Saxon countries. There is a need to coordinate the various measures that have been introduced over time (as in the case, for example, of judicial hearings of minors).

In 2008, the National Observatory for Childhood and Adolescence began collecting good practices in the field of participation. Their work has resulted in the first monitoring of experiences and initiatives, and highlighted some critical points. However, the part of the draft National Action Plan devoted to participation was considerably reduced in the final version. The Ministry of Labour and Social Policies did, however, recently commission a study on this topic, using a questionnaire to interview 22,000 school students.

At a national level, it is difficult to identify a clear, single strategy or priorities that are agreed between Ministries. At a regional level, the situation varies considerably from region to region and the failure to define the essential levels of social services (LIVEAS), in accordance with Law 328/2000, which should have guaranteed the minimum levels of these services throughout the country, is threatening to create serious regional inequalities.

*UK:* It is currently too early to have a clear picture of how the Coalition Government will take forward its children's rights obligations, although commendably it has already made a public commitment to the CRC.<sup>43</sup> For many years the previous Labour Government resisted calls to take a more child rights approach to policy-making, framing policy relating to children within its non-CRC based *Every Child Matters* agenda. More recently there had been some positive developments, however.

---

40 See Chapter 3.3.

41 See Chapter 3.2.

42 See Chapter 3.8.

43 "The education, health and wellbeing of children are vitally important for our society. The Government is committed to the United Nations Convention on the Rights of the Child". Written Ministerial Statement – Independent Review of the Children's Commissioner for England, 12 July 2010

In *Wales*, an emphasis on the importance of children's rights was most clearly seen when the Welsh Assembly Government (WAG) (within the limits of its powers) adopted the CRC in 2004 as the basis of all its policy making for children and young people, positioning its overarching strategy for children and young people within a rights based framework. The Scottish National Party is currently in power in *Scotland*. Whilst it is not currently supportive of incorporating the CRC into Scots law, the approach of the Government to the implementation of children's rights is generally positive. Despite some positive developments in implementing the CRC in *Northern Ireland*, more recently children's rights have slipped down the political agenda, most notably with the disbanding of the child rights unit within the Office of the First Minister and Deputy First Minister and the Executive's inadequate response to the 2008 Concluding Observations.

*Romania*: In the early 1990s, Romania was facing severe problems in relation to child protection; the situation of street children, the conditions in large residential institutions, the lively debate over international adoptions. Romania's accession to the EU was another change driver, as child protection was a key issue on the negotiation agenda. The country progress reports drafted by the European Commission required that urgent solutions should be found to problems such as: the limited opportunities for the social integration of children leaving the institutions, the situation of the disadvantaged families from rural areas, the situation of homeless persons, or of the Roma minority. Within this context, the reform of the child protection system was quicker compared to other sectors, mobilising important resources and benefiting from political and social support<sup>44</sup>.

As a result of the focus on child protection, child rights have been mainly interpreted in terms of social work intervention. Local and county strategies are built around children who need protection or children 'at risk', but there is no comprehensive, integrated approach to the implementation of all the rights in the CRC. The same piecemeal understanding is reflected in the manner in which the institutional framework has developed. At the local and county level, there are social work institutions, prevention services, healthcare institutions, schools etc., but there is no institution to coordinate the implementation of the Convention or ensure effective collaboration between all these institutions.

Although several government strategies have been implemented (e.g. relating to the prevention of child rights violations), they lack coherence. It is also hard to assess their effectiveness as there are no relevant statistic indicators. The data reflecting the situation of the child are currently held by various institutions, and it is difficult to compare them. Progress in relation to some issues (e.g. juvenile justice) has been limited, largely due to lack of funding.

The objectives set out by the Governance Programme 2009 – 2012 include: educational and healthcare reform, reduction of child abandonment, combating domestic violence, enhancing children's quality of life in disadvantaged environments, observance of minimum quality standards in all special services granted to children, ensuring the financial and institutional conditions to support young families. The complexity of all these objectives requires national coordination among strategic, regulatory, monitoring and decision-making functions. Since there is no central institution with such powers, improving the situation of the child in Romania remains only an aspiration in programme documents and cannot be turned into reality.

---

44 Eg. A new package of legislation was adopted in 2004, and violence and humiliating treatment of children were banned by law the same year. The institutional framework was also developed, and institutions established to investigate breaches of children's rights. Large institutions were gradually closed down, and alternative forms of care established. Staff training was developed for the various categories of professionals at national and local levels. Pre-accession funds also facilitated investment in child rights, including in international exchange projects. NGOs were also very active, keeping the issues on the authorities' agenda.



# 3. Findings

## 3.1 National law and the Convention on the Rights of the Child

*States parties need to ensure, by all appropriate means, that the provisions of the Convention are given legal effect within their domestic legal systems. This remains a challenge in many States parties’.*

**General Comment No. 5**

‘Incorporation’ means that the CRC itself forms part of national law; the provisions of the Convention can be directly invoked before the courts and applied by national authorities and the Convention prevails where there is a conflict with domestic legislation or common practice. This is the traditional approach to the implementation of international human rights instruments in some but not all States, and is particularly prevalent in ‘civil law’ countries<sup>45</sup>. By contrast, in ‘common law’ countries it is usual not to make a treaty itself part of the national legal framework, but instead to amend and update existing legislation.

### Concluding Observations of the UN Committee

There is considerable similarity in the conclusions of the UN Committee on State Party reports on the legislative measures in different countries to ensure compatibility between the CRC and national law.

In its Concluding Observations on the report of *Lithuania* (2006), the UN Committee welcomes the state’s efforts to harmonise national laws and other legal acts with the Convention. However, it also suggests that the state reconsider the areas in which the present situation only partially conforms to the provisions of the Convention (e.g. the child’s protection from violence, physical punishment, and the right of the child to physical and psychological rehabilitation and reintegration).

In 2002, the UN Committee encouraged the *UK* Government “to incorporate into domestic law the rights, principles and provisions of the Convention” and in 2008 recommended “the State Party could take the opportunity given in this regard by the development of a Bill of Rights in Northern Ireland and a British Bill of Rights, and incorporate into them the principles and provisions of the UNCRC”<sup>46</sup>.

In its Concluding Observations on the Swedish report examined in 2009, the Committee expresses its concern at the absence of any formal recognition of the Convention as part of Swedish law. The Committee urges Sweden to take all measures required to ensure that national legislation is brought into full compliance with the CRC; and recommends continued and improved initiatives to ensure the CRC is formally recognized as an instrument of Swedish law.<sup>47</sup>

### Legal status of the CRC

A study by UNICEF of CRC implementation in 29 European and Central Asian countries (of which 21 were EU members) highlights that several states have incorporated aspects of the UNCRC into national law<sup>48</sup>. Among the countries in this study, the CRC has to varying degrees been incorporated in Romania, Lithuania and Italy, but not in Sweden and the UK (see below).

<sup>45</sup> Civil law is a legal system inspired by Roman law, the primary feature of which is that laws are written into a collection and codified, and not (as in common law) determined by judges.

<sup>46</sup> UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland, Paragraph 11

<sup>47</sup> UN Committee on the Rights of the Child (2009) Concluding Observations on Sweden

<sup>48</sup> UNICEF (2006) The General Measures of the Convention on the Rights of the Child, Florence: Innocenti Research Centre



The means by which the CRC is incorporated vary. Some states – particularly those in Central and Eastern Europe – have incorporated references to the rights of children in new Constitutions created as a result of becoming independent states since the adoption of the CRC in 1989<sup>49</sup>. For example, the CRC was ratified by *Romania* by Law no. 19/1990, and Article 45 of the 1995 Constitution provides that “*Children and the young shall enjoy special protection and assistance in the pursuit of their rights.*” Important progress towards the incorporation of the Convention into national legislation has been made by adopting the Law no. 272/2004<sup>50</sup> on the protection and promotion of child rights, as well as secondary legislation. In *Lithuania*, in cases of conflict between the national law and the Convention, the latter takes precedence.

There are significant differences in the legal status of the Convention in the domestic law of other European countries. In the national study on *Italy*, both the institutional stakeholders and NGO representatives thought that the adoption of the CRC within national legislation had played an important role in affirming children’s rights. The CRC was ratified and executed by Italy with Law No.176 on 27 May 1991 and so forms part of the domestic law and takes priority over other legislation. It has been applied in various cases by the Supreme Court and by the Constitutional Court. By contrast, in *Sweden* and the *UK*, treaties do not form part of national law unless they have been incorporated by an Act of Parliament – and this has not happened in either country. The position in both countries is however interesting, and is therefore described in more detailed case studies below:

*Sweden:* When the CRC was ratified, Sweden made a declaration that its legislation conformed to, and reflected the same values as, the Convention. Certain parts of the Convention have also been rewritten to adapt them to Swedish law.<sup>51</sup>

A national inquiry (conducted by the parliamentary Committee for Children’s Affairs) was set up in 1996 to investigate how Swedish legislation related to the CRC; this report rejected incorporation<sup>52</sup>. Since then, this issue has not been the subject of any great debate in Sweden – while Norway incorporated the CRC in 2003. In recent years, children’s rights NGOs<sup>53</sup> have called for incorporation. In 2009, Save the Children Sweden commissioned an assistant professor in law, Karin Åhman, to examine the issue. She found that several of the arguments previously used against incorporation no longer applied. Incorporation would make the CRC directly applicable in courts and the work of public authorities; this would probably mean that it was invoked more frequently.<sup>54</sup>

In connection with the 20th anniversary of the adoption of the CRC, the Children’s Ombudsman called on the Government to set up an inquiry into the legal status of the CRC in Sweden, and to consider whether the time was ripe for the Convention to be accorded the legal status of an act of law.<sup>55</sup> The Children’s Ombudsman pointed to differences between Swedish law and the CRC (e.g. with regard to children’s entitlement to participate in decision-making processes that affect them) and reminded the Government that the UN Committee recommends incorporation.

49 E.g. The Constitutions of Poland, Romania, Slovenia and Ukraine contain articles on the rights of children.

50 Law 272/2004 defines the principles underlying the observance of child rights. It lays down the institutions, bodies and persons having responsibilities in relation to child rights, introduces responsibilities, sanctions and special procedure rules. It also regulates the relevant institutional framework and the financing mechanism of the child protection system. The law contains detailed provisions with regard to the following: children’s rights and civil freedoms; family environment and alternative care; children’s health and welfare; rights to education, recreational and cultural activities; special protection of the child deprived of parental care; protection of refugee children; protection of children in armed conflicts; protection of the child who has committed a criminal offence and is not criminally liable; protection of the child against exploitation.

51 Åhman, K. (2009) Rättsutlåtande om inkorporation av Barnkonventionen

52 Barnkommittén, (1990) The Primacy of the Best Interests of the Child, SOU 1997:116

53 E.g. Save the Children Sweden, UNICEF and the CRC Network ('Nätverket för Barnkonventionen')

54 Åhman, K. (2009) Rättsutlåtande om inkorporation av Barnkonventionen

55 Barnombudsmannen (18 November 2009) Skrivelse: Barnkonventionens rättsliga ställning i Sverige

Some of the political parties (both within the centre-right coalition, and in the opposition bloc of the Social Democrats/Greens/Left Party) have also declared that they are in favour of incorporation. However other observers, including representatives of the CRC Co-ordination Office at the Ministry of Health and Social Affairs, have claimed that as a result of opinion being divided within the centre-right coalition, it is not likely that any changes will be made in the immediate future. But in the Bill for a new strategy to strengthen children's rights, tabled in June 2010, the Government states that it will be initiating a *"survey to investigate how well Swedish legislation and legal practice tally with the rights laid down in the Convention on the Rights of the Child."*

**UK:** Although there have been some positive developments, compliance with the CRC remains very patchy. The UK national study argues that incorporation is clearly needed so the CRC is the standard against which all law, policy and practice affecting children is judged. Bringing the CRC into UK law would mean new policies and legislation would be 'child rights proofed' and public authorities fully accountable for upholding children's human rights.

Following an inquiry in 2009, the Parliamentary Joint Committee on Human Rights (JCHR) agreed *"with those witnesses who emphasised the benefits of incorporation, accompanied by directly enforceable rights"*<sup>56</sup>. The ROCK (Rights of the Child UK) Coalition<sup>57</sup> is also calling for progress on this issue, along with the UK's four Children's Commissioners.<sup>58</sup>

In 2010, the Labour administration published an analysis of how legislation in England was underpinned by the UNCRC. Whilst this was a positive exercise it concluded that the UK has *"implemented the UNCRC through a mix of legislative provisions and policy initiatives."*<sup>59</sup> The Labour government retained the position that there was no need for legal incorporation - a claim rejected by the JCHR.<sup>60</sup>

The current Coalition Government has no plans as yet to progress CRC incorporation. Ministers are currently reviewing the mapping document which seeks to demonstrate the link between the CRC and domestic legislation. The Coalition has also stated its intention to establish a Commission to *"investigate the creation of a British Bill of Rights"*<sup>61</sup>, but this has not been set up yet and it is unclear what implications it will have for CRC incorporation.

Whilst there has been little progress at the UK level there have been some very positive developments in *Wales*. In 2009, the then Welsh First Minister made a statement on the intention to embed the CRC in legislation.<sup>62</sup> This welcome statement is the first proposal of its kind in a domestic context. In 2010, the Welsh Assembly Government (WAG) followed up with a consultation paper setting out its plans.<sup>63</sup> Commendably, the document proposed that Welsh Ministers would have a duty to have 'due regard'<sup>64</sup> to Part 1 of the CRC and its Optional Protocols. This would make it a legal requirement for these international standards

56 Parliamentary Joint Committee on Human Rights (2009) Children's Rights Twenty-fifth Report of Session 2008-09 Paragraph 28

57 ROCK is made up of 24 organizations from across the UK

58 Parliamentary Joint Committee on Human Rights (2009) Children's Rights Twenty-fifth Report of Session 2008-09

59 Department for Children, Schools and Families, (March 2010) The United Nations Convention on the Rights of the Child: How legislation underpins implementation in England page 15

60 "The Government has not persuaded us that children's rights are already adequately protected by UK law nor that incorporation of the UNCRC is unnecessary". House of Lords/House of Commons Joint Committee on Human Rights (2009) Children's Rights Twenty-fifth Report of Session 2008-09 Paragraph 28

61 HM Government (2010) The Coalition: Our programme for government

62 Oral Statement the First Minister Rhodri Morgan (July 14 2009) The Welsh Assembly Government's Legislative Programme 2009-10

63 Welsh Assembly Government (2010) Proposals for a 'Rights of Children and Young Persons (Wales) Measure'

64 As the proposal is at devolved level a 'due regard' duty is fitting for the Welsh context. It will result in positive change administratively but will not have an effect on judicial remedies in the courts in Wales. This is appropriate given the particular stage of Welsh devolution and as Wales shares its legal system with England.

to be taken into account as part of Ministerial decision-making and policy development. Despite these commendable intentions, however, Save the Children along with other NGOs, respected academics and the Children's Commissioner for Wales are very disappointed that this progressive action would only apply to '*decisions of a strategic nature*', rather than all Ministerial decisions.<sup>65 66</sup>

However, through discussion and workshops with Welsh Assembly Government officials and Assembly Members and experts from within Wales, the UK and the UN, as well as providing further evidence, the UNCRC Monitoring Group continued to advocate for a pervasive measure. Ultimately these efforts were successful and amendments were tabled accordingly by the government during stage 2 of the legislative passage of the Measure.

Subsequently the legislative proposal, the Children and Young Persons (Wales) Measure, completed its passage through the National Assembly for Wales on January 18th 2011 with cross-party unanimous support. The legislation will come in two stages: first, from May 1st 2012, applying to the making of new laws or policies and review of existing policies and then from May 1st 2014 will apply to all of the Welsh Minister's functions.

This ground breaking legislation is unique within the UK and will help ensure that the Welsh Assembly Government is held to account on its children's rights obligations. It has the potential to positively transform the lives of children in Wales.

*Nationals Study on the UK*

In contrast to developments in Wales, the *Scottish* Government's position is not to incorporate the CRC into Scottish Law 'en bloc' but to consider matters on an "*issue by issue basis linked to improving outcomes for children.*"<sup>67 68</sup> However it has pledged to "*look at the compatibility of existing Scottish and UK legislation with the UNCRC and look at options for progressing incorporation*"<sup>69</sup>. The 1998 Belfast Agreement in *Northern Ireland* included a commitment to develop a Bill of Rights. Although this offers an excellent opportunity to take forward CRC incorporation, progress towards the inclusion of children's rights within a potential Bill of Rights has been disappointing since then. The Coalition Government's position on a Bill of Rights for Northern Ireland is currently unclear.

### **Impact on domestic legislation**

General Comment No. 5 sets out the need for a comprehensive review of legislation and administrative guidance to ensure full compliance with the Convention, recognizing both the importance of each article and the interdependence between articles. This process of review should be continuous rather than one-off, and should consider proposed as well as existing legislation.

The national studies suggest that ratification has had a generally positive impact on the development of law and policy, however they also identify a wide range of issues that may impede progress (e.g. the lack of a child rights culture; continuing focus on the family as a whole rather on children). Experience in Romania, Lithuania, and Italy is set out in more detail below.

65 See for example Save the Children (2010) Welsh Assembly Government consultation on Proposals for a 'Rights of Children and Young Persons (Wales) Measure' Save the Children submission

66 Department for Children, Education, Lifelong Learning and Skills (2010) Proposed Right of Children and Young Persons (Wales) Measure Explanatory Memorandum and see Section 1 Proposed 'Rights of Children and Young Persons (Wales) Measure'

67 Scottish Government (2008) Improving the Lives of Children in Scotland - are we there yet?

68 Under the Scotland Act 1998 it would be possible for Scotland to incorporate the CRC in relation to devolved matters.

69 Scottish Government, Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child (2009)

*Romania:* The incorporation of the CRC in national law has prompted significant legal reform, both through the adoption of Law 272/2004 on the protection and promotion of child rights, and the establishment of accompanying secondary legislation<sup>70</sup>. But interviewees in the national study highlighted a number of difficulties in implementing legislation, and various gaps. These includes:

- ❖ A focus on the classic categories of ‘vulnerable children’ and failure to respond adequately to new problems with which children are confronted, or to the situations of all children<sup>71</sup>;
- ❖ Failure to apply the principle of the child’s best interest (Article 3, CRC) in all situations<sup>72</sup>;
- ❖ Lack of procedures ensuring the observance of the principle of listening to the child (Article 12, CRC), particularly with regard to the child’s participation in legal proceedings;
- ❖ Varying interpretations of, and approaches to implementing, the legislation, as well as incomplete instruments that need to be supplemented by secondary legislation;
- ❖ Limited power to enforce compliance with certain provisions as a result of a lack of sanctions, and a shortage of financial and material resources;
- ❖ Weak consultation procedures on proposals, with limited opportunities for participation, especially for those at local level.

*“Children have rights, but parental rights seem to be more important. We have children who have been in the system for many years, then they turn 18 and have to leave. However, while the parent has called once in many months, this is considered ‘contact’ and one cannot terminate his/her rights.”*  
(Director of DGSWCP)

*“The interventions do not fit the beneficiary’s best interest or its priority, but the existing funds (...) there are benefits and provisions, but only on paper”.* (NGO representative)

Interviews for the National Study on Romania

*Lithuania:* Significant efforts have been made since CRC ratification to harmonise national law with the principles of the Convention. New legislation has been adopted to promote better implementation of children’s rights and ensure the protection of these rights. For example, the 1996 Law on Fundamentals of the Protection of the Rights of the Child<sup>73</sup>, which establishes fundamental rights and freedoms of the child, defines the responsibility of parents and others, and establishes the protection mechanisms for children’s rights. Other important legislation amended to ensure better implementation of children’s rights – especially in relation to the child’s protection from violence and abusive behaviour - includes the Civil Code<sup>74</sup>, the Code on Civil Procedure<sup>75</sup>, and the 2007 Law on Minimum and Medium Care for the Child<sup>76</sup>. Various long-term programmes have also been instigated implementing practical measures to promote and protect children’s rights<sup>77</sup>.

70 Note that the extent to which the CRC is referred to in court rulings cannot be monitored, due to the absence of a proper legal system for children, in which cases are dealt with by tribunals or specialised courts with child-friendly procedures. Moreover, the courts tend to refer to Law 272/2004, rather than directly to the CRC provisions.

71 E.g. Children with parents who have gone abroad to work, children with mental health problems, children in conflict with the law, parental education, responsibility for managing the assets of child for whom guardianship is established.

72 In some cases parental rights prevail over the child’s best interest (e.g. when child victims face exposure in the mass media, with the parents’ agreement; or children are neglected).

73 Law on Fundamentals of the Protection of the Rights of the Child of the Republic of Lithuania // Valstybes žinios (Official Gazette), 1996, No. 33-807

74 Article 2 of Section 11 (“The Child’s Rights and Freedoms”) defines the main principles of the child’s rights and determines the obligations of the child.

75 The Code defines interrogation procedures for children witnesses; in family cases, the protection of the rights of the child and his/her legal interests has to be ensured, and the child’s participation in court sessions is set out. Also it defines cases where parents’ authority is restricted, adoption procedures etc..

76 This law consolidates a new attitude towards the delinquent child, considers the best interests of the child, and provides for adequate support to the child.

77 E.g. The National Programme of the Child Day Centers, National Programme for the Prevention of Violence against Children and Help for Children, National Programme for Preventing Delinquency in Children and Teenagers, and others.

Although Lithuania has been quite successful in harmonising national law with the CRC, a comprehensive review of legislation and policy has not been carried out. Although intervention programmes have also been established, assessment of the effectiveness of these initiatives is lacking. According to respondents in the national study, there is often a gap between having the appropriate legislation in place and failure to implement the legislation in practice. Reflecting this reality, the State Party report is not very specific about the actual changes that legal reform has brought about.

According to the national study, legislation in Lithuania still does not protect the child from all forms of violence (including physical punishment), and the non-discrimination right, the right to have a family, and the right to adequate conditions for the child growth and development are not fully observed.

*“Generally everything with the order of laws is pretty much okay. Who implements them, how they are implemented, and when they are implemented – here is the problem.” (NGO representative)*

Interview for the National Study on Lithuania

*Italy:* A considerable body of progressive legislation on children’s rights was developed during the first decade following CRC ratification. For instance, Law no. 285/1997 was truly innovative in establishing the National Fund for Children and Adolescents, and focussing attention on the need for data collection and analysis. This law also provides for an annual report to Parliament on the status of the law’s implementation, and the organisation of a national conference on childhood every three years. In addition, Law no. 451/1997 established two very important coordinating bodies: the Parliamentary Commission on Childhood and Adolescence and the National Observatory on Childhood and Adolescence<sup>78</sup>.

Although the CRC has certainly played an important and recognised role in the affirmation of children’s rights in *Italy*, it has not brought about decisive improvements in the lives of children. The most important reforms introduced at a national level to implement the CRC during the first years after it was ratified – foremost among which was Law no. 285/1997 – have, over time, been emptied of meaning or downgraded. Other reforms, which could have contributed to increasing recognition of children’s rights (e.g. the establishment and nomination of a national and regional children’s Ombudsman, the approval of a National Action Plan for Children), have still not been completed, or have only been addressed haphazardly. There is also considerable fragmentation between the responsibilities of different Ministries at national level, and lack of co-ordination between them.

Nevertheless, there has been progress in applying key principles of the CRC in the national context. All of the laws enacted after the CRC came into force have explicitly introduced the principle of the child’s right to be heard in matters concerning him/her (Article 12) (e.g. in the reform of the Law no. 476/1998 on adoption and foster care), and this has in particular been reflected in judicial proceedings. Services also now pay more attention to what the child says and wants. The principle of the ‘best interests of the child’ (Article 3) is also one that is referred to almost systematically in the formulation of regulations and the fact that the child’s best interests must be taken into consideration in all decisions concerning the child has inevitably involved judges and influenced jurisprudence<sup>79</sup>. Other principles have, however, been accorded less attention, perhaps due to the largely generic way they were expressed and formulated (e.g. CRC articles on the treatment of children in detention, and on the punishment of children).

*“Up until the late 1990, the dominating cultural trend was to mistrust what children said, that it*

78 The Observatory was given the task of preparing, biannually, a National Action Plan for Children (see Chapter 3.2 below). A National Childhood and Adolescence Documentation and Analysis Centre was also set up to support of the activities of the Observatory.

79 It is important to note, however, that interpretation of the CRC principles can differ in practice, and there is a risk that they are addressed in a formulaic or routine way in some cases.



*was not necessary to hear them, that the child could suffer a trauma by judicial hearings, that the child would probably lie. The CRC has played a relevant role since people now generally think that a child should be heard in all contexts (judicial, health, social, scholastic, familial, etc.).”*

National Study on Italy

Among the positive effects, specific laws to implement the rights in the CRC and the Optional Protocols (e.g. Law no. 269/1998 on combating the sexual exploitation and sexual abuse of children) have been developed. Reference to the CRC has, on the one hand, curbed the application of certain negative regulations regarding children (e.g. prohibition of the expulsion of children in immigration cases), while on the other, it has accelerated legislative and system reforms already in process before it came into force (e.g. on the maltreatment of children). Despite this, it is quite rare in judicial contexts, for the CRC to be used as “working tool” by legal staff<sup>80</sup>. The CRC’s has however provided an important tool for NGO advocacy that has added considerable bite to their dealings with public institutions.

At regional level, 12 Regions<sup>81</sup> have mentioned the protection and/or promotion of the rights of the child in their own Statutes<sup>82</sup>, but most of these were approved in the 1970s or prior to the CRC’s ratification. Concerning the four Regions examined in this Report, in terms of regional legislation following the CRC’s ratification, the experiences of Emilia Romagna<sup>83</sup> and Lombardy<sup>84</sup> stand out in particular. The Lazio Region is, however, the only one of the four Regions to have nominated an Ombudsman for Childhood, while the other Regions, with the exception of Sicily, already have a law that establishes the post.

Respondents in the national study, apart from recognising within Law no. 285/1997 truly new ideas on the subject of policies for children since the CRC’s coming into force, were not in a position to be able to assess the concrete impact the CRC has had. In some cases, it is claimed that the amount of attention given to children generally has increased, not only at a legislative level, but also at an administrative one. However in others it is said that there was already considerable attention given to child policy at a local level. From the perspective of this study, this latter view may reflect some misunderstanding of the full implications of CRC ratification.

### Save the Children recommend:

- Where they have not done so, national governments should incorporate the CRC into national law at the earliest opportunity. Devolved, regional and local administrations and public authorities should also ensure effective CRC incorporation within their respective legislative frameworks.
- All governments should undertake regular reviews of legislation to ensure full compatibility with the CRC, and to identify and close any existing gaps in the legislative framework.
- Public authorities should pay particular attention to ensuring that the general principles of the Convention (i.e. non-discrimination [Article 2], the best interests of the child [Article 3], survival and development [Article 6], and child participation [Article 12]) are adequately reflected in legislation, policy and practice at all levels.

80 Court of Cassation 3804/2010 on the nomination of a special trustee.

81 Abruzzo, Basilicata, Emilia Romagna, Lazio, Liguria, Marche, Molise, Piedmont, Puglia, Tuscany, Autonomous Province of Bolzano, Umbria. Source: Coordinamento Pidida, Report 2008.

82 Lazio’s Statute explicitly mentions the CRC; Rome’s 2008 Statute was modified to introduce a regulation relating to the participation of children in local community life; among the social policies Emilia Romagna works towards is “the promotion and diffusion of a culture of the child aimed at achieving recognition of children as subjects entitled to rights, from the right to health, to have social relations, to study, to play, to engage in sports”; Lombardy does not refer to the CRC, but affirms that the Region “safeguards the family as recognised by the Constitution, through appropriate political, economic, social and fiscal policies, with particular regard to children”.

83 Regional law no. 14/2008, “Regulation on the subject of policies for younger generations”, not only referred explicitly to the CRC, but also established the regional Observatory on childhood and adolescence, and recognised children and adolescents as autonomous subjects with rights.

84 Regional law no. 34/2004, “Regional policies for minors”, established a regional Observatory on children, and a Coordinating Committee for the implementation of inter-sector policies devoted to children.

### 3.2 Development of National Strategies

*'If Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the Convention.'*

General Comment No. 5

The UN Committee expects governments to develop a comprehensive national strategy or action plan for children, framed by the CRC. In 1993, the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights also called on governments to ensure the CRC is integrated into national human rights action plans.<sup>85</sup>

The Committee has developed detailed guidance on how an Action Plan should be developed and what it should include.<sup>86</sup> Action Plans should:

Take into account the Concluding Observations;

- ❖ Relate to the situation of all children and to all the rights in the CRC. Particular attention should be given to identifying and giving priority to marginalized and disadvantaged groups of children;
- ❖ Be developed through a process of consultation, including with children and young people;
- ❖ Be endorsed by the highest level of government and linked to national budgeting;
- ❖ Set real and achievable targets in relation to the full range of economic, social, cultural and political rights of children rather than list good intentions;
- ❖ Have adequate financial and human resources allocated to its delivery;
- ❖ Be widely disseminated, including to children and young people.

#### The situation at national level

##### UN Committee Concluding Observations

The UN Committee's Concluding Observations on the national reports of the countries studied recommend that State parties adopt national action plans in line with the guidance set out in the General Comment No. 5 above.

In its Concluding Observations on *Sweden's* fourth report in 2009, the Committee regretted the absence of a national plan of action;<sup>87</sup> Sweden was urged to adopt an overarching plan of action which extends to all the areas embraced by the Convention.

In 2008, the UN Committee raised concern that in the *UK* the CRC "*is not regularly used as a framework for the development of strategies*" and recommended that the State Party "*adopt comprehensive plans of action for the implementation of the Convention*" in all parts of the UK. It urged that "*adequate budget allocation and follow-up and evaluation mechanisms*" be put in place to ensure regular assessments of progress and identification of deficiencies."<sup>88</sup>

In its closing comments on the *Lithuanian* report on CRC implementation, the Committee indicated that Lithuania must ensure: that the Plan prepared by the State covered all areas of the Convention; that appropriate financial resources were allocated for implementing the Plan; and that all other Action Plans and programmes

85 World Conference on Human Rights, Vienna, 14-25 June 1993, "Vienna declaration and Programme of Action" cited in UN Committee on the Rights of the Child (2003) General Comment no. 5 General measures of implementation of the Convention on the Rights of the Child (art.4, 42 and 44, para 6)

86 UN Committee on the Rights of the Child (2003) General comment No 5 General measures of implementation of the CRC

87 UN Committee on the Rights of the Child, (2009) Concluding Observations on Sweden

88 UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland. Paragraphs 14 and 15



intended to ensure the implementation of children's rights were coordinated with this overall Plan.

In relation to *Romania*, the UN Committee welcomed the approval of the National Action Plan and the National Strategy on Child Rights but requested that the Government should *'provide proper financing in order to fully implement the national plan and strategy, and pay more attention to vulnerable children. Moreover, the Government should ensure follow-up and evaluation mechanisms and should carry out regular progress assessment, in order to identify possible implementation deficiencies'*.<sup>89</sup>

In its 2003 Concluding Observations, the UN Committee took note of the fact that a Child Action Plan was to be debated in the Parliament in *Italy* and recommended that it should be adopted<sup>90</sup>. In its 2006 Concluding Observations on the implementation of the Optional Protocol on the involvement of children in armed conflict and on the Optional Protocol on the sale of children, child prostitution and child pornography, the UN Committee noted that *Italy* was in the process of adopting the National Action Plan for children and recommended that the State Party *"strengthen its efforts to finalize, adopt and implement, in consultation and cooperation with relevant stakeholders, including civil society, a national plan of action for children and provide a specific budget allocation and adequate follow-up mechanisms for its full implementation"*.

### National strategies

There is a wide range of approaches adopted at national level to the development and contents of National Strategies and Action Plans for Children. In the section below we describe briefly the approach adopted in each country. Although it is difficult to make comparisons, given the contextual differences between countries, it is notable that there appears to be considerable overlap in relation to some of the problems experienced. In most of the countries studies, the design of the Strategy fails to engage effectively with all the key stakeholders. Often the provisions are weaker and/or narrower than the CRC, and they may be insufficiently specific about the measures required. Perhaps the most common weakness is in relation to implementation plans, which may be very vague or limited, may lack financial underpinning, and be subject to weak coordination between departments or organisations. Nevertheless, there does appear to be widespread recognition of the value of the CRC as a set of guiding principles and standards, and a common willingness to do more to ensure effective implementation.

*UK:* In 2009, the Parliamentary Joint Committee on Human Rights urged the UK Government to *"devise a comprehensive and detailed plan for implementation of the UNCRC across the UK. This should be completed in conjunction with the devolved administration and the Children's Commissioners, and be subject to widespread consultation."*<sup>91</sup>

'Working Together'<sup>92</sup> was developed in 2009, and was described by the four governments of the UK as *"an expression of our continued commitment to make the UNCRC a reality."* It recognizes that there is more to be done in relation to CRC implementation and states that the governments will work together to achieve progress on: tackling child poverty; addressing the negative portrayal of children and young people in the media; supporting children and young people to participate in decision-making on issues that affect their lives; and raising awareness of the CRC. 'Working Together' will be implemented at country level with regular UK-wide information sharing and best practice exchange. Whilst this is a welcome first step in improving UK-wide coordination of CRC implementation it is not the comprehensive UK national Action

89 Committee on the Rights of the Child, (2009) Concluding Observations on Romania

90 Despite the CRC Concluding Observations, the new Plan of Action has still not yet been adopted.

91 Joint Committee on Human Rights Children's Rights Twenty-fifth Report of Session 2008-09

92 Department Children, Schools and Families (November 2009) Working Together; Achieving More: A joint commitment to take action in response to the UN Committee on the Rights of the Child's Concluding Observations

Plan recommended by the UN Committee and the JCHR. Instead “*each administration will address the UN Committee’s recommendations (as appropriate to their own circumstances).*”<sup>93</sup> The commitments in ‘Working Together’ are currently being reviewed by Ministers in the Coalition Government.

In England and at devolved level, each of the four governments of the UK have published some form of CRC ‘Action Plan’ (see below). However, the plans varied considerably in terms of how civil society, including children and young people, was engaged in their development, how the actions were prioritized and the details of proposed actions. None of the plans fully meet the UN Committee’s guidance.

In 2007, the (then) Department for Children, Schools and Families (DCSF) in *England* published its first ten year ‘Children’s Plan’<sup>94</sup>, but reference to the Convention appeared mainly in the annex. Following the publication of the Committee’s 2008 Concluding Observations, ‘The Children’s Plan One Year On’ was published which reviewed progress on implementation of the Plan and set out how the Government intended to address the recommendations made by the UN Committee.<sup>95</sup> In November 2009, the Labour administration published ‘United Nations Convention on the Rights of the Child: Priorities for Action’.<sup>96</sup> Structured around the CRC clusters of articles it refers to some of the UN Committee’s recommendations, sets out priorities, progress since 2008 and future plans. A commitment is made to report on progress against the actions on an annual basis and whilst no clear monitoring framework is included in the document, milestones had been put in place within the then DCSF. Despite its flaws<sup>97</sup>, it is a significant step forward in implementing the CRC in England. The Coalition Government has said that it is committed to implementing the CRC but Ministers are currently reviewing all activity relating to the CRC and no decision has yet been made on how it will go about implementing it.

*Wales* does not have a national children’s rights Action Plan that fully meets the UN Committee’s standards, but there have been a number of positive developments in recent years. In 2004, WAG adopted the CRC as the overarching set of principles for all its policy on children and translated the CRC into its’ seven core aims for children in Wales.<sup>98 99</sup> A subsequent 5-year rolling Action Plan<sup>100</sup> sets out WAG’s priorities in responding to the UN Committee’s recommendations. It contains 16 priority areas and 90 proposed time-bound actions. Due to the current devolution arrangements in Wales, WAG is not able to fully address some of the recommendations of the UN Committee, even where there is political will to do so<sup>101</sup>. The document has some weaknesses<sup>102</sup>, nevertheless this is the first time there has been a document of this kind for Wales. Very positively, WAG acknowledges that ‘Getting it Right 2009’ is only ‘the start of the journey’ and describes it as a base from which to move forward.

93 Department Children, Schools and Families (November 2009) Working Together; Achieving More: A joint commitment to take action in response to the UN Committee on the Rights of the Child’s Concluding Observations

94 Department for Children, Schools and Families (2007) The Children’s Plan: Building Brighter Futures

95 Throughout the report CRC articles are referenced, and it is also stated that the Concluding Observations “provide a helpful framework for further action by Government”. Department for Children, Schools and Families (2008) The Children’s Plan One Year On

96 Department for Children, Schools and Families (2009) The UN Convention on the Rights of the Child: Priorities for action

97 E.g. The report tends to synthesize activities already underway rather than provide a forward thinking strategic plan. It is often not clear how the proposed activities will meet the objectives and necessary follow-up actions are repeatedly missing, and timeframes and budgets are also not attached to the activities.

98 Welsh Assembly Government (2002) Children and Young People: A framework for Partnership and WAG (2004) Children and Young People: rights to Action. The seven core aims are: Parenting and childcare; Learning and working; Health, child protection and care; Play and leisure; Participation and equality; Safe home and community; Child poverty

99 However, the Wales NGO alternative report expressed concern that the aims were “not well understood across all of government (especially outside of policy areas traditionally not focussed on children or young people) and often compete with other governmental strategies and plans.” It also expressed disappointment that a clear national plan and monitoring framework were not developed alongside the core aims. Save the Children (2007) Stop, look, listen: the road to realising children’s rights in Wales, Wales NGO alternative report

100 ‘Getting it Right 2009: United Nations Convention on the Rights of the Child’

101 E.g. Issues relating to youth justice, immigration and the physical punishment of children are all the responsibility of the UK Government.

102 E.g. The lack of a budget; an impression that it is sometimes a narrative of current activity; a lack of clarity as to how it links to the ‘Seven Core Aims’; the absence of a clear monitoring framework; and a sometimes inaccurate picture of where Wales is currently at in implementing the CRC.

The *Scottish* Government is the only government in the UK to have formally and extensively consulted on its plans to address the Concluding Observations, and to have sought to respond to all the Committee's recommendations. In 2009, it published its response to the Concluding Observations 'Do the Right Thing'.<sup>103</sup> This followed a formal consultation period on a draft document<sup>104</sup> and a series of consultation events for NGOs and children and young people. 'Do the Right Thing' lists what the Government will do to improve children's rights and highlights 21 priority areas for action over the next five years. It also highlights issues to be addressed in the medium term, once action on initial priorities has been completed. The plan is accompanied by an extensive annex which refers to proposed action in all the areas covered by the Concluding Observations. This is the first time that Scotland has had a children's rights 'Action Plan' and is a hugely positive step. However, there are still some aspects which can be improved.<sup>105</sup>

*National Study on the UK*

In *Northern Ireland*, the Ten Year Children's Strategy 'Our Children and Young People – Our Pledge'<sup>106</sup> was published in 2006, following consultation with both children and young people and the children's sector, however this did not take the CRC as its starting point. Two detailed action plans followed, one for 2007-2008<sup>107</sup> and another for 2008-2011<sup>108</sup>. However, the plans appear simply to amalgamate already planned initiatives and activities, and have been produced with inadequate consultation with stakeholders, including children and young people, and a lack of clear child rights indicators.<sup>109</sup> No dedicated ring-fenced resources to deliver the action plan have been included within departmental budgets.<sup>110</sup> In 2010, "UNCRC – Northern Ireland's Priorities and Plans" was published<sup>111</sup>, setting out 14 priority areas with two cross-cutting themes – bullying and early years and intervention. The priority areas are, however, very broad, and no detail is given on what specific activities are planned within these overarching themes or a timeframe for developing them. There is no detail on how any actions will be resourced. Overall, the current response of the Northern Ireland Executive to the 2008 Concluding Observations is the weakest of all the four governments of the UK.

*Sweden:* In 1999 the Swedish Parliament passed a government bill for a strategy for implementing the CRC.<sup>112</sup> The strategy was based on the proposals put forward by the parliamentary Committee for Children's Affairs in the report "The Primacy of the Best Interests of the Child", published in 1997.<sup>113</sup> The objective of the strategy was to strive to ensure that the intentions of the CRC were taken into

103 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

104 Scottish Government (2008) Improving the Lives of Children in Scotland- are we there yet?

105 Under each priority area there are various actions proposed, however many of these are not concrete. Some actions are very narrow and fail to indicate how they will achieve the broader objectives. There is frequent reference to ongoing activities and there is no clear set of indicators to measure implementation progress and no timeframe for action. A key flaw is that the strategy does not specify who is responsible for achieving the specific change.

106 OFMDFM (2006) Our Children and Young People – Our Pledge: A ten year strategy for children and young people in Northern Ireland 2006-2016

107 OFMDFM (2007) Our children and young people - our pledge: Action Plan 2007-2008

108 OFMDFM (2008) Our children and young people - our pledge: Action Plan 2008-2011

109 Children's Law Centre (2008) Response to the Office of the First and Deputy First Minister's draft Children and Young People's Action Plan 2008-2011

110 Northern Ireland Commissioner for Children and Young People. (2008) Children's Rights: Rhetoric or Reality. A Review of Children's Rights in Northern Ireland

111 OFMDFM (2010) UNCRC - Northern Ireland's Priorities and Plans

112 Regeringen (1998) Prop 1997/98: 182, Strategi för att förverkliga FN:s konvention om barnets rättigheter i Sverige

113 Barnkommittén (Parliamentary Committee for Children's Affairs), (1997): Barnets bästa i främsta rummet, SOU 1997:116 ('The Primacy of the Best Interests of the Child', Official Government Reports 1997:116)

consideration in all decision-making that affected children<sup>114</sup>. Owing to the governance structure in Sweden, where municipal and regional authorities have a large degree of autonomy, the Government and Parliament were not able to lay down directives for the actions of these authorities, being instead restricted to putting forward recommendations<sup>115</sup>.

In a communication submitted to parliament in 2003, the Social Democratic Government presented a number of modifications to the strategy.<sup>116</sup> Among these were that the child's perspective in the budget was to be given clearer expression; the guidelines for child impact analyses in parliamentary committee work were to be improved; institutes of higher education were to include modules on the CRC in different courses and programmes; and methods for guaranteeing children and young people opportunities for democratic participation were to be developed. A new objective was formulated: that children and young people should be treated with respect, guaranteed safety and protection, and granted opportunities for development and democratic participation.

In 2008, the centre-right coalition submitted a new communication entitled "Child Policy – a policy for children's rights".<sup>117</sup> The communication highlighted that, *"in addition to our work to reinvigorate education in Sweden, and our proposal for a new School Education Act"*, priority would be given to: the strategic work of implementing the CRC<sup>118</sup>; support and educational initiatives for parents; measures to combat all forms of violence against children; and preventive measures to combat mental health problems in children and young people.

The CRC Co-ordination Office at Government Offices considers that the strategy has played an important part in the work of implementing the CRC, whereas NGOs maintain that the national strategy has not had any significant impact – although they do recognize that it has led to the introduction of mechanisms such as child impact analyses and child-rights checklists.

In 2010 the current Government presented a proposal for a new strategy for strengthening children's rights<sup>119</sup>, based on nine principles:

- ❖ All legislation concerning children to be framed so that it accords with the CRC;
- ❖ Children's physical and mental integrity is to be respected at all times;
- ❖ Children are to be given opportunities to express their opinions on matters that affect them;
- ❖ Children are to be given information about their rights and what these rights entail in practice;
- ❖ Parents are to be provided with information on children's rights, and are to be offered support in their role as parents;
- ❖ Decision-makers and relevant occupational categories are to be provided with information on children's rights, and are to translate this information into practice in their work;
- ❖ Actors in different areas of work that concern children are to work together to strengthen children's rights;

114 The strategy included the following elements: The CRC to be an active instrument, and to pervade all Government Offices decision-making that affects children; the child's perspective to be included (to an appropriate extent) in terms of reference for inquiries; the CRC to be included in various ways in the training given to those whose professional duties involve working with children; public sector employees whose work affects children and young people to be offered training to strengthen their child-related competence and their knowledge of the CRC; child impact analyses to be carried out prior to the making of public sector decisions that affect children; opportunities for children and young people to influence and participate in social and transport planning to be developed; the work and organisational structure of the Office of the Children's Ombudsman to be reviewed with the aim of strengthening its role in the implementation of the CRC; and statistics related to children to be improved.

115 These were that: municipal and regional authorities should offer their staff training on child-related issues; and that municipal and regional authorities should establish systems for monitoring how well the principle of the best interests of the child was observed in their work.

116 Regeringen (2004) Skrivelse 2003/04:47, Utveckling av den nationella strategin för att förverkliga FN:s konvention om barnets rättigheter

117 Regeringen (2008) Skrivelse 2007/08:111, Barnpolitiken – en politik för barnets rättigheter

118 This included elements such as giving the Children's Ombudsman clearer monitoring and evaluation responsibility, following up the strategy, and developing statistics, primarily at municipal level. In addition, the government wanted to improve co-ordination by setting up an annual "child rights forum", an open meeting place for public authorities, municipal and regional authorities, NGOs, and children and young people.

119 Regeringen (2010) Prop 2009/10:232, Strategi för att stärka barnets rättigheter i Sverige

- ❖ Up-to-date knowledge of children's life conditions is to provide the basis for decision-making and prioritising on issues that affect children;
- ❖ Decisions and measures which affect children are to be followed up and evaluated from a child-rights perspective.

As was the case with the previous strategy, the new document lacks measurable targets and indicators. Save the Children Sweden has welcomed the proposals, but stated that it hopes and expects that the strategy will be followed by a plan of action which lays down concrete targets, and also establishes time frames both for implementation, and for monitoring and review.

When presenting their proposal the Government announced a number of new initiatives. For example, the Government and the Swedish Association of Local Authorities and Regions (SKL) will be entering into an agreement to develop work on children's rights at municipal and regional level. According to the agreement, SKL is to draw up a plan of action, which will form the foundation for a programme of measures. The Government is also planning to carry out a survey of how well Swedish legislation and legal practice comply with the CRC. In addition, there is to be a process of dialogue with public authorities, NGOs and SKL on various subjects related to children's rights; and work is to continue on developing a follow-up system which can measure and describe those aspects of children's life conditions the Government deems to have the most central importance.

*Romania:* In 2008, the Romanian Government adopted the National Strategy in the field of Protection and Promotion of Child Rights (2008-2013) and the Operational Plan for its implementation<sup>120</sup>. The strategy and the drafting process largely comply with the provisions set out in General Comment no.5 as:

- ❖ It focuses on vulnerable groups of children, while indicating that the Government aims to move from the protection of disadvantaged children to the protection of the rights of all children;
- ❖ It is based on a thorough analysis of the context faced by children in Romania when it was drafted, emphasising both the results over the last two years, as well as the sensitive aspects and issues which remain to be addressed;
- ❖ It defines clear objectives and results, identifies opportunities and constraints, describes the roles of public institutions as regards the implementation of the strategy, and sets out ongoing monitoring and evaluation procedures;
- ❖ The drafting of the strategy and of the plan also included a public consultation with the public institutions with responsibilities in the field, and the NGO sector.

However, implementation is undermined by the fact that these documents, well developed up to a point, do not address the allocation of the necessary resources (budgetary and human). Thus, the strategy reviews only the budgetary sources, but does not indicate the amount necessary for implementation. The well written operational plan, which, for each objective of the strategy, defines operational objectives, activities, responsible institutions, partners, indicators and deliverables, does not indicate the budget or the staff needed to achieve these activities and results. In the context of governmental measures to mitigate the effects of the economic crisis, including salary and staff cuts and the repeated restructurings of various institutions, there are real concerns about the chances of the National Strategy being implemented.

Furthermore, even though the text of the strategy mentions that implementation will be monitored on an annual basis and improvements and updating will happen at the end of each operational plan, no assessment or progress report could be identified by September 2010.

---

<sup>120</sup> G.D. 860/13.08.2008 can be consulted at [http://www.anpfdc.ro/afisareact.aspx?id\\_act=345](http://www.anpfdc.ro/afisareact.aspx?id_act=345)

The drafting of the two public policy documents was also not carried out with the participation of children and young people, contrary to General Comment no. 5. The national study in Romania highlighted that most of the people consulted were not familiar with the contents of the National Strategy, while some of them did not know that such a document existed. Among children, the level of information regarding the strategy is extremely low, no child participating in the focus groups being aware of its existence.

In addition to the national strategy in the field of child rights, other central authorities have developed sectoral strategies focused on certain rights of the children (e.g. education, protection against trafficking, exploitation).

The representatives of central institutions identified a series of difficulties in both the strategy adoption and implementation process. The period between the start of consultations and the actual adoption of the strategy is sometimes very long; for example, the drafting process for the National Strategy started in 2005, and it was only approved in 2008. In addition, the working group which designs a final form of the strategy does not always operate efficiently. The implementation of national strategies depends also on the capacity and existing resources at the local level, as well as on the communication between the central and local agencies, and both present difficulties.

*Lithuania:* At the moment, *Lithuania* does not have a strategy or plan for Children rooted in the CRC. However, there is a Strategy for State Policy on Child Welfare and an accompanying plan for its implementation (2005-2012). The main aim of the Strategy is to provide appropriate conditions for the child to live in a family and actively participate in social life, to protect the child against any form of violence and abuse, and to provide appropriate conditions to study and receive proper medical care.<sup>121</sup> The Strategy sets out the need to:

- ❖ Better harmonise legislation with the provisions of the CRC;
- ❖ Promote cooperation between various institutions and organisations (at local, national, and international level), and ensure the participation of children and young people in decision-making;
- ❖ Ensure necessary support for families, increasing the availability and supply of social services to children and families, and increasing parental responsibility for children;
- ❖ Improve the education system and after school activities, and funding for these areas;
- ❖ Improve health care of children and the quality of health care services;
- ❖ Ensure all necessary measures and actions to protect the children against any form of violence and exploitation;
- ❖ Take into account children's needs in town planning;
- ❖ Ensure the protection of the rights of children seeking asylum;
- ❖ Ensure the collection of comprehensive statistical information on all groups of children and according to all areas of the CRC;
- ❖ Review on an ongoing basis the state of child welfare;
- ❖ Improve the qualifications of those working in the field of children's rights.

The implementation for the Strategy of State Policy on Child Welfare has been amended several times. In 2006, provision was added for the competitive allocation for funds to NGOs working in the field of the CRC. In 2007, the Strategy was again amended to protect children against any form of violence.

The coordination of implementation of the Strategy is the responsibility of the Ministry of Social Security and Labour. Every two years, the Government is presented with reports assessing progress in

---

<sup>121</sup> Governmental Regulation of the Republic of Lithuania "On the approval of the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012" // Official Gazette (Valstybės žinios), 2005, No. 25-802



implementation. An Interdepartmental Council of Child Welfare<sup>122</sup> discusses issues relevant to children and child rights implementation, analyses children's circumstances, prepares proposals for further activities and for improving cooperation between departments.

According to respondents in the national study, the philosophy of the Strategy is very good: the importance of children's rights is emphasized as well as the need to ensure effective implementation. However the efficiency of the implementation plan causes more concern. The Strategy is not updated sufficiently frequently, and there is a lack of cooperation and collaboration among the Ministries. There is also too little discussion about the Strategy, and too little information on its implementation provided for NGOs, those working with children, and wider society. To remedy these weaknesses, the implementation plan needs to define measures to achieve set goals, specify financial resources and sources, and the timetable for implementation.

*Italy:* Law no. 451/1997 provided, for the first time, for the development of a National Action Plan for protecting children's rights. During the more than ten years that have passed since the law came into force, only three National Action Plans have been adopted by the Italian Government: one in 1997 (covering 1997-98); another in 2000<sup>123</sup> (2000-01); and a third in 2003<sup>124</sup> (2002-04).

In 2007, a legislative amendment<sup>125</sup> modified the procedure for passing the National Action Plan. Following the reconstitution of the National Childhood Observatory in the same year, the National Centre for the Documentation and Analysis of Childhood and Adolescence proposed an Action Plan for children and adolescents, to begin in 2008, but its legislative progress was interrupted<sup>126</sup>. Work on the National Plan by thematic sub-groups of the Observatory only started up again in 2009, and a draft National Plan was presented to the Government in October 2009. However the Department for Family Policy and the Ministry for Social Policies did not accept the Observatory's proposal, and circulated a revised draft in July 2010; this set out four governing lines<sup>127</sup> for a National Action Plan for Children and Adolescence (2010-2011), giving more prominence to the family.<sup>128</sup>

The involvement of civil society in the Plan's formulation is limited to the participation of UNICEF and eight NGOs in the work of the National Observatory on Childhood. Although the process has limitations, the Observatory is the only national body that provides for the formal participation of NGOs. The participation of children has not however been envisaged, and interviews with NGOs for the national study on Italy revealed that the section of the Plan on child participation had been significantly scaled down in the version proposed by the Government.

According to interviewees for the national study, there are various potential obstacles to the implementation of the Plan, even if it is approved. For example, the objectives set at a national level will need to be implemented regionally, but there is a lack of resources (which are not directly provided for in the Plan) to do so. Monitoring constitutes an important new element of the draft National Action Plan, even though, following the revisions made to the original draft, it appears more as a statement of principle, without

---

122 The Council consists of the representatives of various institutions and organizations: the Ministries (Social Security and Labour; Interior; Education and Science, and Health), State Services of Children's Rights and Adoption, Associations of Children's Rights Services, Child Rights Ombudsman, NGOs, and other institutions.

123 D.P.R. 13 giugno 2000.

124 D.P.R. 2 luglio 2003.

125 Art. 2, para. 5 DPR 103/2007.

126 Gruppo CRC (2009) 2nd Supplementary Report.

127 1) consolidate an integrated network of services and opposition to social exclusion 2) reinforce the safeguarding of rights 3) foster participation in the construction of an inter-generational pact 4) promote the integration of immigrants.

128 Apart from the National Action Plan for Children, it should be noted that there are other instruments in specific sectors to implement children's rights (e.g. The Special Plan for the Development of an Integrated system of Social and Educational Services and the plan to implement Law no. 285/1997).



concrete actions for carrying it out. It remains to be seen how monitoring will be developed in practice if and when the Plan has been adopted.

### The situation at local level

At local level, the evidence from the national studies suggests that very few public authorities have specific Action Plans for Children's Rights in place. In some authorities, there was widespread lack of awareness of the existence of any National Plan (where there was one). Many authorities appeared to lack the resources for effective implementation, and responsibilities were often poorly co-ordinated between local institutions. Child participation in the formation of local plans was also generally weak, or non-existent.

*Sweden:* At municipal level, a survey conducted by the Children's Ombudsman in 2007 found that 78% of municipal authorities had taken a decision to work towards implementation of the CRC in some way or another; however, it is not possible to assess what the authorities have committed themselves to do in practice.

Of the four municipal authorities included in the Swedish national study only one, Partille, has adopted a strategy (in 2007) <sup>129</sup>. Partille's strategy establishes the following areas for development:

- ❖ The level of knowledge of the CRC among politicians and civil servants at municipal level is to be increased. All children in the municipality and their parents are to receive information on the CRC.
- ❖ The authority's working committees are to use a child-rights checklist in all decisions which affect children.
- ❖ There is to be active initiative by the authority to tackle bullying and racial prejudice.
- ❖ Children's right to voice their views is to be strengthened.

The strategy is far from completed. For example, there are no concrete targets or time schedules, and no child rights checklist in place, and the municipality has not yet set up a youth council or youth panel. However, a number of courses on children's rights have been held, and the authority has instituted a "CRC Prize" for local organisations.

*National Study on Sweden*

Although none of the other three municipalities looked at has a strategy, this does not mean that the spirit of the CRC is completely absent. <sup>130</sup>

*Romania:* The county (and also district) strategies are developed by the General Directorates for Social Work and Child Protection (GDSWCPs) <sup>131</sup>. Out of the three counties and one district of the Municipality of Bucharest (district 1) analysed in the national study on Romania, only Bucharest's district and Alba county currently have a strategy for children. <sup>132</sup> At the local level, only one of the Public Services for Social Work (PSSWs) included in the analysis had a child-related strategy in force. However, child-related sections are also found in other strategic documents drafted by the county and local council or by PSSWs.

Practice in developing a strategy differs a lot from one county to another, as well as from one locality to another. Common factors are, however, the lack of communication between institutions and the absence of

<sup>129</sup> Partille kommun (Partille Municipal Authority) (2007) Alla barn har egna rättigheter, Barnkonventionen i Partille kommun

<sup>130</sup> There are, for example, references to the CRC in schools' equal opportunities plans, municipal employees have attended training courses, and in Malmö a handbook has been produced on how to ensure that children's rights are taken into account in the authority's work.

<sup>131</sup> See Chapter 2 for clarification of the responsibilities of GDSWCPs and PSSWs.

<sup>132</sup> Iasi county is in process of developing a strategy, and Constanta county's strategy covered 2005-2007.

evaluations of the impact of the strategies. Interviews with representatives of the public institutions in the national study identified also that:

- ❖ Most strategic documents are actually strategies of the institutions themselves, and not strategies to implement the CRC. Often they are developed primarily in order to attract (EU) funding, for which they are a requirement.
- ❖ The development of the strategy can sometimes be a long process due to the lack of specialist staff within the DGSWCP.
- ❖ The main issue in implementing the strategies is the lack of resources (human and financial). The economic crisis is having an effect, both in terms of staff cuts and - especially - salary cuts.
- ❖ At the local and county level, familiarity among staff with the strategies that do exist is very low. The focus groups with children indicated that they also lack information about the strategies concerning them.

*Lithuania:* At the local level, the Strategy of State Policy on Child Welfare and the Plan of Implementing Measures for 2005-2012 is not taken into account sufficiently, and the implementation of the Strategy is not systematic. Overall, although the Strategy is fine on paper, the interviews suggested that it does not have a significant impact on the protection of children's rights locally. Interview respondents in the national study had heard of the Strategy, but only the specialists in the Divisions for the Protection of the Rights of the Child were well versed in it.

The children who participated in the research for the national study had no knowledge of the Strategy of State Policy of Child Welfare. In their opinion, the reality is that they hardly have any power at community level to influence the key decisions affecting their lives.

*Italy:* Local representatives were formally involved in the development of the National Action Plan by the National Observatory on Childhood<sup>133</sup>. The interviews for the national study on Italy suggested that involvement at regional, local, and particularly municipal, levels did not however appear to be very effective.

Generally, respondents felt the Plan was not formulated so as to be of relevance to the local level. It is perceived as a declaration of intent, but not considered to have much impact at a local/regional level without the allocation of resources for the implementation of the policies it contains. The new formulation of the Plan sets out that there need to be "decentralised administrative acts" in order to reach the objectives outlined; in other words, it is left to the Regions or Local Authorities to allocate the required resources.

There is a risk here of creating discrimination in the treatment of children in the different Regions, especially in the absence of agreed standards in service provision to protect and promote social rights.

There may also be problems in implementing the National Plan due to the fragmentation of competencies at the local institutional level. And in the Regions included in the national study on Italy, a further weakness was apparent in coordination between regional and central levels (although coordination between regions, undertaken by the Regions Conference, was considered more effective).

To achieve the National Action Plan's objectives at a local level the tool used in practice is the Zone Plan, although it is intended to implement Law no. 328/2000. Civil society's involvement is generally considered to be important, but the same cannot be said of children's participation, with little acknowledgement of the possibility that young people can play an active role in decision-making processes which affect them.

---

<sup>133</sup> Three representatives from the National Association of Italian Municipalities and six from the Regions Conference.

**Save the Children recommend:**

- All governments should ensure that National Strategies for Children's Rights, covering all the rights in the CRC, are in place, accompanied by concrete Action Plans for implementation. The Action Plans should include measurable objectives, designated institutional roles, specific timetables, allocated resources, and identified monitoring and evaluation mechanisms.
- Regional and local authorities should develop Strategies and Action Plans for children's rights, in line with National Action Plans that exist and the specific local circumstances faced by children. Sufficient financial and human resources need to be allocated.
- Children as well as child rights NGOs should be involved in drawing up the national, regional and local Strategies and Action Plans. The Strategies and Action Plans should be reviewed on a regular basis to ensure that they cover all areas relating to children and all aspects of the CRC and set out how the state will fully address the Concluding Observations of the UN Committee.

**3.3 Coordination of implementation**

*'In examining States parties' reports the Committee has almost invariably found it necessary to encourage further coordination of government to ensure effective implementation: coordination among central government departments, among different provinces and regions, between central and other levels of government and between Government and civil society. The purpose of coordination is to ensure respect for all of the Convention's principles and standards for all children within the State jurisdiction; to ensure that the obligations inherent in ratification of or accession to the Convention are not only recognized by those large departments which have a substantial impact on children - education, health or welfare and so on - but right across Government, including for example departments concerned with finance, planning, employment and defence, and at all levels.'*

**General Comment No. 5**

Given the very different systems of government among State parties, the UN Committee on the Rights of the Child does not prescribe detailed arrangements for achieving effective co-ordination. The Committee argues there are many ways, both formal and informal, of approaching this, including, for example, inter-ministerial or interdepartmental committees for children. It also draws attention to the advantages of a "specific department or unit close to the heart of government...with the objective of coordinating implementation..." with "...responsibility for developing the comprehensive children's strategy and monitoring its implementation, as well as for coordinating reporting under the Convention."<sup>134</sup>

In addition, the Committee emphasizes that decentralisation of power, through devolution and delegation of government, does not in any way reduce the direct responsibility of the State party's Government to fulfil its obligations to all children within its jurisdiction, irrespective of the political structure in their particular State.

**UN Committee Concluding Observations**

Whilst welcoming the moves that governments have made to improve co-ordination mechanisms at all levels, the UN Committee's Concluding Observations on State party reports repeatedly refer to the need for these to be further strengthened.

<sup>134</sup> UN Committee on the Rights of the Child (2003) General Comment No.5 General measures of implementation of the Convention on the Rights of the Child (arts4,42 and 44,para 6)

In its 2003 Concluding Observations on *Italy's* report, the UN Committee had expressed its regret that Italy had not taken steps to follow up on the UN Committee's 1995 recommendation on the subject of coordination in the Convention's implementation<sup>135</sup>. It therefore called upon the Government to reinforce effective coordination within and between government agencies at national, regional and local levels, as had been already previously recommended. Furthermore, the Committee, while welcoming the establishment of the National Childhood Observatory, pointed out that *"this coordination is not sufficient and that some specific issues are coordinated outside this National Observatory"*. The Committee also took note of the regular meetings of the State-Regions Conference (Conferenza Stato-Regioni) aimed at coordinating activities between the State and the regions and at monitoring the implementation of policies at the regional and national levels, and recommended that such coordination should be strengthened.

In its Concluding Observations on *Lithuania*, the UN Committee welcomed the State's efforts to improve coordination of implementation of the Convention of the Rights of the Child but drew attention to the fact that *"lack of coordination and coherency of the implementation of the Convention both at central and local levels, especially with regard to local authorities"* is still noticed in the country<sup>136</sup>. The Committee recommended that the Lithuanian Government further strengthen coherence and coordination of the Convention, ensure successful cooperation between central and local governing institutions, and also cooperation with society – NGOs, children and parents.

In relation to *Romania*, the UN Committee has welcomed the establishment of the National Authority for the Protection of Child Rights and of its department for monitoring children's rights, but expressed its concerns that the institution places an emphasis on protection rather than on all children's rights. It has also highlighted the lower status of this authority in relation to other state agencies, as well as the inadequacy of human and financial resources. While taking note of the establishment of the Inter-ministerial Coordination Council, the Committee reiterated its recommendation that Romania should ensure the implementation of the CRC throughout its territory and urged the State to clarify the responsibilities of the relevant national and local institutions, as well as to provide the necessary resources for the fulfilment of these responsibilities.<sup>137</sup> One year after these recommendations were made, the National Authority was closed down and its tasks were transferred to the Ministry of Labour, Family and Social Protection, so that there is no certainty as regards the status and functioning of the Inter-ministerial Coordination Council.

The Committee has, on a number of occasions, expressed its concern that the *Swedish* public administration system, with its far-reaching decentralisation of responsibility and decision-making, may result in negative consequences for children and their families depending on where they live – a situation which is not compatible with the provisions of the Convention. In the third Swedish report to the Committee, the Government gave the following account of the position of municipal and regional authorities vis-à-vis the state: *"Sweden is a highly decentralised country. Most of society's work that relates to children is under the jurisdiction of the municipal and regional authorities. The state does not exercise detailed control over the budgets decided on at local and regional level – it is up to each individual authority to decide how much money they want to devote to children and young people, as long as they meet the requirements laid down in law."*<sup>138</sup> In its Concluding Observations on this third report, the Committee recommended that a permanent structure, spanning government, the regions, the municipalities and also NGOs, should be set

<sup>135</sup> CRC/C/15/Add.41 Point 13.

<sup>136</sup> Final remarks of the United Nations Committee: Lithuania, 2006 // CRC/C/LTU/CO/2

<sup>137</sup> UN Committee on the Rights of the Child, Fifty-First Session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations of the Committee on the Rights of the Child: Romania, CRC/C/ROM/CO/4, 30.06.2009,

<sup>138</sup> UN Committee on the Rights of the Child (2002) Third periodic report of States parties, Sweden, CRC/C/125/Add.1

up to co-ordinate the work done across all levels of decision-making. The Government dismissed this idea as unrealistic, and out of step with national approaches to governance.<sup>139</sup>

In its Concluding Observations on Sweden's fourth report, the Committee reiterated its concern at the inadequate level of co-ordination, and at the differences between different municipalities and regions with regard to factors such as child poverty, resourcing levels of the social services, and academic performance.<sup>140</sup> The Committee recommended that measures be taken to improve co-ordination, and strengthen the monitoring and follow-up of decisions taken at municipal and regional level.

In its 2008 Concluding Observations on the *UK*, the UN Committee welcomed the development of a child rights unit in England and in each of the devolved nations and recognized that devolution makes it difficult to have one single body responsible for coordinating the implementation of the CRC across the UK. However, reiterating its 2002 recommendation it remained *"concerned at the lack of a body mandated to coordinate and evaluate a comprehensive and effective implementation of the Convention throughout the State Party."*<sup>141</sup> It recommended that *"...the State Party - in addition to ensuring that each of the jurisdictions has a well resourced and functioning body – could allocate responsibility for the co-ordination and evaluation of the Convention across the State Party to a single, high profile, mechanism."*<sup>142</sup>

### Co-ordination mechanisms in different countries

A wide range of co-ordination mechanisms exist in different countries. In *Sweden*, *Lithuania*, and the *UK*, responsibility for coordinating implementation of the CRC is given to a particular Ministry (although other Ministries are also involved), but the mandate and powers vary. In the UK, for instance, co-ordination across the State Party remains weak. Usually there is also a lead Minister located in the same Ministry, sometimes, but not always, at Cabinet level. Often, there will be some form of CRC Co-ordination Unit (as in *Sweden*) or Children's Rights Team (as in the *UK* and its devolved nations) to undertake the day-to-day work, however they frequently lack sufficient authority and resources to drive a children's rights agenda across government.

Inter-ministerial committees may also be in place (e.g. in *Wales*, a Cabinet Committee for Children and Young People, in *Northern Ireland* a Ministerial Sub-Committee for Children and Young People). In order to facilitate more regular systems of collaboration between civil servants, other structures may operate. For example, in *Sweden* there is a 'CRC Network' and in *Lithuania* an 'Interdepartmental Child Welfare Council', bringing together representatives of different Ministries. In *Northern Ireland*, 'children's champions' have been established to take forward action in different Ministries (and a similar arrangement is proposed in Scotland). Again, however, it appears there is often lack of clarity over the mandate and resources of such networks.

*Italy* has a rather different model, having set up the National Observatory for Children to ensure greater coordination between a wider range of stakeholders, including not only central but also local government, trade unions, and child welfare NGOs. But here again, the powers and impact of this body are relatively weak. Nevertheless, there is at least a structure in place; in contrast, in *Romania* there is

<sup>139</sup> UN Committee on the Rights of the Child (2007) Forth periodic report of States parties, Sweden, CRC/C/SWE/4

<sup>140</sup> UN Committee on the Rights of the Child, 2009, Concluding Observations on Sweden

<sup>141</sup> Within the UK, the Committee's view has also been reflected by the Joint Committee for Human Rights in the Westminster Parliament. The JCHR notes that although the devolved administrations have responsibility for certain areas of children's rights, the UK Government is ultimately responsible for ensuring that it complies with its obligations under the UNCRC. It concludes that "it is not advisable to leave implementation to each nation separately." Parliamentary Joint Committee on Human Rights (2009) Children's Rights Twenty-fifth report of Session 2008-09

<sup>142</sup> UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland. Paragraphs 12 and 13

considerable uncertainty as to which body is responsible for leading on co-ordination, following significant restructuring.

**Below the mechanisms in different countries are described in more detail:**

*Sweden:* The Minister for Health and Social Affairs is responsible for co-ordinating work on the CRC. Within the Ministry of Health and Social Affairs there is a unit with responsibility for co-ordination (the CRC Co-ordination Office), with three and a half full-time staff. The mandate of the Office includes monitoring to ensure that the CRC is considered when new laws and inquiries are developed by Government Offices; monitoring international developments; and co-ordinating Sweden's reporting to the UN Committee. The CRC Co-ordination Office has established a CRC Network within Government Offices, consisting of representatives of the various ministries.<sup>143</sup>

The Co-ordination Office also takes part in the 'Child Rights Network' set up by the Swedish Association of Local Authorities and Regions; this network includes representatives of all regional authorities as well as child health specialists. It meets several times a year, and works to spread effective methods for promoting children's rights in the work of regional authorities. Eleven Swedish municipal authorities have also established a 'CRC partnership of pioneering child rights municipalities'<sup>144</sup> to stimulate exchange of ideas and experience between municipal authorities and national bodies about successful methods for implementing the CRC. The municipalities involved in the partnership carry out informal studies of each other's work, and have published a few brochures about their experiences.<sup>145</sup>

The Co-ordination Office also initiates meetings with MPs (eg. with the Parliamentary Social Affairs Committee, or the cross-party Children's Affairs Group).<sup>146</sup> These groups can also request information from the Co-ordination Office. The chairperson of the Children's Affairs Group says that the contacts with Government Offices are satisfactory, but the group actually has more contact with NGOs working with children. There is no regular forum for co-ordination between the Government and NGOs (see Chapter 3.7 on 'Co-operation with Civil Society').

*Romania:* Researchers undertaking the national study found that, as a result of frequent restructuring of the government machinery, it was hard to say with certainty which central institution was currently responsible for the co-ordination of CRC implementation.

**In *Romania* there is considerable uncertainty as to which body is responsible for leading on co-ordination, following significant restructuring. At the end of June 2010 the Romanian Government dissolved the National Authority for Family and Child Rights Protection, whose existence was a prerequisite for the country's accession to the EU. The lack of central co-ordination of child rights protection brings Romania back to the critical position in the past.**

*National Study on Romania*

<sup>143</sup> The Co-ordination Office has responsibility for the Office of the Children's Ombudsman, and the Swedish Intercountry Adoptions Authority.

<sup>144</sup> [www.orebro.se/barnkonventionen](http://www.orebro.se/barnkonventionen) (website in Swedish only).

<sup>145</sup> Although the Children's Ombudsman is not intended to co-ordinate work on the CRC, it has close and frequent contact with various public bodies, and with regional and municipal authorities, through its work on driving CRC implementation.

<sup>146</sup> The cross-party Children's Affairs Group was established in 1992; it is an informal network bringing together representatives of all the parties in Parliament, and functions as a forum for discussions on children's rights and on how the child's perspective can be taken into account in the work of Parliament.



According to Law 272/2004, the National Authority for the Protection of Child Rights, a separate body under the Ministry of Labour, was responsible for coordination of the protection and promotion of child rights. Alongside the Authority, a Steering Committee on the protection and promotion of child rights was also established<sup>147</sup> to ensure cooperation between the various stakeholders, but even though the legislation entered into force in 2005, the Committee was first convened in 2009.

Based on the need to rationalise public expenditures and comply with the agreements concluded with the European Commission and the IMF, in 2009 the Romanian Government decided to establish the National Authority for the Protection of Family and Child Rights, which was to take over the roles of four pre-existing institutions in this field, including the coordination of activities. The Steering Committee also disappeared, but was replaced by an Advisory Committee with similar status and roles, including ensuring inter-institutional cooperation. In 2010, however, the Government decided on a further reorganisation, dissolving NAPFRC and designating the Ministry of Labour, Family and Social Protection to take over its functions<sup>148</sup>. Thus, a new structure (the Directorate General Child Protection) has been created. There are fears that it will focus more on child protection – as its title implies – than on the CRC.

Except for the representative of the former NAPFRC, the other 36 specialists (from the authorities and NGOs) interviewed for the national study were all uncertain about the future responsibilities of the newly-established central structure and found out about the changes from the media or from colleagues. Not even the deputy directors of Directorates General for Social Work and Child Protection (DGSWCPs) who participated in the interviews were officially informed about this reorganisation. Furthermore, clear information cannot even be found on the website of the Ministry or of the former NAPFRC<sup>149</sup>.

The closure of the National Authority for Family and Child Rights Protection on June 30th 2010, and the transfer of its powers to an internal directorate of the Ministry of Labour are disapproved of by most of the interviewees, being seen as a major step backwards. The complexity and interdependence of the measures meant to transform child rights into reality require national coordination. Although the natural process of reform in the field of child rights would have required the consolidation of the mandate and position of the national institution responsible for child rights, the Romanian authorities decided otherwise. They justify the decision by referring to the current economic context; yet precisely because of the crisis it is necessary to focus more on one of the most vulnerable social groups – children.

The objectives set out by the Governance Programme 2009 – 2012 include: educational and healthcare reform; reduction of child abandonment; combating domestic violence; enhancing the child's quality of life in disadvantaged environments; observance of minimum quality standards in all special services for children; and ensuring the financial and institutional conditions to support young families. The complexity of all these objectives requires national coordination among strategic, regulatory, monitoring and decision-making functions. Since there is no central institution with such powers, improving the situation of the child in Romania remains only an aspiration in programme documents and cannot be turned into reality.

*Lithuania:* There have been some positive changes in recent years which have helped to clarify the responsibilities and competencies of various institutions in relation to child rights, and overall the system is generally regarded by state and NGO representatives as fairly good. By decision No. 194 of the 6th of

147 The Committee had only an advisory role, attached to the State Secretary leading the Authority, and consisting of representatives of NAPRC, the Romanian Office for Adoption, Ministry of Interior, Ministry of Education, Ministry of Health, Ombudsman, the National Union of the Romanian County Councils and the Federation of NGOs for the Protection of Child Rights.

148 EGO 68/ 30.06.2010 regarding some measures to reorganise the Ministry of Labour, Family and Social Protection and the activity of the institutions under its subordination or authority

149 As of end of September 2010 the website of the former authority still indicates the communication regarding the establishment of NAP-FRC (of November 2009) while the last press release marks the celebration of the international day against child labour (June 12th, 2010).

February, 2003, the Government gave responsibility for child rights to the Ministry of Social Security and Labour<sup>150</sup>. To assist in carrying out its functions<sup>151</sup>, the Ministry has established: a Family Welfare department (which includes a Children and Youth division); a Child Rights Protection and Adoption Service<sup>152</sup>; and an Interdepartmental Child Welfare Council. Other Ministries – Education, Health, and Home Affairs – are responsible for child rights issues in relation to their respective mandates. In addition, there is a Children's Rights Ombudsman to address violations of the rights of the child (see Chapter 3.8 on 'Independent Human Rights Institutions' for more details). Despite these bodies being in place, the national study concludes that closer co-operation between these institutions is still needed. In practice, there is sometimes uncertainty as to which is the central co-ordinating institution, and confusion in relation to complex issues which touch on the responsibilities of various ministries or bodies.

*Italy:* Governance structures are complex, and the coordinating mechanisms that are in place do not appear to be sufficient to guarantee effective coordination. The accounts collected during the national study suggest that the representation and role of the regions and municipalities is inadequate with respect to the current central political and administrative set-up.

The Italian system, at its centre, is characterised by a high degree of fragmentation with regard to activities relating to children. Within the Government, there are seven Ministries that have some child related responsibility<sup>153</sup>. Of these, probably the most significant is the Ministry of Labour and Social Policies, which includes a Division devoted to policies concerning children and adolescents. Its operations are centred on social rights, it is responsible for carrying out projects, and has the task of directing and coordinating actions benefiting children and adolescents and protecting children's rights. There are also three relevant Departments of the Presidency of the Council of Ministries: the Equal Opportunities<sup>154</sup>; Family Policies<sup>155</sup>; and Youth Policies.

**The National Observatory on Childhood<sup>156</sup> is the coordinating body between central and regional administrations, local authorities, professional bodies and related associations, trade unions, and child welfare NGOs.<sup>157</sup> It was established in 1997 with the specific task of preparing, biannually, both the National Action Plan (see Chapter 3.2 above), and the report which forms the basis for the State party report to the UN Committee on the Rights of the Child. In carrying out its duties, the Observatory can make use of the National Centre for the Documentation and Analysis of Childhood and Adolescence<sup>158</sup> (CNDA), which comes under**

150 Decision No. 194 of the Government of the Republic of Lithuania, 6th February 2003, "Regarding assigning of the management of the rights of the child to the Ministry of social security and labour and defining competences of the other ministries" // Official Gazette, Valstybės žinios, 2003, No. 15-611.

151 These include: development and implementation of child rights policy, together with other government institutions and municipalities; organization of cooperation between government institutions and municipalities; collection and analysis of information; methodological support; coordination and preparation of reports under international treaties; ensuring, with other ministries, the accessibility of services for children; and development and implementation of child welfare programmes.

152 This Service is intended to improve the child rights protection system, implement measures to protect the rights of the child, promote inter-institutional cooperation, prepare relevant legislation, and co-ordinate the work of Child's Rights Protection Departments at municipal level.

153 Ministry of Labour and Social Policies; Ministry of Education, University and Research; Ministry of Justice; Ministry of the Interior; Ministry of Economic Development; Ministry of Health; Ministry of Foreign Affairs.

154 Addresses paedophilia, abuse, slavery (including of children), female genital mutilation, and eating disorders.

155 Promotes and coordinates government actions to implement policies in favour of families in every context, as well as government initiatives in the area of family, and national and international adoptions.

156 There is also a National Observatory on the Family, established at the Family Policies Department in 2007. It provides technical/scientific support and carries out studies, research, documentation, promotion and consulting on policies benefiting families and for the formulation of national, regional and local family policies.

157 Art. 2 para. DPR 103/2007.

158 Established by Law no. 451/1997; currently enforced by DPR 103/2007. Among the CNDA's main tasks are gathering and disseminating national and regional information, data and legislation on children's rights.

the central administration. The Observatory is responsible to the Ministry of Labour and Social Policies and the Family Policies Department (since 2007), but these co-management arrangements can have the effect of slowing down its work. The Observatory also does not possess powers and resources commensurate with its functions. Since 2003, the year in which the last National Action Plan for Children was approved, very few meetings and activities have been initiated and the Observatory has been largely inactive.

*National Study on Italy*

In addition to the National Observatory on Childhood, there are other offices for coordination between institutions on specific themes<sup>159 160 161</sup>. For example, the Inter-ministerial Committee on Human Rights (CIDU) is concerned with the co-ordination of governmental activities in the promotion and safeguarding of human rights. The Committee's principal activity consists in the preparation of periodical reports (based on information gathered from various ministries) on the measures adopted at a national level to implement international Conventions which Italy has ratified, including the CRC.

Within Parliament, there is a Parliamentary Commission for Childhood and Adolescence, composed of 20 senators and 20 MPs. Among its activities, in 2007 it launched a fact-finding inquiry on the subject of institutional coordinating tools for policies affecting children and adolescents<sup>162</sup> which, however, has not been finalized.

*UK:* In recent years there have been some minor developments in relation to *UK* wide co-ordination. The collaborative mechanisms developed during the 2008 reporting process remain in place with government officials responsible for co-ordination of CRC implementation from across the UK meeting on a quarterly basis along with informal day-to-day contact. The meetings primarily focus on sharing information, exchanging best practice and reporting on progress against 'Working Together' and whilst worthwhile this does not constitute a UK-wide co-ordinating mechanism. In 2009, the four Ministers with responsibility for CRC implementation agreed to meet annually. This is also not sufficient to meet the UN Committee's recommendation but again is a positive development. With the change in government in Westminster confirmation that these Ministerial meetings will continue is awaited.

In 2007, the Labour administration established the Department for Children, Schools and Families (DCSF) in *England* to work across government in relation to children's policy<sup>163 164</sup>. Following the 2010 General Election the DCSF was disbanded and replaced with the Department for Education (DfE)<sup>165</sup>. The Secretary of State for Education is ultimately responsible for implementation of the CRC but direct responsibility is with the Minister of State for Children and Families, a more senior minister than under the previous administration. No Cabinet Committee on Children has been established to ensure co-ordination across government.<sup>166</sup> On a day-to-day basis the Child Rights and Participation Team based in the DfE is

159 On paedophilia and child pornography, there is: the Inter-ministerial Committee for the Coordination of the Fight against Paedophilia (CICLOPE); the Observatory for the Fight against Paedophilia and Child; and the National Centre for the Fight against Pornography on the Internet. For further details, see the national study on Italy.

160 On immigrant children, there is: the Committee for Foreign Minors; the Central Coordinating Body (OCR), at the Ministry of the Interior; the Media and Minors Committee at the Ministry of Economic Development; the Commission for International Adoptions (CAI) at the Presidency of the Council of Ministers. For further details, see the national study on Italy.

161 Other relevant bodies, but without a specific focus on children are: the Inter-ministerial Commission for support to victims of trafficking, violence and serious exploitation; and the Commission for the Prevention of and Fight against Female Genital Mutilation. For further details, see the national study on Italy.

162 Cfr: Gruppo CRC, 3° Rapporto di aggiornamento sullo stato di attuazione della CRC in Italia anno 2006-2007, p. 18.

163 Department for Children, Schools and Families (2008) *The Children's Plan*

164 Although the DCSF led on many children's issues it still shared a number of policy areas with other departments. E.g. Child poverty and juvenile justice were shared with the Department for Work and Pensions and the Ministry of Justice, respectively, and issues relating to children seeking asylum and immigrant children remained predominantly with the Home Office.

165 The majority of policies relating to children currently remain within this new department although juvenile justice is now the sole responsibility of the Ministry of Justice.

166 Cabinet Office (2010) *Cabinet Committee System*

responsible for co-ordination and monitoring of CRC implementation, however it lacks the capacity and authority required to do its job effectively.

In recent years in *Wales* a number of encouraging steps have been taken resulting in CRC implementation being reasonably high on the political agenda. Measures have also been taken to improve coordination across the Welsh Assembly Government. A Minister for Children with responsibility for the CRC was established in 2002 (though unfortunately the CRC is now the responsibility of a Deputy Minister) and a Cabinet Committee for Children and Young People was established in 2003. The Cabinet Committee is chaired by the Minister for Children, Education and Lifelong Learning with a Children and Young People's Officials Group to support its work. The First Minister is also a member.<sup>167</sup> Within the Department for Children, Education and Lifelong Learning and Skills (DCELLS) responsibility for the CRC is led by the Children and Young People's Rights Team. Lack of resourcing and political clout remain key obstacles to satisfactory coordination and monitoring of CRC implementation across government.

In *Scotland*, the Minister for Children and Early Years has ultimate responsibility for CRC implementation within the Government. There are no Cabinet Committees for Children.

A Child Rights Team sits within the Department of Education and Lifelong Learning; it has the lead role for co-ordinating and monitoring CRC implementation on a day-to-day basis and is responsible for working with colleagues across government to highlight the links between children's rights and key Scottish Government policies. The Child Rights Team only has two members of staff and is clearly under-resourced.

Following the restoration of the *Northern Ireland* Assembly in 2007, responsibility for children's issues was placed within the portfolio of two Junior Ministers in the OFMDFM (The Office of the First Minister and Deputy First Minister). Although this development has been welcomed by NGOs there is still disappointment that Northern Ireland does not have a Minister for Children. A Ministerial Sub-Committee for Children and Young People was established in 2008 to ensure progress against the Ten Year Children's Strategy and place it at the heart of government. Despite having the potential to significantly increase effective co-ordination CRC implementation across government this has not occurred in practice. A Children and Young People's Unit (CYPU)<sup>168</sup> was also established within the OFMDFM but despite its positive work, it was disbanded in 2010.<sup>169</sup> CRC implementation now falls under the remit of a senior policy lead within the OFMDFM. The OFMDFM does not have the power to hold other government ministers and departments to account on CRC implementation.

### **The situation at local level**

Alongside national co-ordination mechanisms, regional and local co-ordination is also essential. This may include 'horizontal' measures across departments and agencies at a particular level, or 'vertical' measures to ensure effective links between different tiers of government - or a combination of both. Below we highlight some examples from the national studies. UNICEF has concluded that *'Experience shows that it is important for coordination to have both horizontal and vertical dimensions, that is, coordination of actions of different ministries as well as between central and sub-national authorities. The advantages of incorporating civil society*

<sup>167</sup> The Committee's terms of reference include ensuring that the interests of children and young people are given due priority in all Cabinet and WAG policy making; overseeing the implementation of the CRC in Wales and the Assembly Government's 'Seven Core Aims'; and ensuring that a strategic approach is taken to the development of policies and programmes so to deliver commitments to children and young people.

<sup>168</sup> The responsibilities of the Unit may be summarised as: taking forward and coordinating overall work on the CRC; co-ordinating implementation of the 2008 Concluding Observations across government departments; co-ordinating delivery of the 10 year Children's Strategy; drafting the Northern Ireland section of the UK State Party report to the UN Committee; dissemination, training and awareness raising among children and professionals; servicing the Ministerial Sub-Committee on Children and Young People; co-ordination of the Children's Champions across departments.

<sup>169</sup> Office of First Minister and Deputy First Minister (2010) UNCRC – Northern Ireland's Priorities and Plans

*into coordinating mechanisms also has been amply demonstrated. Aside from these general conclusions, the most appropriate form of coordinating mechanism will be determined by local and national factors. No one form or type of coordinating mechanism will suit all countries'.<sup>170</sup>*

The disadvantages of the extensive decentralisation that characterizes the governance of Sweden has been repeatedly pointed out by the UN Committee on the Rights of the Child, and Swedish NGOs. Although the Government has declared that it will not be entering into any further discussion of municipal autonomy, the national study on Sweden suggested that it could be possible to find a way to improve co-ordination (eg. by encouraging the development of NGO networks such as the 'CRC partnership' [see above], and/or by establishing a permanent co-ordination body for consultation between the state and the municipal authorities).<sup>171</sup>

One positive development is provided by the examples of municipalities which have started to adopt cross-departmental or inter-sectoral approaches to enable them to put the interests of children and young people centre-stage. These include the 'joint action for children' function in Partille, and a network to promote youth participation in Malmö (see box below).

Beyond the administrative departments and boards, municipal authorities have few institutionalised structures for consultation and discussion on children's rights – neither with neighbouring municipal authorities, nor with NGOs or children themselves. However there is often close contact with NGOs, mainly relating to practical matters. With regard to the issue of consultation with children and young people, there often seems to be a shortage of concrete methods for organising dialogue.

#### **Municipal co-ordination mechanisms in Sweden**

Partille municipal council's 'joint action for children' function is a well-established inter-departmental co-ordinating body. "Municipal councillors and representatives of all the working committees, plus representatives from the regional health and care services, meet perhaps two or three times a year to discuss current problems and how to deal with them." The head teacher at one of the municipality's schools says that the biggest advantage gained from the joint action initiative is that it creates opportunities for new contacts: "It means we get to know people from other departments than the ones our everyday work brings us into contact with, and that can be very useful if a problem arises and you need to get in touch with them." The municipality has also declared itself open to dialogue with NGOs, with regard to matters such as support to parents. Save the Children is involved in this work.

In Malmö, the work to develop a new strategy and plan of action to promote young people's influence and participation has led to the establishment of an 'inter-sector network', in which all the departments of the municipal authority's administration are represented. The members of the network are tasked with furthering discussions in their respective departments and committees on how to facilitate the democratic participation of young people. The network meets two or three times per term; with the CRC as their frame of reference, the members examine ways of furthering their joint actions, and exchange experiences on how to develop young people's influence.

*National Study on Sweden*

<sup>170</sup> UNICEF (2006) The General Measures of the Convention on the Rights of the Child: The Process in Europe and Central Asia, Florence: Innocenti Research Centre

<sup>171</sup> Rädde Barnen (2008) Supplementary report from Save the Children Sweden, in response to the Swedish Government's fourth periodic report to the United Nations Committee on the Rights of the Child



In *Romania*, representatives of public authorities and civil society are uncertain which institution is responsible for the implementation of the CRC at county or local level, according to the interviews conducted for the national study. Their answers indicate a wide range of possibilities: county and local councils, mayor, commissions for child protection, DGASPs and Public Social Work Services or even the People's Ombudsman or NGOs. This confusion suggests that it is essential to clarify the institution responsible for the coordination of all the other public bodies involved in implementing child rights.

In the *Lithuanian* municipalities, the main institutions responsible for co-ordination are the Divisions for the Protection of the Rights of the Child<sup>172</sup>, with the participation of key stakeholders such as the police, social services, education, prosecution service, health agencies, and NGOs. Child's Rights Protection Councils are established in some municipalities to bring together the various local agencies<sup>173</sup>; they can submit proposals to local government on policy development and implementation, on underlying child rights issues, on the organisation and implementation of prevention practice and violations of child rights. There may also be Child Welfare Councils working in the municipalities, with similar – and sometimes overlapping – functions.

In the national study on Lithuania, interviewees suggested that the separate departments and institutions co-operate quite closely and effectively at local level. Nevertheless, the co-ordination of implementation and protection should be strengthened and improved. Apparently it is often assumed that Divisions for the Protection of the Rights of the Child are solely responsible for all issues concerning children, but this is not the case (e.g. they do not undertake direct work with families); in reality a wider set of institutions must also actively participate. In the national study, co-operation with central institutions, particularly with the State Child Rights Protection and Adoption Service and the Ministry of Social Security and Labour, was also thought to be good. Although communication with the Children's Rights Ombudsman is less active, it was also rated positively.

In terms of 'vertical' coordination between central and regional/local levels in *Italy* there are two main mechanisms: the State-Regions Conference (made up by Presidents of the Regions and of the Autonomous Provinces of Trento and Bolzano, convened and chaired by the Minister of Regional Affairs Department); and the Joint Conference, the joint seat of the State-Regions Conference and the State-City and autonomous localities Conference (also chaired by the Minister for relations with the Regions). In 2004, at the Presidency of the Council of Ministers, the Regional Affairs Department was also established, to coordinate government actions on relations between the State, Regions and Autonomous Localities. Despite these mechanisms, the national study on Italy concludes that communication between central and regional levels needs to be improved.

There are several bodies for 'horizontal' coordination between regional and municipal institutions: The Regions Conference<sup>174</sup>; the National Association of Italian Municipalities (ANCI)<sup>175</sup>, the Italian Provinces Union (UPI)<sup>176</sup>; and the National Union of Mountain Communities (UNCME)<sup>177</sup>. However none appear

---

172 Among other things, the Departments represent the interests of the child in court; participate in the examination of witnesses or victims under 18; collect data about unsupervised, abandoned children, and/or children experiencing violence, and organize support for them; compile information on 'at risk' families; organize work with them and their children; organize and supervise child custody and adoption arrangements; and consult with children, parents, and professionals on child rights issues.

173 Law of basics of the child's rights protection of the Republic of Lithuania, X chapter; 61 article // Official Gazette, *Valstybės žinios*, 1996, No. 33-807.

174 The Regions Conference was formed to improve agreement and discussion with the central government through the shared development of documents.

175 ANCI is the official representative body of the institutions in municipalities, metropolitan cities and local authorities.

176 UPI is an association that represents all of the country's Provinces, with the exception of the Autonomous Provinces of Trento, Bolzano and Aosta.

177 UNCME is an association that all of Italy's mountain communities belong to, and in which over 10 million people live.



to have co-ordination of CRC implementation within their remit (although the Regions Conference has a Working Commission devoted to social policy, which includes child policy).

Within individual regions and municipalities, there is autonomy to determine the territorial jurisdiction of government bodies and attribute responsibilities and authority. Consequently, the picture across the country is very varied. Below we summarise briefly some of the different arrangements at regional level, but again there does not appear to be a specific emphasis on co-ordinating CRC implementation within the remits of these bodies (full details are set out in the national study):

- ❖ In *Lazio*, various Offices with functions relevant to children operate within the Regional Social Department (e.g. Social Services; Social and Family Policies; and Instruction, Scholastic/Educational Programming and the Right to Study). Responsibilities are fragmented and co-ordination is difficult to achieve both between and within Offices.
- ❖ In *Lombardy*, the lead Offices that deal with themes relating mainly to children and adolescents are principally those for: Instruction, Education and Labour and for Family, Reconciliation, Integration and Social Solidarity.
- ❖ In *Emilia Romagna*, within the scope of the Head Office for General Health and Social Policies, there is a service dedicated to children. Although Regional Law no. 14/2008 provides for specific forms of territorial jurisdiction and coordination in matters concerning children, on both regional and provincial levels, information from the national study suggests that only one of these – an expert group for inter-sectoral integration in support of regional policies for children and adolescents – is operational.
- ❖ In *Sicily*, the Department for Family and Social Policies approves the Zone Plans and manages the funds assigned to the health care districts. A process of redefining its responsibilities and tasks is currently underway and should lead to the incorporation of issues relating to children within a single office.

In the case of the fifteen metropolitan areas (“città riservatarie”) considered in the national study, the situations are also very diverse. Further information on these arrangements in the municipalities of Milan, Bologna, Rome, and Catania is set out in detail in the national study.

An important role in coordination of matters affecting children on a regional level should be played by the Regional Observatories on Children and Adolescents. The Government’s Report revealed that 15 out of the 20 Regions were interested in establishing such a body<sup>178</sup>. In reality, however, it seems that only 11 have specific proposals and, by April 2008, six were actively operational. Among the Regions covered in the national study, Lazio is the only one that has nominated a Regional Ombudsman for Children (see Chapter on ‘Independent Human Rights Institutions’).

### **Save the Children recommend:**

- Structures should be established at the heart of government, to ensure effective co-ordination of CRC implementation at national, regional and local level. Both horizontal and vertical coordination measures, that include all levels of the governing structures in the country, should be established. Whatever mechanism is used, it must have adequate authority and sufficient financial and human resources.
- Given the wide range of models that exist for coordinating CRC implementation, further research should be conducted to explore the effectiveness of different mechanisms in different national, regional and local contexts.

<sup>178</sup> These structures were never established in the Autonomous Provinces of Trento and Bolzano, nor in the Regions of Liguria, Basilicata, Calabria and Sardinia.

### 3.4 Monitoring CRC implementation

*“Ensuring that the best interests of the child are a primary consideration in all actions concerning children (art. 3 (1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.”*

General Comment no. 5

At the ‘Tenth anniversary of the CRC commemorative meeting: achievements and challenges’, the UN Committee recommended that State Parties *“take action to harmonize fully their national legislation with the provisions of the Convention”* and *“set up a mechanism to ensure that all proposed and existing legislative and administrative measures are systematically reviewed to ensure compatibility”* with the CRC.<sup>179</sup> General Comment No. 5 underlines that governments are obliged to monitor and evaluate their work – with the independent monitoring activities of NGOs, academic institutions and other actors having an important role to play. The Committee also commends States which have adopted legislation requiring the preparation and presentation to Parliament and/or the public of formal impact analysis statements.

#### National level monitoring

Mechanisms for national level CRC monitoring vary widely between countries. Although there has been significant progress in many states in monitoring implementation, various weaknesses remain to be addressed. Often, states believe they fulfil their obligation to undertake CRC monitoring by submitting periodic reports to the UN Committee; this appears to be the approach in *Italy*, for instance, where there is little or no data gathering on the impact of law and policy at any level. There are also issues about who undertakes monitoring; in *Lithuania*, primary responsibility lies with the Ombudsman (and in *Sweden* the intention is to increase the role of the Ombudsman in monitoring), however there is a risk here that the state may downplay or avoid its obligations. In many countries, there can be a tendency to monitor only some of the rights in the CRC, rather than all of them, as the Convention demands. In part this may be a question of lack of resources; in the *UK*, *Wales* and *Scotland* provide the most positive examples of CRC monitoring, but capacity is nevertheless limited. Of course this may hamper efforts to establish the permanent and ongoing structures needed to assess progress. Below we outline in more detail some of the structures and strategies adopted.

In *Sweden*, the Government provides a general review of the national situation when presenting its budget proposals – one section looks at child rights policy (in other words, at the work of the CRC Co-ordination Office and those authorities and departments which fall under the Office’s remit). Since the adoption of the National Strategy in 1999, a number of reports have been submitted to parliament, describing the progress made. In the 2008 Report, the Government said that it would be giving the Children’s Ombudsman greater responsibility for monitoring and evaluating how well public bodies, and regional and local authorities, apply the CRC. Co-ordination of the efforts of government, NGOs and other actors would be improved by arranging an annual ‘child rights forum’.

Back in 2004 the National Audit Office carried out an investigation of how far implementation of the national strategy had come; it pointed out that the reports Government had presented to Parliament

<sup>179</sup> Conclusions of two day workshop: Tenth anniversary of the Convention on the Rights of the Child commemorative meeting: achievements and challenges’ cited in Unicef (2002) Implementation Handbook for the Convention on the Rights of the Child fully revised edition

on how work with the strategy was progressing provided very few accounts of any actual change<sup>180</sup>. The Audit Office recommended the government commission an evaluation of implementation, but no such evaluation has yet been conducted. The issue of data collection and indicators is now being considered by the Children's Ombudsman (see box in 'Data Collection' below). Their proposals will have to take into account that in June 2010 the Government presented proposals for a new national child rights strategy. It remains to be seen whether the new strategy will be equipped with measurable, monitorable targets.

In *Lithuania*, national monitoring of the implementation of the CRC is the responsibility of the Children's Rights Ombudsman Office. The Ombudsman Office oversees the implementation of law and policy, makes proposals for improvements, and raises awareness about the state of children's rights in the country. Various ministries<sup>181</sup> contribute information and statistics to the monitoring work undertaken by the Ombudsman, and undertake their own research.<sup>182</sup> There is a need to strengthen national monitoring mechanisms here. In particular, the Government should also have some internal mechanism for undertaken monitoring. Alternatively, it is essential that it takes full account of the findings of the Ombudsman.

In *Romania*, the responsibility for monitoring the implementation of the Convention was transferred to the Ministry of Labour, Family and Social Protection (more precisely to the Directorate General for Child Protection) after the dissolution of the National Authority for the Protection of Family and Rights of the Child (NAPFCR). The legislation regulating the functioning of NAPFCR set out its responsibility to monitor child rights through a specialised monitoring department. According to G.D. 728/2010, the Ministry of Labour will: *"monitor the observance of child rights and recommend to the central or local authorities to take the necessary measures, centralise and integrate the information on the observance of the principles and requirements established by the Convention on the Rights of the Child"*. However, by September 2010, no statistical review of children's circumstances could be found for the ongoing year, even though such an assessment was periodically made public on the institution's website in the previous years<sup>183</sup>.

Depending on their specific tasks, several authorities of the central administration (including the deconcentrated services) and of the local administration (at county and local level) share the role of collecting and analysing statistics about children and, more often than not, these data are presented to the public in a raw form, without being accompanied by more complex interpretations.

An overview of the implementation of all the rights set out in the CRC is not presented on a yearly basis, but only upon submission of Romania's progress report to the UN Committee (every 4-5 years). The Ministry of Education is the only one which presents a status report on an annual basis with regard to the national education system.

In its 2003 Concluding Observations, the UN Committee recommends that *Italy* should effectively check, assess progress made, and verify the impact of policies adopted regarding children. At national level, regular reporting on CRC implementation is carried out, and involves civil society. But there is no systematic data-gathering on the impact of laws and public policies on children covering national, regional and local levels. Within government, the Inter-ministerial Committee for Human Rights (CIDU) is responsible for periodically delivering to the UN Committee the results of monitoring of the implementation status of the CRC<sup>184</sup>. The National Observatory on Childhood has the task of preparing the framework for

180 Riksrevisionen (National Audit Office) (2004) Barnkonventionen i praktiken.

181 E.g. Ministry of Social Security and Labour; Ministry of the Interior; Ministry of Education and Science.

182 E.g. Every two years, the Ministry of Social Security and Labour submit reports to the Government about the realization of the State Strategy on Child Welfare

183 <http://copii.ro/contenta9e4.html?id=55>

184 Apart from the Italian Committee of Unicef, there are no NGO representatives on the Inter-ministerial Committee. However in recent years contacts with civil society have grown.

the Government Report on the state of the CRC's implementation<sup>185 186</sup>, with the CIDU establishing a special work group to co-ordinate contributions from different departments. Given the range of initiatives and structures at national, regional and local levels, central government is increasingly emphasising the importance of monitoring and assessment efforts<sup>187</sup>. However, an important aspect of the Italian approach is that when administrative bodies carry out monitoring it is usually to assess how funds have been allocated, rather than the impact of law or policy on children's lives.

Within the UK, the best examples can be found in *Wales* and *Scotland*. The Assembly Government in *Wales* has been active in seeking to implement and monitor the CRC. But as is the case in other parts of the UK, a lack of resourcing and political clout remain key obstacles. Within the Department for Children, Education and Lifelong Learning and Skills (DCELLS) a named official is responsible for the ongoing monitoring of progress of 'Getting it Right 2009'. Those with responsibilities for taking forward specific activities have to report annually on progress which will be reviewed internally. This report will be shared with the NGO UNCRC Monitoring Group after Ministerial sign off. Commendably, WAG has said that the Children and Young People's Cabinet Committee will *"play a key role in reviewing progress and revised plans"* in relation to 'Getting it Right 2009'. The effectiveness of the Cabinet Committee in monitoring and driving forward progress is crucial. According to the national study on the UK, stakeholders concerns that the Cabinet Committee is not always effective need to be addressed. In 2008, a Children and Young People's Development Network was established to *"facilitate a cross-cutting, joined up approach to all policy issues impacting on 0-25 year olds."* It meets on a monthly basis and *"serves to raise awareness amongst WAG officials of the UNCRC – its principles and its individual articles insofar as they impact on key policy areas."*<sup>188</sup> While raising awareness of the CRC is welcome the role of the group could be strengthened to give it a clear mandate to monitor CRC implementation.

In Scotland, the Scottish Government has committed to considering *"how other sources/methods can be used for gathering relevant information and monitoring progress."*<sup>189</sup> Whilst it is positive that consideration is being given to how information-gathering and monitoring can be achieved there is currently little detail on what future monitoring mechanisms will be put in place. The commitment to produce an "interim progress report" in 2011-2012<sup>190</sup> is welcome but without clear criteria in 'Do the Right Thing' by which to measure success the level of monitoring is likely to be limited.

### Child rights impact assessment

The concept of 'child impact statements' has been known for many years, however practical experience is limited. Such assessments can be undertaken in different ways and there is as yet no consensus on the most effective way to carry them out. One important question is whether assessments should be carried out universally (i.e. on all legislative proposals), or whether the approach should be more targeted<sup>191</sup>. Another is the stage at which impact assessments are carried out. It is beyond the scope of this report to respond to these issues in any detail, however it is important that they receive further consideration<sup>192</sup>.

185 Art. 1, para. 6-7 DPR 103/2007.

186 Another valuable tool is the Observatory's Biannual report on the condition of children and adolescents in Italy. The work carried out by the Observatory also provides the basis for the development of the National Action Plan for Children.

187 Third-quarter Government Report "Diritti in crescita" January 2009.

188 Welsh Assembly Government (2009) Getting it Right 2009: United Nations Convention on the Rights of the Child

189 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

190 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

191 It has been suggested, for example, that under the second of these approaches, a Children's Rights Commissioner could have the power to require government departments to issue a 'child impact assessment' to accompany government proposals.

192 Hodgkin R., Newell P. (1996) Effective government structures for children, London: Calouste Gulbenkian Foundation

There is some confusion at all levels about what child impact analysis actually entails. When the National Audit Office in Sweden investigated in 2004 the implementation of the national strategy, sixteen municipal authorities said that they used such analysis. The Audit Office asked to see examples, and it transpired that none of the municipalities were carrying out child impact analysis according to accepted definitions of the term.

In its Concluding Observations, the UN Committee has raised concern about the lack of child rights impact assessment mechanisms. In the UK<sup>193</sup> no formal child rights impacts assessments are carried out and there are currently no plans to introduce such a mechanism at UK level, although policy is scrutinised in relation to compatibility with the Human Rights Act 1998, which incorporated the European Convention on Human Rights into domestic law.

Mechanisms to ensure that child rights impact assessments are carried out are lacking across the UK<sup>194</sup>, although there are some positive steps towards putting them in place. In Scotland, for example, SCCYP (the Scottish Commissioner for Children and Young People) has produced a comprehensive Children's Rights Impact Assessment model<sup>195</sup> which has been used by some Scottish Government officials<sup>196 197</sup>. Very commendably, the Scottish Government has committed to *"Look at the experience of those who have used the children's rights impact assessment tool developed by Scotland's Commissioner for Children and Young People to help develop policy within the Scottish Government and consider whether/how we should adapt it to make it relevant and appropriate for wider use."*<sup>198</sup> The Scottish Government is considering a trial of children's rights impact assessment to demonstrate how such a tool could help promote and develop consideration of children's rights in the policy making process. However it has said *"experience suggests (e.g. with the roll-out of equality impact assessment) that there may well be reluctance/ resistance to using the tool across Scottish Government. The Children's Rights Team does not have the resources to offer an impact assessment service."*<sup>199</sup>

*National Study on the UK*

### Civil society involvement in monitoring

The UN Committee makes clear that NGOs and children and young people have a crucial role to play in working with governments to monitor implementation of the CRC: *"The State needs to work closely with NGOs in the widest sense, while respecting their autonomy... NGOs played a crucial part in the drafting of the Convention and their involvement in the process of implementation is vital."*<sup>200</sup> In the section below we focus on civil society activities in this regard, including children's involvement in monitoring and reporting processes.

193 UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland, Paragraph 19

194 In Wales, impact assessments are carried out in relation to sustainability, equality and the Welsh language.

195 Scottish Commissioner for Children and Young People (2006) Children's Rights Impact Assessment: The SCCYP Model

196 In Northern Ireland NICCY has developed a Child Rights Impact Assessment tool (based on the Scottish model) and is calling on the Executive to use it in the early stages of policy development. Northern Ireland Commissioner for Children and Young People (2008) Children's Rights: Rhetoric or Reality. A Review of Children's Rights in Northern Ireland

197 In Wales, once the proposed Rights of Children and Young Persons (Wales) Measure has completed its passage through the Assembly it will necessitate some kind of impact assessment to ensure that Ministers are meeting its requirements.

198 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

199 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child Annex

200 UN Committee on the Rights of the Child (2003) General Comment No.5 General measures of implementation of the Convention on the Rights of the Child (articles 4, 42 and 44, para 6)

In *Italy*, civil society plays a role in monitoring the status of the CRC's implementation through the 86 associations and organisations that make up the Italian NGO Group for the CRC (Gruppo CRC)<sup>201</sup>. The network's mandate is to act as a permanent independent monitoring system on the implementation of the CRC and its Optional Protocols, as well as carrying out related advocacy. The Supplementary Report and Annual Follow-up Reports produced by the Italian NGO Group for the CRC are available online and are also printed; they are distributed free at relevant national and local events, and are also sent to the key national and regional institutional stakeholders. However children are not aware at all of what CRC monitoring consists of, and are not involved in such processes. More generally, their opinions are neither requested nor taken into consideration when it comes to the scrutiny of law and policy.

In *Lithuania*, NGOs attempt to undertake effective monitoring of CRC implementation, however this process is not consistently carried out, and they often lack the experience and skills to make informed observations. Nevertheless, organisations like Gelbėkit vaikus (Save the Children Lithuania) and the NGO Confederation for Children have prepared/are preparing alternative reports and additional comments alongside the State Party report regarding the implementation of the CRC. Specific research is also being carried out by NGOs to assess various aspects of the implementation and protection of children's rights in Lithuania.

Concerning *Romania*, Save the Children Romania elaborated an alternative report which was sent to the UN Committee in preparation for its 51st session. The alternative report encompasses views and recommendations formulated by the organisation, as well as by children and other partner NGOs<sup>202</sup>. The discussions with the representatives of the NGOs revealed that they can make a major contribution to improving knowledge about children's circumstances, through the surveys and research they conduct or by the best practices they develop.

Across the *UK*, systematic involvement of NGOs and children and young people in monitoring CRC implementation and following up on the Concluding Observations varies considerably and remains a key issue to address, as highlighted by the UN Committee and set out above.<sup>203 204</sup> Whilst there is room for improving stakeholder involvement in the preparation of the UK Government's report to the UN Committee, on the whole it is generally good and was commended by the UN Committee. Several events and consultation activities were held for NGOs and children and young people at UK and devolved levels and a four-week consultation period was held on the draft State Party report where NGOs from across the UK could submit written comments. It was clear from the final report that the UK Government had, to a certain extent, taken NGO comments into account.

### **Parliamentary scrutiny**

A range of parliamentary committees and other bodies scrutinize government legislation and policy in relation to children in the study countries, although procedures, structures and powers vary considerably. The national studies provided only limited information on these issues, hence we only summarise experience in *Italy* and the *UK* below.

In *Italy*, the Parliamentary Commission for Childhood and Adolescence oversees the implementation of international agreements and legislation relating to children through inquiries, hearings and field

---

201 [www.gruppocrc.net](http://www.gruppocrc.net)

202 <http://www.crin.org/resources/infoDetail.asp?ID=20389&flag=legal> (accessed on 18.09.2010)

203 E.g. In Northern Ireland there was inadequate time for consultation on the Executive's report and in Wales children and young people were not adequately involved in the development of the Welsh Assembly Government's report

204 UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland, Paragraph 22



investigations. In its Annual Report to both Houses of Parliament, the Commission comments on and make proposals for amendments to existing legislation, particularly to ensure conformity with EU law and the CRC<sup>205</sup> (however the last Annual report approved by the Commission and available on the website was in 2006). In addition to the Commission's activities, the Government is obliged to report periodically on progress made towards the implementation of certain laws<sup>206</sup>.

In the *UK*, various committees and bodies play a role in monitoring the implementation of children's rights in the Westminster Parliament. As well as regularly scrutinising specific Bills and policy issues against the standards and principles of the CRC, the Joint Committee on Human Rights<sup>207</sup> has also carried out overarching inquiries on CRC implementation in general.<sup>208</sup> During its inquiry into the Children's Rights Commissioner for England, children and young people gave oral evidence to a parliamentary select committee for the first time.<sup>209</sup> The Education Committee monitors the policy, administration and spending of the Department for Education however it has less focus on the standards of the CRC. The All Party Parliamentary Group for Children (the APPG) is an informal grouping with over 200 MPs and Peers who are members, and has a crucial role to play in monitoring CRC implementation. In Scotland, there is no specific formal process established for CRC monitoring by the Parliament although it falls within the remit of the Education, Lifelong Learning and Culture Committee. The Committee has not had an inquiry on CRC implementation in *Scotland* and there are currently no plans to do so though there have been inquiries on a range of issues relating to children. In *Northern Ireland*, the Legislative Assembly Committee of the First Minister and Deputy First Minister has a scrutiny role in relation to CRC implementation and attempts to apply pressure on the Executive in taking forward the Concluding Observations and the Action Plan. However the Committee has a wide policy brief and limited capacity. There is also an All Party Assembly Group for Children which carries out some activities on the CRC (e.g. a briefing meeting with the Junior Minister for Children on the Concluding Observations and pressing the Executive on how it intends to respond to the UN Committee's recommendations).

In *Wales*, the National Assembly's Children and Young People's Committee has a formal role to consider issues which affect children and examine the expenditure, administration and policy of the Welsh Assembly Government. The Committee therefore has a role in monitoring CRC implementation and encouraging other Assembly Committees to scrutinise policy in relation to it CRC compliance. The Committee carries out inquiries on specific issues affecting children or particular groups of children (e.g. children in care, places to play, parenting), and takes into account the Concluding Observations when making its recommendations. It has also examined key issues relating to the UN Committee's 'General Measures of Implementation', carrying out an inquiry into making children visible in budgets (see below). A noteworthy feature of the Committee's work is that it seeks to involve children and young people through a variety of means (e.g. holding small private meetings between vulnerable groups of children and Committee members; inviting children and young people to give evidence on particular topics, consulting with children on what they should raise with government and asking children what specific questions they should put to government Ministers). The Committee also attend key events so that members can talk to children and young people in the community. It ensures that it takes children and young people's views into account when formulating its recommendations.

---

205 Law no. 451/1997, art. 1 para. 4 and 5.

206 E.g. In relation to initiatives to prevent and combat child sexual abuse and exploitation.

207 The JCHR consists of members appointed from both the House of Commons and the House of Lords. It is charged with considering human rights issues in the UK and undertakes thematic inquiries. It also scrutinises all Government Bills and picks out those with significant human rights implications for further examination.

208 House of Lords House of Commons Joint Committee on Human Rights (2003) The UN Convention on the Rights of the Child Tenth Report of Session 2002–03 and House of Lords House of Commons Joint Committee on Human Rights (2009) Children's Rights Twenty-fifth Report of Session 200–09

209 House of Lords House of Commons Joint Committee on Human Rights (2003) The Case for a Children's Commissioner for England Ninth Report of Session 2002–03

## The situation at local level

*'At the local level, the municipalities do not have separate plans or strategies concerning the implementation of the Convention and the assessment of the implementation of the Convention. People tend to think that since one of the functions of the municipality is the protection of children's and youth rights and there are Divisions for the Protection of the Rights of the Child, there is no need for a separate strategy or plans for the implementation of the Convention on the Rights of the Child.'*

National Study on Lithuania

The national studies carried out for this report suggest that there are some efforts to monitor and evaluate the implementation of policy and practice on children locally, however these vary widely between countries and between regions (this evidence is set out in more detail in the next Chapter on data-collection). There appears to be less specific focus on monitoring local implementation of the CRC, with only *Sweden* using the CRC as the core framework.

Since the adoption of the national strategy in *Sweden*, the Children's Ombudsman has circulated a number of questionnaires to municipal and regional authorities, as a means of monitoring implementation. These surveys have asked the authorities what their work with the CRC looks like: eg. Have they framed strategies or plans of action? Do they use child impact analyses? In what ways do they work to further children's participation, and so on. In their responses to the most recent questionnaire in 2007<sup>210</sup>, 78 per cent of municipalities said that they have adopted a resolution to work with the CRC, and 67 per cent said that they monitor and evaluate this work (eg. through regular follow-up, quality audits or internal reviews). However in practice it is not clear what exactly the municipalities meant when they said they carried out monitoring and evaluation.

**Of the four municipalities covered by the Swedish national study, Malmö City Council has made the most progress in relation to monitoring and evaluation. In 2004 the council adopted a handbook for politicians and civil servants on how children's rights can be taken into consideration in all areas of the municipality's work. The handbook lists half a dozen questions to ask about new proposals (e.g. Have the best interests of the child been taken into account? Have children's views been canvassed?). In 2010 the Council will, among other things, seek to assess the impact of the handbook on local decision-making.**

*National Study on Sweden*

In *Italy*, central government only undertakes monitoring of some aspects of regional and local level action, such as conformity of regional laws with the Constitution. The Ministry of Social Policy has identified monitoring and evaluation activities as one area in need of reinforcement, and is seeking to build local systems and strengthen monitoring of the efficacy of social services spending and interventions (including on children). At local level and in particular in the Regions and cities covered in this study, monitoring of the implementation status of the CRC has not been generally carried out. The only exception is the Lazio Region, where such activities are included among the tasks of the Ombudsman for Children that reports annually to the Regional Council (the body which is therefore responsible for monitoring); this report is then disseminated widely at a regional institutional level. In 2001, Lazio Region's Childhood Observatory produced a report on the implementation status of the CRC, available also online<sup>211</sup>.

210 Barnombudsmannen (2007) Från beslut till praktik, Barnkonventionen i kommunala verksamheter

211 In addition, the PIDIDA NGOs Coordination ([www.infanziaediritti.it](http://www.infanziaediritti.it)) periodically monitors regional laws and policies on the subject of children and adolescents through the formulation of a questionnaire that is sent to the Regional Councillor Offices for Social Policies of all of Italy's Regions

In *Romania*, it is not possible to identify which institution locally is in charge of monitoring CRC observance. At local level, the institutions responsible for the collection of data about children (in CMTIS) are the authorities of the local public administration – through the Public Social Work Services (if they exist) or the local social worker. At the county level the number of institutions with responsibilities in the field is increasing. Directorate General Child Protection remains the institution which centralises the data about children, and collaborates for this purpose with the PSWS or the local mayoralties, as well as the other county authorities. Of those analysed in the national study, no locality or county publishes a status report about the situation of children in the relevant territory.

### **Save the Children recommend:**

- Governments should ensure that a unified and coherent system and supporting structure is in place to monitor the implementation of children's rights, covering national, regional and local levels. Monitoring must include all of the CRC and be performed regularly, consistently and systematically. Adequate resources must be allocated.
- User-friendly child impact assessment tools must be developed for all levels of government and parliament to ensure that child rights impact assessments are carried out on existing and proposed legislation and policy affecting children, either directly or indirectly.
- Structures should be established and appropriate methodologies developed at national, regional and local levels to involve children effectively in monitoring CRC implementation.

## **3.5 Data collection and child rights indicators**

*Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realisation of rights, is an essential part of implementation... It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy developments for children.* UN Committee on the Rights of the Child (2003) **General Comment no. 5**

### **National data collection systems**

The development of effective legislation and policy in relation to child rights depends on a detailed understanding of children's circumstances at all levels. This requires a regular flow of statistical information, in-depth research, and consistent monitoring and evaluation between the research community and those implementing policy and providing services.

For the collected data to be sufficient and reliable, the UN Committee recommends that states to cooperate with appropriate research institutes and to assess the progress in CRC implementation.

In several of the countries studied for this report, a wide range of information and statistics are already available about children's lives. In the *UK*, for instance, a wealth of data on children is produced; in *Scotland*, for instance, two major longitudinal studies are currently underway ('Growing up in Scotland' and 'The Edinburgh Study of Youth Transitions and Crime'). The National Performance Framework also contains a significant number of child-related indicators,<sup>212</sup> and there is a large amount of other data on children, for example in relation to education.<sup>213</sup>

212 See <http://www.scotland.gov.uk/About/purposestratobjs>

213 See Scottish Government <http://www.scotland.gov.uk/Topics/Statistics>

The UN Committee has also praised attempts to increase the amount of data available at national level. Its Concluding Observations on *Lithuania's* report (2006) commended its efforts to improve the collection of data on children and the development of a list of child indicators.

In relation to *Italy*, the UN Committee has welcomed “*the establishment of the National Documentation and Analysis Centre for Children and Adolescents, which has gathered an impressive amount of data and research on children made available on its web site*” and appreciated “*the efforts undertaken to improve data collection*”.<sup>214</sup> Having said this, the Committee has registered concern at the lack of coherence between the various bodies in charge of data collection, and in the regions. According to the national study on Italy conducted for this report, there is no single body at national level that co-ordinates data collection and information surveys. In practice, government Ministries are responsible for data collection on children in their area of expertise, and they arrange independently the manner in which and the timing of how they carry out this activity. Surveys produced by the various Ministries are therefore neither systematic nor comparable in terms of periods referred to, frequency of updating, etc. The national study concludes that ‘*Considering the high degree of fragmentation in responsibilities with regard to children spread throughout various Ministries*<sup>215</sup>, *it becomes clear just how much a strong coordination is needed not only during the phase of gathering available data, but also in their processing and updating*’.

National Studies on Lithuania and Italy

In *Romania*, the legislation regulating the functioning of the National Authority for the Protection of Family and Child Rights provided for its responsibility to monitor child rights, the institution developing a specialised monitoring department, as well as an IT system to collect data about children (The Child Monitoring and Tracking Informational System). This system has been gradually improved and extended<sup>216</sup>, but the task of collecting the data has since been transferred to the Ministry of Labour, Family and Social Protection. The interviews conducted for the national study in Romania revealed a lack of collaboration between public institutions (both the county/local structures, and other central authorities) in the development and interpretation of statistics (see below):

*“You send some tables which they need to fill in. I tell you it is as if we weren’t speaking the same language ... everybody understands something different, everybody fills in those data differently, and when you receive the forms and try to put them together... you eventually write down an approximation”... (Representative of central institution)*

National Study on Romania

In *Sweden*, there are numerous public bodies which between them gather a large volume of statistics and other information relating to children and various aspects of their life conditions. Statistics Sweden (or SCB, the national statistics office) is responsible for cross-sector statistics, while some twenty-five authorities are responsible for producing statistics relating to their respective areas of activity<sup>217</sup>. Since 1998 SCB has produced annual statistics which provide an all-round picture of children’s life conditions.<sup>218 219</sup>

214 UN committee on the Rights of the Child (2003) Concluding Observations on Italy

215 Reference to paragraph 3.3.

216 In addition to the National Authority for the Protection of Family and Child Rights, other central institutions conduct activities to collect children-related data, in their sector of activity (health, education, juvenile justice etc.).

217 For example: the National Board of Health and Welfare keeps a register of municipal authorities’ work with children and young people; the National Board of Health and Welfare has compiled statistics on violence against children; the National Agency for Education compiles a wide range of statistics on children and school, and the National Institute of Public Health has investigated school children’s mental health.

218 The figures relate to family circumstances, number of children from non-Swedish backgrounds, parents’ occupations, etc. The statistics are published in SCB’s database, which is freely available to the public at [www.scb.se](http://www.scb.se)

219 SCB also produces in-depth statistical studies of specific subject areas (e.g. child welfare and poverty, housing segregation). In the series ‘Living Conditions’ they have published reports on topics such as children’s health and children’s leisure-time pursuits.

It also publishes an annual report called 'Children and their Families'. Nevertheless, despite the production of a wide range of data and considerable improvements in recent years, there is still no one body with responsibility for providing a comprehensive overall picture of which data have been collected and which not. As a result, the government has instructed the Children's Ombudsman to develop a monitoring and review system to ensure more systematic follow-up of children's life conditions (see below).

#### **Towards a new monitoring system in Sweden**

In autumn 2009 the Government allocated an increased amount of money – SEK 3 million (€324,000) – to the work of "developing indicators and statistical material for use in monitoring and evaluating child rights policy." The Children's Ombudsman was instructed to develop indicators and statistical material and is currently engaged in this work, together with Statistics Sweden and the Ministry of Health and Social Welfare: "Our prime focus is on finding indicators for already-existing statistical data", said a representative of the Office of the Children's Ombudsman, "but we will also be working to identify areas where statistics are lacking." This work is scheduled to be completed by December 2011.

The material developed by the Children's Ombudsman will be published on a web portal, where it will be accessible to anyone who wishes to use it. Although it will not solve the lack of measurable targets and indicators for the national child rights strategy, it is expected to lead to improved data in a number of other respects. "It will for example give us much better opportunities for reporting to Parliament", says one of those engaged in developing the system at the Office of the Children's Ombudsman.

*National Study on Sweden*

#### **Development of child rights indicators**

General Comment No. 5 highlights that data collection and evaluation requires the development of national indicators, related to all rights guaranteed by the Convention. Data should be used to evaluate progress towards UNCRC implementation, identify problems and provide an input to political decision-making.

Few, if any governments, appear to have developed a set of specific national child rights indicators. A range of useful data relating to particular aspects of children's policy is collected by the UK Government and the devolved administrations but it does not always relate to particular CRC articles and is not collected with the specific purpose of monitoring CRC implementation. It is therefore not always feasible to monitor implementation with the data available<sup>220 221</sup>. The Scottish Government is however currently drafting a set of indicators on children's well-being. Although the indicators were not originally rights-based,<sup>222</sup> Save the Children has contributed to the process through suggesting additional rights-based indicators and grouping indicators in accordance with the CRC thematic clusters. It is hoped that ultimately the outcome of this project will be a set of child rights indicators for Scotland. Similarly, in Wales a 'Children and Young People's Wellbeing Monitor' has been published (the first was in 2008) and there is a commitment to produce the Monitor every three years, however this needs to be more rights-based. In 2007, the NGO alternative report recommended that the National Assembly Government report annually to the Welsh Assembly on the 'state of children in Wales'.<sup>223</sup>

220 For example, until recently it was not possible to have an accurate picture of the number of children held in immigration detention due to the way statistics were collected.

221 A further issue is the inadequacy of UK-wide data collection in a Welsh context due to either not including a large enough sample size for Wales or not sufficiently extrapolating devolved level information.

222 I.e. The indicators are based on categories according to the Scottish Government's vision for children: safe, nurtured, healthy, achieving, active, respected & responsible and included.

223 Save the Children (2007) Stop, look, listen: the road to realising children's rights in Wales, Wales NGO alternative report



### Weaknesses in existing mechanisms

The Committee has noted gaps in existing data bases. It has highlighted, for example, that in *Romania* even after the creation of a department for monitoring children's rights, data collection remains problematic, with information collected only on severe child rights violations and on the situation of vulnerable children. The Committee requests the establishment of a comprehensive nationwide data collection system encompassing all areas covered by the CRC, and the development of a uniform set of indicators regarding children – which should be applied by all relevant institutions to allow for the collection of comparable and complementary data. In relation to *Lithuania* the Committee has been concerned about the absence of data on ethnic minorities, and victims of human trafficking, etc. It has also recommended further improvements to the collection of data on children, in particular so that it is disaggregated “...according to gender, urban and rural regions and according to the groups of children requiring special care in order to get a comprehensive analysis of their living conditions and the implementation of their rights.”<sup>224</sup> In its Concluding Observations on Sweden's fourth report, the Committee expressed its concern at the shortage of statistics on the number of disabled children, the number of children aged between fifteen and eighteen years who have been subjected to mistreatment, and children who have been subjected to sexual abuse.<sup>225</sup> Concerning *Italy*, in 2003 the Committee reiterated its previous recommendations that the State should ‘strengthen its mechanism for collecting and analysing systematically disaggregated data on all persons under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups, including children with disabilities, Roma children, children belonging to migrant families, unaccompanied children, child victims of violence and children from economically and socially disadvantaged households’.<sup>226</sup> The Italian NGO Group for the CRC has highlighted a range of additional weaknesses and inaccuracies in the Government report<sup>227</sup>.

Reflecting a more general issue, the Committee has highlighted that the bulk of data collection may be adult focused and may therefore not reveal the specific situation of children. Data collection in *Italy*, for example, ‘is still obtained on the basis of a family-centred approach rather than an approach in which the child is considered as an autonomous human being’.

A related topic is the importance of disaggregating data, so that it is possible to identify any discrimination and/or disparity in the realisation of rights between different groups of children (according to age, gender, disability, race, ethnicity etc.), alongside information about the circumstances of children as a whole. In relation to the *UK*, the UN Committee recommended that “the State party establish a nationwide system whereby disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups, and that these data are used to assess progress and design policies to implement the Convention”.<sup>228</sup> In the case of *Northern Ireland* in particular, NGOs have raised concern that government departments fail to collect disaggregated data on all aspects of children's lives and that there is no standardised methodology for collecting data on under 18s across different agencies and departments.<sup>229</sup> The Children's Commissioner has also drawn attention to the lack of data on particular groups of vulnerable children (e.g. children with disabilities; children with mental health issues, children seeking asylum and lesbian, gay and bisexual young people).<sup>230</sup>

224 Concluding Observations of the UN Committee: Lithuania, 2006 // CRC/C/LTU/CO/2

225 UN Committee on the Rights of the Child (2009) Concluding Observations on Sweden

226 UN Committee on the Rights of the Child (2003) Concluding Observations on Italy

227 ‘The data in the Government Report on children who have been placed in foster care or in a community referred to 2005 and did not include Sicily. There is still no data bank for children who have been declared adoptable or for couples looking for national or international adoptions, despite the fact that this is required by Art. 40 of Law 149/2001... there is no national system to record child victims of ill-treatment. ...The data bank of the Observatory Against Paedophilia and Child Pornography is still not operational...there is no reliable data on Italian and foreign children with disabilities aged 0-5.’ Italian NGO Group for the CRC, 2nd Supplementary Report on the CRC (2009).

228 UN Committee on the Rights of the Child (2002) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland Paragraph 19

229 Save the Children and Children's Law Centre (2008) Northern Ireland NGO Alternative Report

230 McMahon, L. and Keenan, P. (2008) NICCY Rights Review, Belfast: Northern Ireland Commissioner for Children and Young People



### Child participation in data collection

The Committee on the Rights of the Child has emphasized the importance of child participation in identifying the issues that are most relevant to them and the data that should be collected, and in assessing the implementation of child rights. Moreover, *‘in many cases, only children themselves are in a position to indicate whether their rights are being fully recognized and realized. Interviewing children and using children as researchers (with appropriate safeguards) is likely to be an important way of finding out, for example, to what extent their civil rights, including the crucial right set out in article 12, to have their views heard and given due consideration, are respected within the family, in schools and so on’*.<sup>231</sup>

### Some examples of national experience in the countries studied are as follows:

**UK:** Whilst the previous UK Government did commission research with children, for example the ‘Tell Us’ survey, in *England* it did not systematically do it as a way of monitoring CRC implementation. Commendably, in the run up to the reporting process it did commission a consortium of NGOs to carry out research with children in England on high level aspects of the CRC.<sup>232</sup> In *Wales*, the Welsh Assembly Government (WAG) are commissioning research to talk to children and young people about their views on what constitutes well-being and what kind of things should be measured. A lack of systematic data collection of children and young people’s views was also identified by stakeholders. WAG does draw on research carried out by other organisations, for example, Funky Dragon and the Children’s Commissioner for Wales and surveys on specific policy areas, but there is no systematic way of gathering children and young people’s views on the realisation of their rights. This has been recognised by the WAG and it hopes to address it through the development of a wider children and young people’s survey. Children’s input into the well-being monitor (see above) will also help to address this issue.

**Italy:** Involving children in the gathering of data and information about issues concerning them does not seem to be carried out by institutions in a systematic and appropriate way, even at local level.

**Lithuania:** Generally, children’s involvement in monitoring processes is insufficient, and experience of such activity is limited. The Children’s Rights Ombudsman Office states that it endeavours to include children in its research (e.g. through individual interviews and questionnaires). However NGOs argue that it is difficult to involve children in monitoring because there are no organisations that specialise in child participation; children are therefore not informed about their right to participate in decision making and right to express their opinion, nor are they prepared appropriately for taking part in research processes. Nevertheless some municipalities have experience of encouraging child participation. One NGO representative, interviewed for the national study on Lithuania, also stated child participation is weak because society has insufficient trust in children and their views, and children’s opinions are not considered to be equal to those of adults.

**Romania:** The National Pupils’ Council is a national structure from which a group of children was involved in the reporting on the state of CRC implementation. In 2006, NAPCR created the Children’s Council “Spune!” (Speak!), whose main goal in the first year was to prepare a special children’s report, included in the report that the Government submitted to the UN Committee in 2008.<sup>233</sup>

231 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6) and General Comment No. 5 (2003), UNCR/C/GC/2003/5, 27 November 2003.

232 Willow, C., Franklin, A., and Shaw, S., (2007) Meeting the Obligations of the Convention on the Rights of the Child in England: Children and young people’s messages to government

233 For more information, please visit [http://www.drepturilecopiilor.ro/spune/despre\\_spune.htm](http://www.drepturilecopiilor.ro/spune/despre_spune.htm)

## Annual assessment

The UN Committee on the Rights of the Child has commended States that have introduced an annual comprehensive assessment of the ‘State of Children’s Rights’ within their jurisdiction. Such reports when widely disseminated and publicised can provide a focus for debate around UNCRC implementation. In practice, it appears that none of the study countries produces an official annual report of this kind, although Commissioner’s offices and NGOs are involved in developing regular reports in some countries:

In *Sweden*, the public agency with responsibility for official statistics (SCB) teams up with the Children’s Ombudsman every three years to publish a report called ‘Up to Age 18’, a collection of data reflecting the everyday life of children in Sweden, spanning subjects such as children’s health, leisure activities, family situation, and what children themselves see as important matters.<sup>234</sup>

In *Romania*, data regarding all the rights set out in CRC are not brought together for analysis, or presented annually; this only happens in the periodical reports prepared by Romania for the UN Committee (i.e. every 4–5 years).

In the *UK*, there is no official ‘State of Children’s Rights’ report, either at UK-wide or national level – beyond the periodic Government report to the UN Committee on the implementation of the CRC. The Westminster Parliament’s Joint Committee on Human Rights has recommended that the UK Government publish annual reports on the state of children’s rights in order to monitor progress on implementation more regularly than is required by the UN monitoring process.<sup>235</sup> Instead of official governmental reports, NGOs have produced reports in the various UK jurisdictions. For example, in England, the Children’s Rights Alliance (CRAE) has published an annual, comprehensive audit of progress on the Concluding Observations<sup>236</sup> since 2003. In Scotland, Together (the Scottish Alliance for Children’s Rights) has recently produced its first ‘State of Children’s Rights in Scotland’ report which assesses Government on its implementation of the UNCRC.<sup>237</sup>

In *Italy* the National Centre for the Documentation and Analysis of Childhood and Adolescence began in 1996<sup>238</sup> to systematically organise, using fixed areas of inquiry, data on children that had been published in a rather haphazard way by official sources (i.e. Ministries and ISTAT). Thanks to this activity it became possible to form an overall picture and therefore to identify which areas were lacking data and information; this enhanced awareness and led to the development of research studies to fill the gaps. Updates are also available to the public on line<sup>239</sup>

## Local data collection

It is hard to provide a comprehensive picture of data collection at local level in the countries studied. But the available information suggests considerable variation in the extent to which local statistics are collected, the nature and frequency of data gathering, the methods of dissemination, and their use to inform local decision-making. The following are some examples:

***Sweden:*** Several of the interviewees for the national report expressed the view that there is a shortage of disaggregated data for municipal and regional level – but they do not consider this as a major problem. One thing that is seen as a problem, however, is the lack of overarching,

234 Barnombudsmannen och SCB (Children’s Ombudsman and Statistics Sweden) (2007) Upp till 18 (Up to Age 18),

235 Parliamentary Joint Committee on Human Rights (2009) Children’s Rights, Twenty-fifth Report of Session 2008–09, Paragraph 2

236 Children’s Rights Alliance for England, State of Children Rights in England annually since 2003, see [www.crae.org.uk](http://www.crae.org.uk)

237 Together (2010) State of Children’s Rights in Scotland

238 ‘I numeri italiani’ Quaderno n. 5 in [www.minori.it](http://www.minori.it)

239 [www.minori.it/?q=tavole\\_statistiche](http://www.minori.it/?q=tavole_statistiche)

summarizing information. While some statistics are disaggregated to municipal level, SCB is planning to investigate, during autumn 2010, ways of obtaining more data that are broken down on a region-by-region or municipality-by-municipality basis. At municipal level it is above all the larger authorities which carry out studies and produce their own data on their inhabitants' situation and views on various matters. Malmö, for example, produces an annual compilation of statistics on the health and welfare of the city's residents.<sup>240</sup> Every third year, it also carries out a questionnaire-based survey of school students<sup>241</sup>, covering their views on safety and their sense of well-being, friends, the use of alcohol and drugs, sex and relationships, etc.<sup>242</sup>; this is used by the authority to inform policy and strategy development.

*Nationals Study on Sweden*

*Italy:* Art. 21 of Law no. 328/2000 provides that not only the State but also the Regions, Provinces, and Municipalities must establish an information system for social services to “ensure a complete understanding of social needs, an integrated system of interventions and social services, and be able to quickly access the necessary data and sets of information required in the programming, management, and evaluation of the social policies”. Furthermore, with particular regard to data relating to children and adolescents, the current regulations<sup>243</sup> set out that “the regions, in agreement with provincial administrations and the autonomous provinces of Trento and Bolzano, adopt suitable local intervention coordination measures for the collection and processing of all relevant data on the condition of children and adolescents within the regional context. In particular, by the 30th of April of each year, data must be acquired relating to: a) the social, cultural, economic, health and psychological condition of children and adolescents; b) financial resources and their allocation to intervention areas in the sector; c) a chart showing territorial services and resources initiated by the private sector”.

Yet, despite the quite clear nature of the regulatory frame of reference, data and information collection on a local level in a social context is disorganised - particularly with regard to children and adolescents. Even the situation in the four Regions covered by the national study for this report does not appear to be the same with regard to which institutional bodies are capable of carrying out such surveys, whether a systematic data collection mechanism on children exists, and whether or not such data is to be made available to the public. Moreover, the data gathered are not always made use of in the development of social policies.

*Lithuania:* At the local level, Divisions for the Protection of the Rights of the Child are responsible for the monitoring and assessment of the implementation of children's rights, however this is mainly limited to children 'at risk' and their families rather than more general issues in relation to the realisation and protection of children's rights. Education and social welfare departments also collect data in their respective fields. The majority of surveys and situation analyses are initiated by the Children's Rights Ombudsman; the relevant local Department then presents an analysis of the situation at the local level. In addition, upon the initiative of the municipalities themselves, various surveys are conducted to assess the state of children's rights at the local level<sup>244</sup>.

*Romania:* As at the central level, issues related to institutional communication and collaboration, as well as the different definitions used for the same indicators, also affect data collection efforts at the county level. Some local data can only be obtained from the county level but sometimes, the county institutions do not

240 Malmö stad (Municipal Authority) (2009) Valfärdsredovisning

241 Partille municipal authority has also carried out health surveys among school pupils.

242 Malmö stad (Municipal Authority) (2009) Malmöelevers levnadsvanor

243 Art. 2 comma 4 DPR 103/2007.

244 For example, upon the request of Vilnius City Municipality research was carried out in 2009 on children begging, children forced to beg or exploited for street-dealing, and in Šakiai Municipality in 2010 on the needs and attitudes of young people.

have databases which can separate out data for municipalities and localities. The lack of a common database was often highlighted during the interviews for the national study.

### **Save the Children recommend:**

- Working with key stakeholders (e.g. statistical offices, research bodies, NGOs, children), all governments should develop a clear set of child rights indicators including all rights set out in the CRC. Consideration should be given to what has been done at European and international level. Data should be collected to assess the situation of children across the country, both at national, regional and at local level, to make monitoring of CRC implementation possible. Analysis of the collected data and the monitoring should be used when developing new legislation, policy and practice at all levels.
- Government departments (at national, regional and local level) and statistical offices should ensure that data on children is disaggregated appropriately to reveal the circumstances and perspectives of particular groups of vulnerable children, as well as for all children, in order to inform effective monitoring of CRC implementation.
- Data collection should also include the views of children as far as possible and efforts should be strengthened at national, regional and local levels to share good practice regarding child participation in data collection.
- All governments should publish an annual assessment of the state of children's rights in the country (including both quantitative and qualitative information). The data in the annual assessment should be disaggregated to local level. Governments should ensure that such a report is debated in Parliament and in regional and local assemblies, and disseminated widely.
- The allocation of resources to the development of child rights data collection and indicators requires strengthening at all levels.
- There is a need to improve coordination and collaboration between all agencies involved in data collection.
- Staff training initiatives must be developed to ensure a common methodological approach to the collection of data and information about children.

## **3.6 Making children visible in budgets**

*“No State can tell whether it is fulfilling children’s economic, social and cultural rights ‘to the maximum extent of available resources’, as it is required to do under article 4, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly...”*

*“The Committee needs to know what steps are taken at all levels of Government to ensure that economic and social planning and decision-making and budgetary decisions are made with the best interests of children as a primary consideration and that children, including in particular marginalized and disadvantaged groups of children, are protected from the adverse effects of economic policies or financial downturns.”*

**General Comment No. 5**

Reflecting the obligation on governments to implement economic, social and cultural rights “to the maximum extent of their available resources” (Article 4, CRC), the UN Committee’s revised Guidelines for Periodic Reports<sup>245</sup> seek information from states on:

<sup>245</sup> General Guidelines Regarding the Form and Contents of Periodic Reports to be Submitted under Article 44, Paragraph 1 (b), of the Convention on the Rights of the Child, CRC/C/58, 20 November 1996.

- ❖ the steps undertaken to ensure coordination between economic and social policies;
- ❖ the proportion of the budget devoted to social expenditures for children, including health, welfare and education at the central, regional and local levels, and where appropriate at the federal and provincial levels;
- ❖ the budget trends over the period covered by the report;
- ❖ arrangements for budgetary analysis enabling the amount and proportion spent on children to be clearly identified;
- ❖ the steps taken to ensure that all competent national, regional and local authorities are guided by the best interests of the child in their budgetary decisions and to evaluate the priority given to children in their policymaking;
- ❖ the measures taken to ensure that disparities between different regions and groups of children are bridged in relation to the provision of social services;
- ❖ the measures taken to ensure that children, particularly those belonging to the most disadvantaged groups, are protected against the adverse effects of economic policies, including the reduction of budgetary allocations in the social sector.

In spite of these requests, it is extremely rare for children to be as visible in the economic policies of government as the *Guidelines for Periodic Reports* imply they should be. The UNICEF CRC Implementation Handbook notes that most government departments have no idea what proportion of their budget is spent on children, and few know what impact their expenditure has on children<sup>246</sup>.

Yet producing a 'Children's Budget' provides a mechanism for governments to examine resource allocation with a view to ascertaining what they say about how well children's rights are being implemented. Children's participatory budgeting (i.e. involving children in the budgeting decision-making process) would also increase government transparency and accountability.

*'Family income is generally decreasing and it affects children. In half a year we have already used the whole year's budget for social benefits. The number of recipients has increased, as has the number of those who need free food, social benefits, school supplies for children. (Representative of Social Assistance Division of one of the municipalities)*

National study on Lithuania

It is especially important to assess current spending levels on children during the current financial downturn. The actual allocation of resources clearly shows which issues are accorded highest priority, which areas are to be supported, and where cuts are going to be made. The national study reports indicate that in some – if not all – countries children have been adversely affected by cutbacks in recent years, and that this can be expected to continue. In *Lithuania*, for example, the financial crisis has led to the deterioration of the economic position of families and affected family relationships (e.g. most parents have had to look for an extra job and work longer hours, and anxiety and stress has increased), whilst increasing the workloads of service providers. In the *UK*, deep cuts in public spending are expected over the next few months and years. Whilst it is not yet possible to have a full picture of the effects of the austerity measures, there are fears that the cuts will have a particular impact on some of the most vulnerable and disadvantaged children<sup>247</sup>.

*"By examining the nuts and bolts of government budgeting alongside information on outcomes and performance, children's rights budget work helps to sketch a detailed picture of how and how well*

246 Hodgkin R., Newell P. (2002) Implementation Handbook for the Convention on the Rights of the Child, Geneva: UNICEF

247 A recent report by the Institute for Fiscal Studies, for example, concluded that the Coalition Government's emergency budget hit families with children hardest, and that the poorest families are set to lose most.

*a particular children's right is being implemented. This in turn makes it all the more possible to identify a specific intervention and changes that are needed to speed up the delivery of this right to children and improve outcomes".*

Save the Children UK (2009) Children's Budgets at the local level, National Study on the UK

Some States claim it is not possible to analyse national budgets to reveal the position of children. In the *Lithuanian* national study, for instance, civil servants stated that it was very difficult to separate out indirect and direct funding for children (although NGOs tended to disagree).

In its combined 3rd and 4th report to the UN Committee, the previous UK Government maintained that "it is not possible to provide an accurate single UK figure, or an assessment of the percentage of GDP spent on children" because of "a combination of factors such as devolved administration, differing policy priorities and a variety of ways in which budgets are allocated."<sup>248</sup> It also argued that due to the universal nature of services like the NHS, which is delivered by many hundreds of commissioning organisations, it is impossible to say how much of the funding is spent on children. Similarly, the Scottish Government holds that "It has traditionally proved difficult to collect data to the detailed level requested by the UN Committee and to link the data that is available directly to UNCRC requirements" and like the UK Government gives the example that "it is not possible to split out spending on children from adults on services such as GPs<sup>249</sup> which are community based."<sup>250</sup> The Scottish Government has also stated that 'we do not believe that input measures are an appropriate mechanism through which to establish the impact of policies on service users, e.g. a fall in spending could be a result of doing things better or reduced demand could be a "good thing" e.g. reduced need for secure accommodation'.<sup>251</sup>

Despite these objections, General Comment no. 5 argues that other states have been able to undertake budgetary analysis of this kind. In *Wales*, for example, following a review commissioned by Save the Children,<sup>252</sup> the Welsh Assembly Government acknowledged the importance of being able to identify how much public expenditure was allocated to children.<sup>253</sup> It subsequently commissioned an analysis of financial provision for children within its budget for 2004-05<sup>254</sup>; though the analysis was described by NGOs as "fairly rudimentary" they also acknowledged that this was the first time the Assembly Government – or indeed any government in the UK – had attempted to identify spending on children<sup>255</sup>, dispelling the myth that it is impossible to do. (see box below for further information)

Budgetary analysis has also been carried out by bodies outside government. In *Northern Ireland*, for instance, research commissioned by NICCY in 2007 found that spending on children varied considerably across the UK in relation to social care, health and education<sup>256</sup>. Analysing key sectors of public expenditure on children, including early years services, education and personal social services, in particular to examine the extent to which spending is directed towards the poorest children, Save the Children has drawn similar conclusions for the England and the devolved administrations<sup>257</sup>.

248 UK Government (2008) The Consolidated 3rd and 4th Periodic Report to the UN Committee on the Rights of the Child

249 General Practitioners (i.e. doctors)

250 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child (2009)

251 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child (2009).

252 Sefton T. (2003), Save the Children Wales, A Child's Portion: Public Spending on Children in Wales

253 Cited in Save the Children (2007) Stop, look, listen: the road to realising children's rights in Wales, Wales NGO alternative report

254 Financial provision for children within the Assembly Government budget: a technical note

255 Save the Children (2007) Stop, look listen: the road to realising children's rights in Wales, Wales NGO alternative report

256 ERINI (Economic Research Institute for Northern Ireland) and IFS (Institute of Fiscal Studies)

(2007) An Analysis of Public Expenditure on Children in Northern Ireland, NICCY, DFP, OFMDFM

257 Sefton T. (2009) A Child's Portion, An analysis of public expenditure on children in the UK, London: Save the Children/Centre for Analysis of Social Exclusion



The UN Committee has repeatedly advocated stronger action in this area.<sup>258 259</sup> In its 2003 Concluding Observations on *Italy's* report, the Committee recommended that the State Party “continue to increase, as far as possible, resources allocated to children and their family and undertake an analysis of all sectoral and total budgets across the State party and in the regions in order to analyse the proportion spent on children, identify priorities and allocate resources to the “maximum extent of... available resources”.<sup>260</sup> In relation to Sweden, the Committee recommended that it should increase the availability of specific information, expressed in figures and as a percentage of the national budget, relating to implementation of the CRC.<sup>261</sup> Regarding resource allocation in *Romania*, the UN Committee has noted that: ‘there are no specific budget allocations to children and that no information is collected about the overall amounts spent by Romania in fulfilling its obligations under the CRC’. The Committee has requested that the Government use a child’s rights approach in the elaboration of the State budget and implement a tracking system for the allocation and use of the resources for children throughout the budget. And ‘In the context of the decentralisation process, budgets should be drafted in a transparent and participative manner (especially by involving children). The Committee requires further clarity in the budgetary allocation to the county and local level, through the Directorates General for Social Work and Child Protection’. ADD REF

### Experience with children’s budgets

*“One year – I think it was 2005 – we collated all the money for the work done for children and young people and presented the figures to Parliament in a separate supplement. ‘Great’, they said, ‘but we want analysis, not figures.’ Since then we haven’t done it again!” (Civil servant in the CRC Co-ordination Office interviewed for the National study on Sweden)*

*“Specific children’s budgets and child rights audits are questions for which there only appears to be very limited interest... Those who have any opinion tend to hold that having a separate financial statement for the funding that goes to meet children’s needs is difficult to do and risks being misleading, at the same time as it does not say very much about the quality of service that children gain from the money...”*

*“If there were good examples of children’s budgets and child rights audits it would be possible to train the spotlight on them and use them as a starting point for debate.”*

National Study on Sweden

Very few States publish a specific figures for the funding available to children through the national budget – and even when such information is available, government commitment to setting out an accompanying analysis or commentary is often extremely weak (see quote in box above from a civil servant in *Sweden's* CRC Co-ordination Office).

258 In relation to the UK, the Committee has registered concern that “the lack of consistent budgetary analysis and child rights impact assessment makes it difficult to identify how much expenditure is allocated to children across the State Party and whether this serves to effectively implement policies and legislation around them.” UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland, paragraph 18.

259 In their 2008 report to the UN Committee, the four UK Children’s Commissioners comment that “allocation of resources [to children] is not dependent on assessed need, is not transparent is often of short-term nature, and its impact on outcomes for children is not always evaluated.” They recommend that the UK Government and the devolved administrations be required to identify and evaluate the impact of their spending on children. Four UK Children’s Commissioners (2008) UK Children’s Commissioners’ report to the UN Committee on the Rights of the Child

260 UN Committee on the Rights of the Child (2003) Concluding Observations on Italy

261 UN Committee on the Rights of the Child (2009) Concluding Observations on Sweden

The *Swedish* budget does not contain a separate 'children's budget' detailing what resources are being allocated each year to children and their needs. It does, however, contain a section called 'Child Rights Policy',<sup>262</sup> which shows what resources are available to the CRC Co-ordination Office<sup>263</sup>.

In the *Romanian* national budget<sup>264</sup> one can identify certain amounts allocated for children, such as children's allowances, the amounts allocated to the child protection system at county level, or charges for primary education. But most of the spending on children is not presented separately, and is included in general budgetlines (such as social work, personnel, goods and services etc.). Children are not therefore visible within the national budget.

*Lithuania* does not make put together a 'Children's Budget' either. In the research for the national study, most civil servants who were interviewed felt it would be rather difficult to do so, and some said it would be impossible. However NGO representatives tended to support the idea of specifying exactly how much money is allocated for children and children's rights and felt that this would be more transparent. In practice, it is possible to get most of the information on what is funded in relation to education, however information on the financial resources for children and families in other areas is limited. To some extent the amount of funding for children is reflected in the national programmes to implement protection of the rights of the child. But in general the distribution of funding depends on government priorities in relation to specific sectoral areas (e.g. education, social welfare, culture). NGOs argue that children and child rights have not been treated as a priority. Furthermore, of the funding that is available, they believe that the greater part is spent on physical infrastructure (e.g. the maintenance of buildings), with insufficient funding allocated to meeting children's needs and rights directly.

In *Italy*, it continues to be difficult to distinguish precisely what is spent on children as a percentage of the national budget. The Government Report contains an estimate of 6.2-6.4% of GDP, but this is based on data going back to 2005, and is not particularly reliable<sup>265</sup>. Despite a considerable effort in recent years to increase transparency in the identification of the areas to which public spending is directed, there is no specific budget heading devoted to children. It is not possible to identify the proportion of national and local spending that goes to the social sector, and to children in particular (whether directly or indirectly).

No official 'Children's Budget' is published for the UK as a whole, or separately in *Scotland*, *England*, or *Northern Ireland*. The way in which budgets are currently constructed in Scotland makes it very difficult to identify what is actually spent on children – at national and local level – and also on particular groups of vulnerable or disadvantaged children. In *England*, it is possible to identify funding resources in relation to specific policy areas (e.g. education, benefits specifically aimed at children), but there is no mechanism which brings all budget information together and disaggregates spend on children. In *Northern Ireland* too, it is currently not possible either to assess how much of the annual budget is allocated to children. The Northern Ireland NGO report to the UN Committee notes that "*some individual government departments are able to provide figures in relation to the percentage of an overall budget spent on children, but this is not possible for all departments. Moreover, funding is not ring fenced and there are discrepancies between the intended target for monies and where they are actually spent.*"<sup>266</sup> In Wales, by contrast, the Assembly Government is making significant attempts to develop a 'children's budget' and is leading the way for the rest of the UK. (see box below)

262 Regeringen (2009) Prop 2009-2010:1, Budgetpropositionen, utgiftsområde 9

263 SEK 16 million (€1.72 million) for 2010

264 Law no. 11/26.01.2010, Law of the State Budget for 2010, available at [http://discutii.mfinante.ro/static/10/Mfp/buget2010rectificat/Legea\\_Bugetului\\_de\\_Stat\\_nr.11-2010.pdf](http://discutii.mfinante.ro/static/10/Mfp/buget2010rectificat/Legea_Bugetului_de_Stat_nr.11-2010.pdf)

265 It does not take into consideration, for example the services and resources allocated by Municipalities to families. Government Report, p.4.

266 Save the Children and Children's Law Centre (2008) Northern Ireland NGO Alternative Report

### *Children's budgeting in Wales*

Building on earlier experience in *Wales*, an analysis was carried out for the 2006-07 budget and in March 2009 a statistical bulletin was published which presented estimates for the proportion to be spent on children in the period 2007-08 to 2010-11.<sup>267</sup> Based on existing spending plans the proportion of the Government budget allocated to children is projected to remain around 28%.<sup>268</sup> In 'Getting it Right 2009' WAG recognises that it still has *"very much further to go to provide as accurate a picture as possible"*<sup>269</sup> but despite this being a crude analysis it nonetheless demonstrates the willingness of WAG to take forward the recommendations of the UN Committee.

WAG has committed to *"improving the transparency of budgeting for children and young people"* at national level as one of its 16 priorities.<sup>270</sup> A Task and Finish Group (made up of both policy and financial officials) has been established to work towards a better understanding of current progress and developments in children's budgeting; develop ideas and proposals for ways to improve budget forecasting and spend on children; consider other relevant issues such as participatory budgeting and pro-poor spending; and consider the recommendations made by the Children and Young People's Committee (see below).

WAG is planning to carry out two projects to strengthen children's engagement in budgetary decision-making. The first will develop a new resource for children to improve their financial knowledge; the second will pilot a number of local and national participatory budgeting projects.

Given the work being carried out by the Assembly Government, the National Assembly for Wales Children and Young People's Committee recently carried out an inquiry into children's budgeting.<sup>271</sup> The Committee acknowledges that producing budgets for children is a difficult thing to do but sees it as absolutely necessary. The report of its inquiry makes a range of recommendations to WAG to improve children's budgeting.

*National Study on the UK*

### **Spending on children at local level**

At local level, experience in tracking spending on children is also limited, although some examples exist in some of the countries studied. Generally speaking, there was a sense among respondents in the national studies that it would be useful to attempt to draw up 'children's budgets', but difficult to do in practice. At the present time resources to undertake such work were scarce, and cuts to budgets as a result of the economic crisis were having a significant impact on local budgets.

Few municipal authorities in *Sweden* draw up separate children's budgets or carry out child rights audits, even though sixty-five to seventy per cent of their spending is related to children. The Swedish Association of Local Authorities and Regions (SKL) has no overall picture of the work municipal authorities do in this field, but there are examples of municipalities which strive to make children visible in their budget

267 Statistics for Wales and Welsh Assembly Government (2009) Financial Provision For Children Within The Welsh Assembly Government Budget

268 Cited in National Assembly for Wales Children and Young People's Committee (2009) Children's Budgeting in Wales

269 National Assembly for Wales (2009) Getting it Right 2009 United Nations Convention on the Rights of the Child. A 5-year rolling Action Plan for Wales setting out key priorities and actions to be undertaken by the Welsh Assembly Government in response to the Concluding Observations of the UN Committee on the Rights of the Child

270 Welsh Assembly Government (2009) Getting it Right 2009 United Nations Convention on the Rights of the Child.

271 Finance Committee, Reports from Committees of the National Assembly for Wales regarding the draft budget of the Welsh Assembly Government,

processes. The municipality of Borlänge, for example, has developed a child rights audit. However, none of the four municipal authorities included in the Swedish national study have started to produce a children's budget or child rights audit.

The Children's Ombudsman has drawn up a guide on how the CRC can be used as a tool for auditors at municipal and regional level.<sup>272</sup> The guide contains examples from various municipalities where auditors have identified instances of uneven resource allocation, insufficiently clear objectives in certain areas of work, inadequate reporting, etc.

*National Study on Sweden*

In *Romania*, 'children's budgets' do not exist at county and local levels. Some local government representatives said that it would be possible to find out how much was spent in one year on children, but this would take up the time of several staff members who would only be able to focus on this issue. However, most respondents in the national study believed that clear 'children's budgets' would be helpful, supporting planning and interventions to respond to the needs of each child.

In *Lithuania*, the funds allocated in 2010 for the protection of children's rights have decreased markedly. This has resulted in reductions of staffing, and the shortening of the working week of Divisions for the Protection of the Rights of the Child. The financial crisis has had the greatest impact on families, and this has inevitably affected children<sup>273</sup>. At the local level, respondents to the national study argued that it would be rather difficult to draw up a separate budget for children, as it would be hard to assess the various allocations in education, social welfare

At a local level in *Italy*, it is not easy to identify exactly what proportion of the budget is devoted to children. Although data are generally available, they are not presented and published in a way that identifies spending on children. At local, regional and municipal levels, there are however signs that greater attention is given to issues relating to children, and there is widespread appreciation of the need to formulate 'social budgets' which place more emphasis on separate data relating to expenditure on children. Three of the four Regions examined for the national study (Lombardy, Lazio and Emilia Romagna) have produced Social Budgets.

The Regions have suffered significant budget cuts in social spending, largely through reduction of the amount available from the National Fund for social policies. The first-hand accounts gathered for the Italian national study do not however indicate much concern at this, but rather an awareness that there will be a need to increase each Region's own resources to invest in this sector. Nevertheless, there are worrying signs that services will possibly see a hike in costs (e.g. transport, school lunches).

### **Save the Children recommend:**

- All governments should strive to assess spending on children with an accompanying analysis at national, regional and local government levels with a view to ascertaining how effectively children's rights are being implemented. This is important for a proper monitoring of CRC implementation, quality decision making and to ensure non-discrimination.
- Opportunities should be developed for governments and other stakeholders to exchange experience around child budgeting, both within and between states. Tools for budgetary analysis (e.g. the guides

<sup>272</sup> Barnombudsmannen (2007) Rustad för revision

<sup>273</sup> At the start of the crisis, families with children received LTL 90 (€26) per child per month, later this amount was reduced to LTL 52 (€15) and finally some families stopped receiving benefits altogether because eligibility began to be determined according to the family income.

developed by Save the Children UK<sup>274</sup> and by the Swedish Children's Ombudsman) provide the basis for practical models for making children more visible in budgets, and should be used by states.

- Governments should explore ways to develop mechanisms to allow for participatory budgeting, so that the voices and perspectives of all key stakeholders (including children) can be heard, in particular at local level.

### 3.7 Cooperation with civil society

*Implementation is an obligation for States parties, but needs to engage all sectors of society, including children themselves. The Committee recognizes that responsibilities to respect and 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 organisations.'*

**General Comment No. 5**

Whilst stressing that CRC implementation needs to involve all sectors, the UN Committee has highlighted that the state needs to work alongside NGOs in the widest sense, while respecting their independence. These organisations may include groups working for human rights, organisations led by and for children and young people, parent and family groups, religious organisations, academic institutions and professional associations. The Committee also welcomes the development of NGO coalitions and alliances for children's rights and argues the state should develop positive formal and informal relations with them.

#### The situation at national level

##### The nature of NGO activity

The potential roles of NGOs in promoting and protecting children's rights are numerous, and include: information gathering; carrying out research; lobbying government and key decision-makers; organising public information campaigns; providing services; participating in the preparation of State party reports to the UN Committee and/or preparing alternative reports.

Having said this, the nature of the NGO sector and its activities differs significantly between states. In assessing the nature and extent of state cooperation with the NGO sector, it is essential to take these differences into account.

In part, the variations have arisen for historical reasons. Prior to independence from Soviet control in the 1990s, in countries such as *Lithuania* and *Romania* there was no legal basis for, and very limited experience of, NGO activity. Compared to Western European states, the emergence of NGOs is therefore relatively recent and although they appear to have developed fairly quickly, the sector in these countries still needs strengthening. Given this background, it is unsurprising that the NGO sector may have gaps and weaknesses. In *Lithuania*, for example, the majority of NGOs working in the area of children's rights or child welfare are organisations which provide direct services to children and their family members. There is a lack of organisations engaged in the representation of children's rights and in lobbying activities, and the organisations working in these fields are not regarded as having sufficient experience. In *Romania*, a continuing hesitance within the population to carry out voluntary activities may reflect the experience under communism of being forced to participate in 'work for the community's benefit'.

274 See Save the Children UK (2009) Children's Budgeting at the Local Level

*'One of the biggest problems in Lithuania is that there is no strong civil society in the country. The participation of citizens in the country's life and governance still remains low; citizens do not trust NGOs and do not take active part in the activities of these organisations. On the other hand, although the society members are provided with opportunities to voice their opinion and to participate in decision making, they are not sufficiently informed about such opportunities or do not use them actively.'*

National Study on Lithuania

There is also diversity between Western European countries, for a range of reasons. The *UK*, for instance, has a very large, varied and active NGO sector which encompasses both organisations founded according to Victorian ideals of charity (often religious-based) and those established more recently to defend the interests and rights of different groups, press for better provision, publish information and/or provide services. The sector includes both large national bodies and small local groups. In contrast, NGOs in *Italy* tend to be fragmented, with a significant number of groups – often cooperatives - working at community, local and/or regional levels, but without a national structure. NGO activity has also traditionally been dominated by church-based organisations. In *Sweden*, the state itself provides most of the wide range of welfare provision. There has for a long time been a tradition of people coming together themselves in organisations or so called popular movements. With a strong civil society the influence on politics and wider society has been great. The organisations and popular movements in *Sweden* have mostly had a focus on advocacy, awareness-raising and/or education.

### Contacts between governments and NGOs

The national studies provide a range of examples of contact between governments and NGOs in relation to child policy, and the different forms this may take. However it is important to emphasize that the dialogue that takes place must have a focus on implementation of the CRC. In practice, the evidence suggests that this may be lacking in many cases.

In *Sweden*, there is at present no regular forum for contacts between the CRC Co-ordination Office (which is based at the Ministry of Health and Social Affairs and is responsible for Government Offices' work on implementing the UN Convention) and civil society. A number of years ago the government introduced a 'Child Rights Forum'<sup>275</sup> to provide an interface between Government Offices and civil society, however, only one meeting of the Forum was ever held. In Sweden's fourth report to the UN Committee, the Government said that it had the intention of developing the Child Rights Forum into a more open and inclusive platform for all the actors concerned, including children and young people themselves.<sup>276</sup> In 2009 the Government launched an initiative for 'thematic dialogues' to be attended by the Children's Ombudsman, NGOs, public authorities, and the Swedish Association of Local Authorities and Regions. The first meeting identified the most pressing issues, and in Spring 2010 the first (on legislative issues) was held.

In addition to such formalised meetings there are a large number of informal contacts between Government Offices and NGOs – and while some representatives of NGOs feel that there has been a reduction in the dialogue in recent years, others think that there has been more. There are good links between the Children's Ombudsman and civil society.

<sup>275</sup> The Child Rights Forum was composed of the Minister for Health and Social Affairs, five under-secretaries of state, and ten leading representatives of NGOs.

<sup>276</sup> Regeringen (2007) Forth periodic report of States parties, Sweden, CRC/C/SWE/4



In *Romania*, interaction between public institutions and NGOs takes many forms (e.g. projects submitted for funding and then implemented in partnership, seminars and events, training sessions, development of joint services, or collaboration to develop legislation). Depending on their area of expertise, NGOs can be invited to participate in national structures of coordination or in working groups to draw up strategies, action plans and working methods (e.g. in relation to combating child labour, protection of children with HIV/AIDS).

**An example is in *Romania* where since 2004 legislation has been in place prohibiting any form of violence to and humiliating treatment of children. This legislative proposal was initiated by Save the Children, which was able, through sustained advocacy, to attract the support of Members of Parliament for adoption. Save the Children also developed a Pilot Centre in Bucharest and nine other Transit Centre for victims of human trafficking around the country (including staff training), transferring these services, a year later, to the governing county level .**

*National Study on Romania*

In *Lithuania*, NGOs are invited to meetings, consultations, round-table discussions, and their opinion is sought by state institutions. Government bodies also organise conferences, public events and other activities with NGOs to promote the CRC and various child rights issues. NGO representatives are involved in various interdepartmental councils and groups to tackle issues of implementation and protection of children's rights (e.g. the Interdepartmental Council for Child Welfare). NGOs funding comes mainly from providing services and taking part in national programmes, though NGOs indicate that this is insufficient to sustain their activities adequately.

At the national level in *Italy*, the mechanisms to ensure collaboration between government, parliamentary institutions and civil society are different and not always structured. Ministries have, for example, started up 'Councils' involving NGOs so that they can discuss specific themes with civil society representatives. Alternatively, NGOs are invited to participate in ad hoc institutional meetings on specific issues, or on policies in a particular sector. The most stable means of collaboration is the National Observatory on Childhood (See Chapter on 'Co-ordination of Implementation'), which includes the participation of NGO representatives, however meetings have been infrequent recently.

In the *UK*, whilst there have been some efforts to effectively co-operate with civil society (particularly in *Scotland* and to a lesser extent in *Wales*) engagement in *England* and *Northern Ireland* continues to be ad hoc. In *Wales*, the Welsh Assembly Government does not have a formal stakeholders group, however it is committed to establishing an Implementation Network of key stakeholders<sup>277</sup>. The Wales UNCRC Monitoring Group (a national alliance of NGOs and academic bodies) was established in 2002 and provides an important critical yet constructive collective voice that monitors the WAG and UK Government's obligations. In *Scotland*, the UNCRC Partners Group is a well-established forum (set up in 2007) which meets quarterly. The purpose of the group is to help the Scottish Government meet the requirements of Article 42 of the CRC and act as a reference group and discussion forum on issues relating to children's rights in Scotland and the CRC Reporting Process. However, children and young people are not yet directly involved in the work of the Partners Group.<sup>278</sup> In *Northern Ireland*, a Strategy Planning and Review Group has been established made up of statutory and voluntary bodies to monitor

<sup>277</sup> Welsh Assembly Government (2009) Getting it Right 2009 United Nations Convention on the Rights of the Child. A 5-year rolling Action Plan for Wales setting out key priorities and actions to be undertaken by the Welsh Assembly Government in response to the Concluding Observations of the UN Committee on the Rights of the Child 2008

<sup>278</sup> Another recent positive development is the establishment of a new tri-partite group to monitor implementation of the CRC. The group consists of the Scottish Commissioner for Children and Young People (SCCYP), Together and the Child Rights Team – it will meet on a twice-yearly basis and discuss thematic child rights policy issues.

the implementation of the children's strategy and associated Action Plans. However, disappointingly, it has only met a few times and has not met this year. In 'Priority and Plans' it states that this group will also monitor progress against the UN Committee's Concluding Observations but there are no details on how this will operate in practice which is a key concern as the group has not met for some time. In *England*, a Ministerial Stakeholders group for Children was established under the Labour administration but although the CRC was sometimes raised, monitoring its implementation was not the purpose of the group<sup>279</sup>.

### NGO alliances/coalitions and the CRC

In its Concluding Observations on State Party reports, the UN Committee has often stressed the importance of state engagement with NGOs. In relation to *Italy*, for instance, it has expressed concern about the lack of any structured coordination with NGOs, and recommended closer and more active collaboration with NGOs working to protect children's rights (especially at local levels) and encouragement for children's participation in the National Observatory's activities. And whilst the Committee has commended government initiatives in *Lithuania* to establish connections and improve communication with civil society, it has recommended closer cooperation, especially with NGOs, in the implementation of the CRC.

Among NGOs, the practice of submitting alternative reports to the UN Committee is increasingly widespread. These may be individual reports from particular organisations on the specific issues that concern them and/or joint alliance reports covering a wider range of issues. In *Sweden*, both approaches are taken. On the one hand, NGOs such as Save the Children Sweden and ECPAT put together alternative reports of their own. On the other, the CRC Network – a network of a large number of Swedish NGOs working with and for children – also produces a report, based on the views of children and young people. In *Lithuania*, by contrast, NGOs tend to prepare additional comments or alternative reports by themselves, and there is little cooperation among the organisations.

In the *UK*, due to the governmental arrangements, four NGO groupings monitor the implementation of the CRC on an ongoing basis as well being very active around the CRC reporting process.<sup>280</sup> These vary between being established organisations and informal groupings of NGOs. A key issue in the *UK* is the lack of co-ordination between NGOs across the *UK* during the reporting process. Disappointingly, in 2008, this resulted in four separate NGO alternative reports being submitted to the UN Committee. NGOs should work together more effectively in the run up to the reporting process in 2014 to ensure that one NGO alternative report is submitted which reflects both *UK*-wide and devolved issues.

### Government engagement with children and children's groups

Despite the obligations set out in Article 12 of the CRC and General Comment No. 5, government initiatives to engage with children directly appear to be limited in practice. An important prerequisite is that children should be informed of their rights in order that they are able to participate fully in discussions about implementation of the CRC.

*"The presence of children and adolescents within institutional contexts is limited to the celebration of anniversaries that concern them (November 20th, for example) and has a purely 'decorative' value, so much so that their contribution does not even appear in the preparatory documents upon which decisions are made, and they are not acknowledged in any way."*

National Study on Italy

279 The Coalition Government is currently reviewing its Ministerial stakeholder engagement in relation to children and no formal mechanisms with NGOs have yet been established.

280 *England*: Children's Rights Alliance for England, *Scotland*: Scottish Alliance for Children's Rights, *Wales*: Wales NGO Monitoring Group, *Northern Ireland*: Partnership between Save the Children and the Children's Law Centre

Experience in *Italy* is not unusual; nationally, consultations with children not only fail to take place regularly, but are not even considered as useful. According to the *Romanian* national study, there is only identified example of involving children in the public consultation process, where the National Council of Students was invited by the Ministry of Education in 2010 to take part in the debate on a new draft law on education. But children have not been involved in drafting the National Strategy and Action Plan on Children's Rights, nor in the design of other laws relevant to children<sup>281</sup>. Nevertheless, Save the Children organises a three day 'National Children's Forum' every year which brings together children from all over the country to discuss children's rights issues and make proposals to the public authorities.

**In Sweden the Minister for Health and Social Affairs used to consult a children's reference group to ensure that the views and opinions of children and young people reached government, but the group met infrequently and no longer exists. The CRC Network organises an annual hearing with the Government relating to implementation of the CRC, with children and young people putting the questions. The Minister for Health and Social Affairs usually attends, and sometimes one or more other members of the government. Meanwhile, the Office of the Children's Ombudsman is continually expanding its network of contacts with children and young people.**

The Office of the Children's Ombudsman in *Sweden* has a broad spectrum of contacts with children and young people. As well as visiting schools and youth activities, the Ombudsman sends questionnaire surveys to what are called contact classes two or three times a year. The Children's Ombudsman also receives advice from a number of children's and young people's councils, and from an expert panel of children and young people who have been placed in care homes. As part of the process of preparing a response to the bill for a new School Education Act, the Children's Ombudsman arranged a meeting with school pupils with disabilities.

*National Study on Sweden*

At the national level in *Lithuania*, there are organisations such as the Parliament of Lithuanian Students and the Association of Lithuanian Students, and schools have self-governing student bodies and school councils. NGOs and sometimes governmental institutions occasionally organise activities which engage children and young people and provide them with the possibility to express their opinions, but such activities are usually one-off and often regarded as cosmetic exercises. A significant stumbling block is that the attitude still prevails in society that children's opinions and views are not as important as those of adults. Moreover, although there is awareness of the need to prepare children adequately in order that they participate effectively in consultations and decision-making fora, there is a little work of this kind going on.

In the *UK* there are some initiatives to involve children in the policy-making process generally, although there are no formal mechanisms to engage with children specifically on monitoring CRC implementation. In *England*, for instance, the Department for Education's Children and Youth Board (established under the Labour administration), made up of 25 children aged between 8 and 18, advises Ministers and policy officials on the development of policy and practice. In Scotland, the Government has committed to "*setting up a working group to generate specific proposals to better involve children and young people in the development and implementation of children's rights policy and practice*"<sup>282</sup>; it also provides some funding to Article 12

281 However the National Pupils Council provided the basis for a children's structure - the Children's Council "Spune!" ("Speak!") - which drafted a special children's report; this was included in the report submitted by the Government of Romania to the UN Committee in 2008.

282 Scottish Government (2009) *Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child*

Scotland an independent, young person led, NGO. Article 12 presented a shadow report to the UN Committee and some of its members attended the NGO hearing as part of the reporting process.

### Assessing government/NGO relations

In general the national studies suggest that in most cases relations between governments and NGOs appear to be constructive. The evidence from *Romania*, for example, indicates that public institutions welcome NGOs as drivers of change, appreciate their experience and professional expertise, and the fact that they are able to respond quickly to emerging problems. In *Lithuania*, study participants said that communication and cooperation between state institutions and NGOs is getting stronger, and that new legislation in 2010 provides a clearer legal basis for NGOs. In *Sweden*, government representatives of national government have well-established personal contacts, and a thorough understanding of how NGOs work. Some of the civil servants working for the CRC Co-ordination Office at the Ministry of Health and Social Affairs, and in the Office of the Children's Ombudsman (including the Children's Ombudsman himself), have themselves previously worked for NGOs.

Nevertheless, there are some problems in practice. In *Romania* it appears that the approaches of NGOs are sometimes so different from those of the authorities that it is difficult to find common ground; this can itself lead to difficulties in collaborating.

Mechanisms for consultation can also be weak or remain insufficiently used. There is no regular forum for consultation between government and NGOs in *Sweden*; the structure of the meetings that do take place has been changed several times over recent years and there seems to be no clear idea of how the meetings are to be followed up.

There is scepticism on some occasions as to whether government consultation with NGOs is based on a real desire to listen to and respond to NGO views. In *Sweden*, for instance, it is customary for government, public authorities and municipalities to invite involvement from NGOs in various ways – involvement in activities, participation in meetings and conferences, hearings at which the organisations can present their views. But the extent to which decision-makers really listen to the organisations and take their views on board is variable. It appears that NGOs sometimes feel that the dialogue is a formality without any real content: *'an item on the agenda that needs to be ticked off before a decision or resolution can be finalised'*.<sup>283</sup>

Similarly, NGOs in *Lithuania* expressed a wish in the national study that their proposals were taken into account more, believing that some meetings and consultations are organised just in order to be able to indicate that NGOs have been consulted. Overall, there was a feeling there that the relationship between government and NGOs should be based more on partnership rather than on a perceived recipient-provider model. In particular, state institutions are criticized for regarding NGOs on occasions as 'beggars' asking for money, rather than organisations with significant knowledge and experience to contribute.

### The situation at local level

Although some structures for consultation between the local state, NGOs and other stakeholders do exist at local level, any focus on CRC implementation appears to be either weak or non-existent in the study countries. In relation to child participation, there are various examples of mechanisms for consultation (eg. youth councils, school councils), but children often still feel that their voices have little impact in practice.

In *Sweden*, none of the four municipal authorities in the national study has any formal structures for

---

283 Save the Children Sweden (2011) Interviews with NGOs in Sweden for the National study on Sweden: Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Sweden?

consultation with NGOs on issues relating to implementation of the CRC and there also appears to be an absence of clear, practical guidelines on how consultation can be organised. In Partille certain NGOs are, however, represented in groups which work on various related issues, such as parental support. In Malmö the authority is very interested in exploring co-operation and collaboration (eg. with regard to the provision of training on how the CRC can be implemented), but Save the Children volunteers have expressed dissatisfaction at the shortage of information provided by the municipal authority. In Arvika and Uppvidinge, the municipal authorities depend greatly on the work done by groups of volunteers.

For engaging with young people Malmö has set up a central forum consisting of some fifteen active youngsters between 13 and 25. In addition, six of the city's boroughs have youth councils that have developed in differing ways; some of them are invited to meetings with the municipal authority, while others have designated contact persons who listen to their views. In its CRC strategy, Partille commits itself to expanding the opportunities children have to exercise their right to democratic participation; that being said, the authority is still not decided on how best to achieve this objective. Neither Arvika nor Uppvidinge

have any formal structures for regular consultation with children and young people. Both authorities point out that they have pupils' councils as fora via which children can express their views.

**'The young people we interviewed mentioned pupils' councils as their main opportunity for exercising influence. Some of them had positive experiences, and felt that the pupils' councils in themselves are a good forum – but that any proposals they put forward are always turned down by the authority, on the grounds that there is no money available. In one of the municipalities the young people we interviewed said that their pupils' council had not had a meeting for six months. In one of the municipalities where the pupils' councils do seem to function well, the pupils were also satisfied with the information they received from the authority regarding the way their proposals were dealt with; in another, the young people said that they would like to receive explanations when their suggestions are turned down: "As it is now, we don't get told anything. And that means it feels pointless to go to the pupils' council meetings."'**

*National Study on Sweden*

Romanian national Law no. 272/2004 on the protection and promotion of child rights obliges local authorities to involve the local community in identifying and tackling the problems children face. Local authorities may create consultative community structures (CCS) (which could include local businessmen, priests, teachers, doctors, local council, police etc) to address specific cases and respond to community needs. However implementation is patchy. Although there are some examples of CCS being quite active, many exist only on paper or have not been set up, or are poorly co-ordinated.

Public authorities at county (county councils, school inspectorates, DGSWCP) and local (municipalities, PSSW s) level are running multiple projects in partnership with NGOs and believe the cooperation is positive. However, authority representatives argue that the level of professionalism and expertise of NGOs differ. As a result some prefer to work only with certain NGOs which can lead to accusations of preferential treatment. It is important, however, to remember that at local level, specialized social services are almost entirely lacking<sup>284</sup>. When children need such services (e.g. day care, counselling), they must be referred to NGO providers, but capacity and funding are often limited.

284 PSSWs offering mainly primary services – information, prevention, financial or material support

Children's participation is also weak at these levels. Several DGSWCP have recently established children consultative councils at county level, but as yet the councils comprise only children from placement centres and have been relatively inactive. Although schools are supposed to develop Pupil Councils, children themselves have been disappointed by them, suggesting that the Councils have had little power, have addressed unimportant issues, have been overly controlled by teachers, and have been subject to poor communication.

In order to implement the CRC at the local level in *Lithuania*, efforts are made to create partnerships with local communities. According to the representatives of the Divisions for the Protection of the Rights of the Child, the institutions closely cooperate with children's daycare centres (which have been mostly founded by NGOs) based in the respective municipality, with Children's Groups Against Violence (established by Save the Children Lithuania) operating in schools, associations of the disabled, and other NGOs operating in the community. However, there are no organisations at the local level to advocate for children's rights, as all organisations focus on the provision of direct services to children and their family members. At the local level there are municipal councils for the protection of children's rights or children welfare councils which also include community members. But how active the councils are very much depends on the community itself and the energy of the membership.

At the local level, children have some opportunities to voice their opinion and participate in decision-making. As mentioned previously, there are self-governing student bodies operating in schools, however their effectiveness depends to a great extent upon the attitude of the school's administration. Very often the councils do not have great influence on decisions that are adopted, and sometimes they are regarded as clubs for organising events rather than bodies to allow children to contribute to the solving problems facing the school.

Representatives of the Divisions for the Protection of the Rights of the Child said that one of the most important principles in their work is taking account of the child's opinion and encouraging the child's participation in decisions on matters affecting him or her (e.g. when visiting at-risk-families, drawing up protocols and other documents, and making decisions on the child's care).

Within local government the position of Coordinator of Youth Affairs has also been introduced to implement the youth policy in the municipality. In addition, various youth organisations<sup>285</sup> are rather active in municipalities: both specialists and children themselves gave positive feedback on the activities of these organisations.

Overall, however, children are negative about their opportunities to participate in decision making. In the interviews for the national study, they claimed that their opinion had no weight because decisions were mostly taken by adults. In one of the municipalities, children said that even events for children and youth organised at the municipal level are initiated and organised by adults rather than by asking children what would interest them. They also said that in their municipality, children often spend their time in streets with their friends because they have few possibilities to express their opinion on what they would like to do, and what activities they would prefer.

---

285 It is noteworthy that youth organisations are working with people of up to 29 years of age.



*“It is important that something changes for the better, that young people have more activities, that adults take into consideration the opinion and initiatives of young people. The state should make more efforts because sometimes it only makes promises, allocates funds, but at the end you get neither results nor money. They say that they do this and that but nothing actually works”.*  
(Children in focus group)

National Study on Lithuania

In *Italy* the mechanisms at local levels for collaboration between government institutions and civil society are different but, again, unstructured. In Lombardy, government consults with NGOs in order to draw up the Social Budget<sup>286</sup> - and specific to children, within the context of the Regional Observatory for children and adolescents, where civil society representatives also take part. There are also consultation boards with the third sector operating at district levels, at the ASL level (territory of the Provinces), and regional levels. According to the representatives of NGOs interviewed for the national study, the boards' efficacy will depend on both the administration that convenes and manages them as well as the associations that comprise them; the latter play an important role only if they are organised. In the Lazio Region and in Sicily there are no Councils on children, but issues regarding children are debated within theme-based Councils (e.g. those on the disabled, immigration) that assist in the formulation of Zone Plans.

Furthermore, in Lazio, ten work groups on different issues linked to fostering are currently active and will contribute to the definition of new guidelines on foster care.

**In Emilia Romagna, collaboration between institutions and civil society takes place within the third sector's Permanent Regional Forum. The 'child' sector is located within health and social care. NGOs are particularly positive about the effectiveness of the Forum and the fact that suggestions by civil society are generally taken into consideration by the Region (some example: in the social/healthcare Plan; Law on the younger generations). This positive approach is also seen in the consideration given to the opinions of young people: within Forum, a sub-group has been formed by youngsters (educational routes, youth centres, job training, cultural pursuits), which has been consulted on numerous occasions by the Region, and is due to obtain formal recognition in the consultation and decision-making phases of the Region's development of youth policies. Involvement by civil society members or groups with experience in specific sectors also takes place through the organisation of periodical meetings, when new legislation is being drawn up. (Cooperation with civil society in Emilia Romagna)**

*National Study on Italy*

In general, the types of collaboration with civil society that were valued the most by the institutions involved in the national study were mainly the organisation of events, seminars and conferences. Meanwhile, the main mechanisms for consultation are considered insufficient in terms of their lack of systematic organisation, structuring and quality.

Overall, there is a lack of child participation in the Italian system, both at local and national levels. The forms of participation by young people in institutional decision-making processes that are considered most relevant are the Municipal Youth Councils (CCR) and Student Councils. The CCRs aim in particular to familiarise children with state institutions and educate them about the country's democratic life. Currently,

286 Lombardy Region, Bilancio Sociale 2008, pag. 81.

there are 151<sup>287</sup> CCRs in Italy. In many cases they were started up thanks to government support, provided through Law no. 285/1997, and are promoted on a local government level by the individual Municipalities<sup>288</sup>. However, there is no consistency between them in terms of the way they are organised, and no institutional mechanism in place to provide coordination and support<sup>289</sup>. Nor does it appear that they regularly consult with children.

#### **Save the Children recommend:**

- Governments (at national and local level) and NGOs, including children's organisations, should work together to define the purpose of, and most appropriate forms for, dialogue and co-ordination in relation to implementation of the CRC. Mechanisms for ongoing collaboration with civil society, and community consultative structures, should be strengthened.
- Government bodies (at national and local level) should develop their capacity to consult with children on the implementation of the CRC and should better integrate child participation in their work. The experience of Children's Ombudsman/Commissioners for Children and NGOs may provide sources of knowledge and inspiration in relation to ways of developing child participation.
- Parliamentary bodies should foster the participation of children and young people in hearings, inquiries, and draft bills relating to issues that affect them.

### **3.8 Independent human rights institutions for children**

*"Independent national human rights institutions (NHRIs) are an important mechanism to promote and ensure the implementation of the Convention, and the Committee on the Rights of the Child considers the establishment of such bodies to fall within the commitment made by States parties upon ratification to ensure the implementation of the Convention and advance the universal realization of children's rights."*

UN Committee on the Rights of the Child (2002) General Comment no. 2

In 1993, the UN General Assembly adopted the 'Paris Principles' relating to the status and functioning of national human rights institutions (NHRIs)<sup>290</sup>. These provide clear guidance to State Parties on the competence, responsibilities, and independence of NHRIs. Whilst acknowledging the importance of NHRIs for both adults and children, the UN Committee on the Rights of the Child has highlighted additional reasons for establishing NHRIs to promote and protect children's rights. General Comment no. 2 (2002)<sup>291</sup> outlines that:

- ❖ children's developmental state makes them particularly vulnerable to human rights violations;
- ❖ their opinions are still rarely taken into account;
- ❖ most children have no vote and cannot play a meaningful role in the political process that determines Governments' response to human rights;
- ❖ children encounter significant problems in using the judicial system to protect their rights or to seek remedies for violations of their rights;
- ❖ and children's access to organisations that may protect their rights is generally limited.

287 Survey by the association "Democrazia in Erba" in Rome: [www.politichegiovani.it/consiglio\\_comunale\\_ragazzi.htm](http://www.politichegiovani.it/consiglio_comunale_ragazzi.htm)

288 Government of Italy (2009) Third-quarter Government Report on Italy, p. 136.

289 CRC Group 2° (2009) Supplementary Report p. 42.

290 Office of the United Nations High Commissioner for Human Rights Principles relating to the status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993

291 'The Role of Independent National Human Rights Institutions in the promotion and protection of the rights of the child', General Comment No.2: UNCRC/GC/2002/2, November 2002

General Comment no. 2 also sets out the UN Committee's belief that state ratification implicitly means agreeing to establish an NHRI for Children (see box above).

(Note that throughout this report we use the term 'National Human Rights Institutions for Children' as an overall categorization to cover the range of labels used in different countries. These include: 'Ombudsmen for Children'; 'Ombudspersons for Children'; and 'Children's Commissioners'. Where individual countries are concerned, we adopt the practice of calling the office or institution by the name they are commonly known by in that country).

### Comparing the NHRIs for children

There are a range of models of NHRIs for Children in different European countries that have been developed since the first office was established in Norway in 1981. Although many were set up during the 1990s following the ratification of the UNCRC, most were created during the past decade<sup>292</sup>. Bringing the different offices together, there is a European Network of Ombudspersons for Children (ENOC)<sup>293</sup>. Of the countries studied for this report, all have established national Ombudspersons for Children<sup>294</sup>, apart from *Romania* and *Italy*<sup>295</sup>.

Although both civil society and the UN Committee have stressed the importance of setting up an NHRI for Children, in 2009 the *Romanian* Parliament rejected a legislative proposal to establish this institution; it was argued that Romania already has institutions to respond to child rights violations (the Ombudsman and the [now abolished] National Authority for Child Protection), and that the Romanian Constitution only stipulates that there should be a general Ombudsman. However, within the Ombudsman Office, child rights issues are tackled by a semi-specialist department, with a small number of employees, whose responsibilities include not only the rights of the child, but also family, youth, pensioners and disabled people.

*Italy* has not yet set up an independent national institution for human rights, nor a specialised Ombudsperson for the protection and promotion of children's rights (although the regions have been active in creating Ombudspersons for Children [see below])<sup>296</sup>. This is in spite of repeated recommendations by various United Nations bodies<sup>297 298</sup>, and explicit and repeated commitments by the Italian Government representatives to do so.<sup>299</sup> During the current and preceding parliamentary sessions, separate Bills were presented to Parliament for the establishment of an independent body for human rights and for the establishment of a Children's Rights Ombudsman, however neither survived the parliamentary process<sup>300</sup>. Italy has therefore failed so far to comply with the obligations it assumed on ratifying the UNCRC.

292 Waage, T. (2007) 'Ombudsperson for children: the development of independent national human rights institutions for children in Europe', Florence: UNICEF Innocenti Research Centre, [http://www.unicef-irc.org/knowledge\\_pages/resource\\_pages/ombuds/waage\\_article.pdf](http://www.unicef-irc.org/knowledge_pages/resource_pages/ombuds/waage_article.pdf)

293 European Network of Ombudspersons for Children (ENOC) (2001)

294 Dates for establishment of Offices are: Sweden (1993), Wales and Lithuania (2000), Northern Ireland and Scotland (2003), England (2004).

295 There are no UK-wide independent monitoring mechanisms for children's rights, but separate Children's Commissioners have been set up in Wales, Scotland, Northern Ireland and England (see below).

296 Eight EU Member States do not have National Human Rights Institutions for Children

297 CESCR/ITA/04 of November 26, 2004 points 14 and 32; CCPR/C/ITA/CO/05 of April 24, 2006 point 7; CERD/C/ITA/CO/15 of March 2008 point 13; UPR 11, 12, 13, 14, 15.

298 In its 2003 Concluding Observations on the status of the CRC's implementation in Italy, the UN Committee 'recommends that the State party complete its efforts to establish a national independent ombudsman for children, if possible, as part of a national independent human rights institution, and in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (The "Paris Principles"), to monitor and evaluate progress in the implementation of the Convention. It should be accessible to children, empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner; and equipped with the means to address them effectively. The Committee further recommends that appropriate linkages between the national and regional institutions be developed'. CRC/C/15/Add.198

299 The same observation and recommendations were reasserted by the UN Committee in its 2006 Concluding Observations with regard to the Optional Protocol on the sale of children, child prostitution and child pornography (point 17).

300 The 2008 Bill establishing a Child Ombudsman, initiated by the Government, was in any case flawed in various ways. Among other weaknesses, the Bill lacked the means to guarantee the Ombudsman's autonomy and independence, since the Office would have depended on government resources.

*‘Young people consulted in Emilia Romagna didn’t know whether or not there was a national Ombudsman for Children. They guessed there was and were very surprised to find out that there wasn’t one’.*

National Study on Italy

## Mandate and functions

General Comment No. 2 sets out the need for every State to establish an independent human rights institution to monitor compliance and progress towards implementation of the UNCRC, together with detailed guidance on the establishment and operation of such bodies. To ensure a clear focus on child rights, the Committee argues that their mandate should be as broad as possible, and that the legislation establishing any such institution should link it to implementation of the UNCRC, its Optional Protocols and other relevant human rights instruments.

General Comment No. 2 also suggests that the functions of Offices may include:

- ❖ undertaking inquiries;
- ❖ publishing opinions, recommendations and reports on child rights issues;
- ❖ making recommendations on existing and proposed legislation;
- ❖ taking up violations of child rights and drawing the attention of governments to these;
- ❖ promoting harmonization of national law with the UNCRC and other international human rights instruments;
- ❖ contributing to monitoring and reporting processes;
- ❖ and giving a voice to children.
- ❖

In practice, there are some differences between the mandates and roles of the various National Human Rights Institutions for Children. Most obviously, the mandates vary in the extent to which they are based directly on the rights set out in the UNCRC and its Optional Protocols. For example, the English Commissioner has a weaker remit than the Commissioners in the other UK jurisdictions, and it only has the general function to “*promote awareness of the views and interests of children*” rather than an explicit rights focus. Having said this, the four UK Commissioners themselves have argued jointly that none of the Offices meet all the characteristics of NHRIs.

In terms of functions, a clear difference emerges between those NHRIs that are able to undertake investigations of individual violations of children’s rights, and those that are not. The UN Committee on the Rights of the Child has stated that *‘NHRIs must have the power to consider individual complaints and petitions and carry out investigations, including those submitted on behalf of or directly by children’*<sup>301</sup>. They must also have sufficient powers to carry out investigations effectively, and must seek to ensure children have effective remedies (e.g. independent advice, advocacy and complaints procedures) available.

The national studies upon which this report is based identified that NHRIs can investigate individual complaints in *Lithuania, Romania, Northern Ireland and Wales*, but not in *England, Scotland or Sweden*. However in the countries where they are part of the duties of the Commissioner there is some evidence that effective investigations can be undermined by lack of resources – and current economic conditions may make these difficulties more acute.

In countries where investigations of specific cases are not part of the mandate of the Commissioner, they

301 UN Committee on the Rights of the Child (2002) General Comment No.2 ‘The role of independent national human rights institutions in the promotion and protection of the rights of the child’

may nevertheless receive individual complaints, and in some cases they may then choose to deal with the issues raised from a more general perspective (eg. in *Scotland* and *Sweden*). On this basis, it is often argued by governments that putting resources and energy into investigating individual cases would restrict the ability of Commissioners to undertake activities which are likely to have a broader impact on promoting children's rights. Nevertheless, the UN Committee on the Rights of the Child has repeatedly expressed concern (e.g. in relation to the UK Commissioners<sup>302</sup> and Sweden<sup>303</sup>) that children cannot bring individual complaints. Among Commissioners themselves, there is also strong support for the view that individual casework is a very important part of their powers and duties<sup>304</sup>.

#### Investigating individual complaints in Lithuania

In 2009, the Ombudsperson for Children received 407 written complaints (19 from children themselves), and initiated 297 investigations. The Ombudsman also received 570 information requests via its website and by e-mail, and 257 phone calls concerning possible violation of the child's rights. Although those who contact the Ombudsman are most often family members, the number of complaints from those who are not related to the child are increasing as well. The Ombudsman believes this suggests that understanding of the need to protect child rights is growing in society. It may also suggest a lack of alternative avenues to address complaints.

*National Study on Lithuania*

#### The mandate and functions of the different Commissioners are set out in more detail below:

*Lithuania:* The legislation states that the main aim of the Children's Rights Ombudsman is '...to improve legal protection of children, to defend the rights and legitimate interests of children, to ensure implementation of the rights and legitimate interests of children provided for in international and national legal acts as well as to exercise supervision and control of the implementation and protection of the rights of children in Lithuania'<sup>305</sup>. The Ombudsman does not have access to official enforcement mechanisms, and the implementation of its recommendations therefore depends on encouraging positive responses to violations, rather than sanctioning individuals or institutions.

The duties of the Ombudsman involve: monitoring the protection of children's rights; analysing and evaluating legislation and policy relating to children and how it is implemented; making recommendations concerning protection of the rights and interests of the child; promoting improvements in implementation, and collaboration between institutions, organisations and services. The Ombudsman also has the right to undertake investigations on its own initiative<sup>306</sup>, and to investigate individual complaints concerning violations of the rights of the child.

*Romania:* According to respondents in the national study, the Ombudsman has a limited mandate, which allows it to intervene only in those situations where individual rights have been violated<sup>307</sup> by a public authority and the complaint is made by a person who reveals his/her identity<sup>308</sup>. Thus, it cannot intervene in cases where the violation has been caused by other parties or in response to anonymous complaints. This

302 UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland, paragraph 17

303 UN Committee on the Rights of the Child (2009) Concluding observations on Sweden's fourth report COMPLETE REF

304 Thomas N., Gran B., Hanson K., 'An independent voice for children's rights in Europe? The role of independent national human rights institutions for children in the EU', Special Issue of the International Journal of Children's Rights, Spring 2011 (forthcoming)

305 Lietuvos Respublikos vaiko teisių apsaugos kontrolieriaus įstatymas (Lithuanian Republic's Children's Rights Ombudsman Institution Law) // Valstybės žinios (The Official Gazette), 2007, No. 140-5756

306 E.g. In 2009, surveys were undertaken into: social work with at risk families; problems of implementing the Law on the Minimum and Medium Care for the Child; and the integration of Lithuanian and immigrant children in schools.

307 The complaints cannot invoke violation of the collective rights, nor of the juridical bodies

308 Law no. 35/1997 regarding the Ombudsman, republished

has contributed to a low number of cases being brought forward. In 2009 the Ombudsman recorded a total of 8,295 complaints, of which only 53 (0.6% of total) focused on children's rights; of the 30 investigations conducted by the Ombudsman in the same year, only one (representing 0.3% of total) concerned the protection of children and young people.

The Romanian Ombudsman institution is not intended to represent children's interests, act as their spokesperson and further their rights. The annual report submitted by the Ombudsman to the Parliament does not therefore present a picture of the observance by the state of its obligations to ensure child rights, instead it is a report on activities undertaken.

*Sweden:* The tasks and duties of the Office of the Children's Ombudsperson are to represent the rights and interests of children and young people with reference to the CRC, and to actively further the implementation, and monitor the observance of, the CRC.<sup>309</sup> The remit of the Office also includes: presenting the government with suggestions for changes in legislation and other measures; informing the public and shaping public opinion; collecting information and compiling statistics; and following international developments.

As a consequence of a government inquiry in 1998 the role of the Ombudsman was strengthened so that government departments, and municipal and regional authorities can be instructed by the Ombudsman to present the Office with figures detailing what measures have been taken in their respective operations to implement the rights of children and young people. These bodies are also required, if requested, to meet with the Children's Ombudsman for discussions.<sup>310</sup> Following a further review in 2007 of the implementation of child policy by the public sector, the government clarified the mandate of the Ombudsman,<sup>311</sup> instructing the Office to monitor and evaluate systematically, and at regular intervals, how well state bodies, and municipal and regional authorities, are implementing the CRC.

Over recent years the Children's Ombudsman has moved away from carrying out general initiatives aimed at raising awareness or gathering information (such as questionnaires to municipal and regional authorities). Instead, it selects specific issues where the need is judged to be greatest – such as the situation for children placed in care outside their own family – and carries out in-depth studies of what life is like for these children.

*UK:* In their 2008 report to the UN Committee, the four UK Commissioners raised concern that the “*mandates, independence and funding arrangements of each Commissioner vary considerably*” and that “*no Commissioner's office fully complies with the characteristics of national human rights institutions...*”<sup>312</sup>. There is an additional problem in relation to the overlapping jurisdictions of the Commissioners. The England Commissioner's remit extends to Scotland, Wales and Northern Ireland on non-devolved matters. This is potentially confusing to children in these countries who would need to seek recourse to the English Commissioner if the issue of concern was non-devolved.<sup>313</sup> It also means children may be subject to the lesser powers of the English Commissioner despite not living in England.

The Children's Commissioner for *England* has the weakest remit out of the four UK Children's Commissioners. The role was not set up to protect children's rights. Instead, the general function is

309 Regeringen (1993) Svensk författningssamling 1993:335 Lag (1993:335) om Barnombudsman

310 [www.barnombudsmannen.se](http://www.barnombudsmannen.se)

311 Regeringen (2007) Svensk författningssamling 2007:1021 Förordning (2007:1021) med instruktion för Barnombudsmannen

312 The Children's Commissioners for Wales, Scotland Northern Ireland and England (2008) UK Children's Commissioners' Report to the UN Committee on the Rights of the Child

313 The Children's Commissioners for Wales, Scotland Northern Ireland and England (2008) UK Children's Commissioners' Report to the UN Committee on the Rights of the Child



to “*promote awareness of the views and interests of children*”. An independent review of the Office of the Children’s Commissioner for England reported to the Government in December 2010 and advised that the Commissioner’s remit should be strengthened to promote and protect children’s rights and for it to be given greater independence from Government.<sup>314</sup> Following this report the Coalition Government gave the strongest indication yet that it will amend the legislation which established the Children’s Commissioner for England so that its general function is to promote and protect the rights of children.<sup>315</sup>

The Scottish Commissioner for Children and Young People (SCCYP) has the remit to promote and safeguard the rights of children and young people. In particular it promotes awareness and understanding of children’s rights, monitors law, policy and practice for CRC compliance, promotes best practice by service providers, and engages in research. The main aim of the *Northern Ireland* Commissioner for Children and Young People (NICCY) is to safeguard and promote the rights and best interests of children and young persons. However several reviews have concluded that the legislation establishing NICCY is not fully consistent with international standards<sup>316 317</sup>. The Children’s Commissioner for Wales has the broadest remit of the four UK Children’s Commissioners<sup>318</sup> and can take on both individual case work and investigations (though this is limited by resources). The principal aim in exercising his/her functions is to “*safeguard and promote the rights and welfare of children.*” Nevertheless, the Children’s Commissioner for Wales does not fully comply with the Paris Principles. It cannot comment directly on policy issues which are non-devolved, such as immigration, tax, and youth justice.

## Independence and accountability

In order to be effective, any institution mandated to defend the rights of children, must fulfil its functions objectively and impartially. The issues it takes on, the priority it gives to them, the rigour of its investigations and the way its findings and conclusions are formulated and communicated must be determined by the best interests of the children concerned, and not by any political or institutional ambitions, loyalties or sensitivities.’

*UNICEF (2006) The General Measures of the Convention on the Rights of the Child: The Process in Europe and Central Asia, Florence: Innocenti Research Centre*

The UN Committee on the Rights of the Child has underlined that ‘*it is essential that institutions remain entirely free to set their own agenda and determine their own activities.*’<sup>319</sup> Appointment procedures should be ‘*appropriate and transparent*’ and should involve ‘*an open and competitive selection process*’. The Committee also stresses that NHRIs are to be free from any form of financial control that might affect their independence. They must have the right to report directly on the state of children’s rights to the public and to parliamentary bodies, and States parties must ensure that an annual debate is held in Parliament.

314 Dunford, J., (2010) Review of the Office of the Children’s Commissioner (England)

315 In a Ministerial statement, the Minister of State for Children and Families, said: “The Government is a proud signatory of the UN Convention on the Rights of the Child...and believes it is vital that children and young people have a strong, independent advocate to champion their interests and promote their rights...The full implications of Dr Dunford’s recommendations will take some months to work through, but the Secretary of State and I are pleased to accept them now in principle and will consult in due course on legislative changes.” Sarah Teather MP (Minister of State for Children and Families) Publication of the independent review of the Children’s Commissioner; Written Ministerial Statement, Department for Education, December 2010

316 Putting Children First Alliance (2005) Independent review of the Commissioner for Children and Young People (Northern Ireland) Order 2003 to assess its compliance with both the Paris Principles and the UN Committee’s General Comment No.2.

317 Fitzpatrick, B. (2006), Article 24 of the Commissioner for Children and Young People (Northern Ireland) Order 2003 – the Review of the Office of the Commissioner; Queen’s University, Belfast

318 Its powers were extended under the Children’s Commissioner Act 2001 and regulations were produced in 2001 and under the Children Act 2004.

319 General Comment No. 2, HRI/GEN/1/Rev.6, para. 25

Appointment procedures must also be transparent. In some countries, different sections of civil society are consulted in the process of appointing the Ombudsperson. Particularly noteworthy in *Wales* and *Northern Ireland* is the direct involvement of children in this procedure; this also takes place in *England* and *Scotland*, but to a lesser extent. *National Study on the UK*

Evidence from the study countries indicates these guidelines are not fully met in practice in all states. In *England*, for instance, the Commissioner lacks independence. He/she is appointed by the UK Government; Parliament provides some scrutiny<sup>320</sup>, but it cannot veto the appointment. Ministers have the power to direct the Commissioner to undertake an inquiry on any matter of relevance to children, and the Commissioner has to consult the Secretary of State before they can initiate their own inquiries.

In *Sweden*, by contrast, the Ombudsman is appointed by the Government, and is responsible to the CRC Co-ordination Office at the Ministry of Health and Social Affairs. But although the Ministry can direct the Office to carry out specific instructions or activities, the Ombudsman increasingly defines its own work programme. Nevertheless the UN Committee has called for the Ombudsman to be given a greater degree of independence vis-à-vis the Government. It has also argued that the annual report should be presented to Parliament, rather than the Government.

The Children's Commissioner for *Wales* is appointed by the Government (the First Minister) with the decision reviewed by the National Assembly. The Office is not funded directly by the Assembly but by the Welsh Assembly Government (WAG). Similarly, the *Northern Ireland* Commissioner has to report directly to the OFMDFM (The Office of the First Minister and Deputy First Minister)), rather than to the Northern Ireland Assembly. In both cases, the independence of the Commissioners is curtailed.

Elsewhere, the Parliament plays a stronger role. In *Scotland* the Commissioner for Children and Young People is appointed by The Queen on the nomination of the Scottish Parliament. They are accountable to the Scottish Parliament and must report to Parliament at least annually on the exercise of their functions. SCCYP is independent of the Scottish Government and can establish its own priorities. Resources for SCCYP are agreed annually between the Commissioner and the Scottish Parliament<sup>321</sup>.

In *Lithuania*, the independence of the Commissioner is enshrined in law<sup>322</sup>. They are appointed (and can be dismissed) by the Parliament, and present annual reports to the Parliament. *National Study on Lithuania*

Similarly, in *Romania* the independence of the Ombudsman is guaranteed in law and by the Constitution.

In some countries, different aspects of civil society are consulted in the process of appointing the Ombudsperson. Particularly noteworthy in *Wales* and *Northern Ireland* is the direct involvement of children in this procedure; this also takes place in *England* and *Scotland*, but to a lesser extent.

## Resources

States have to make 'reasonable financial provision' so that offices are able to act effectively, according to

320 House of Commons Children, Schools and Families Committee (2009) Appointment of the Children's Commissioner for England Eighth report of Session 2008-09

321 Scottish Executive, A Report on Implementation of the UN Convention on the Rights of the Child in Scotland 1999-2007 (2007)

322 Article 3.3 of the Children's Rights Ombudsman Law stipulates that the Ombudsman "<...> shall be autonomous from state and municipal institutions, officials and other persons and shall act independently within its competence. No political, economic, psychological or social pressure or any other illegal actions that might influence the decisions of the Ombudsman for Children may be exerted on the Ombudsman for Children."

General Comment No. 2. 'The mandate and powers of national institutions may be meaningless, or the exercise of their powers limited, if the national institution does not have the means to operate effectively to discharge its powers.'

In terms of the overall budget, one of the larger institutions is in *Sweden*, where the Children's Ombudsman has a staff of some twenty employees, and the budget for 2010 is €1.9 million (SEK 18 million). The Commissioner for *Wales* is relatively well resourced (with a budget of €2.2 million (£1.83 million) though this has been a standstill budget since 2007/08, and it is expected that the Office will face cuts given the current financial climate.

The *Northern Ireland* Commissioner also has reasonable resources when compared to the other Commissioners in the UK (just over €2.1million [£1.8million] in 2008-2009) but it has seen year on year cuts to its budget, and cuts of at least 20% are also expected from Autumn 2010 due to the current financial climate. There are also severe constraints on how the Commissioner can allocate and spend its resources.

Although the UN Committee acknowledges that the issues of resources is very sensitive and that governments vary in terms of the economic resources they have available, in relation to *Lithuania* it has nevertheless concluded that 'insufficient resources have been allocated in order to enable it [i.e. the Ombudsman] to effectively carry out the mandate and monitor the implementation of the Convention throughout the country...' <sup>323</sup>.

In Scotland, the Scottish Parliamentary Corporate Body Supported Bodies Committee supported a review of SCCYP in 2009 and considered merging it with the Scottish Human rights Commission. Following representations from Save the Children and others it decided that this would not be justified. <sup>324</sup>

### Accessibility and participation

Accessibility and participation are stressed by the UN Committee as key principles that should underpin the functioning of NIHRs. They should be 'physically and geographically accessible to all children' (and in particular the most disadvantaged), and have a key role to play in promoting respect for children's views in all matters affecting them, as articulated in Article 12 of the UNCRC.

The national reports for this study highlight a range of approaches adopted by Offices to engage with civil society and children. For example:

*England:* Children can contact the Office via the website, phone, email and letter and the Commissioner meets regularly with groups of children and young people from across the country. The Commissioner has observer status on a number of children's NGOs policy groups and has worked in partnership with stakeholders on a number of issues, though some stakeholders thought that an establishment of a formal NGO advisory group would help the Commissioner to ensure better cooperation with civil society.

*Wales:* Children can contact the Office through a variety of means, for example, via its investigation and advice service and through the very regular visits that the Commissioner makes to children and young people. The Office has considerable engagement with NGOs, for example, attendance at the NGO Policy Officers meetings in Wales, observer status on the Wales UNCRC Monitoring Group and engagement with the Participation Consortium and Participation Unit (hosted by Save the Children). The Chief Executive of the Office also regularly meets with the heads of local and national children's organisations in Wales.

*Scotland:* The Commissioner must involve and consult both children and children's organisations. It is

<sup>323</sup> Jungtinių Tautų Komiteto baigiamosios pastabos (Final Notes from the United Nations Committee): Lietuva, 2006 // CRC/C/LTU/CO/2

<sup>324</sup> Review of the SPCB Supported Bodies Committee (2009) 1st report, 2009 (session 3);

currently undertaking extensive consultation with children and young people and adults working with and for children through events across Scotland.

Northern Ireland: Children can contact the office through a variety of means for example the helpline and online. The Participation and Legal teams also hold regular ‘clinics’ with children and young people’s groups and NICCY meets with children very regularly. NICCY has a formal NGO forum that meets three times a year and works informally with NGOs with regular day to day contact with a range of organisations.

*Sweden:* The Office has close and frequent contacts with state bodies, municipal and regional authorities, and NGOs. Among other things, the Ombudsman has initiated joint information and publicity campaigns with NGOs; for example, an educational pack called ‘I’ve Got Something to Tell You’ was sent to every school in the country in connection with the twentieth anniversary of the adoption of the CRC. The Children’s Ombudsman also has an expert panel of children and young people who have been placed in care homes. In addition, the Office frequently arranges meetings to hear the views of children and young people on particular issues.

Lithuania: The Children’s Rights Ombudsman encourages child participation, and communicates and collaborates with children in various ways (e.g. through meetings with young people and their organisations, and organising events and competitions for children). Staff believe that understanding of the importance of child participation needs to be developed, as child participation initiatives are often tokenistic in Lithuania. The Office also collaborates with NGOs (e.g. through conferences, joint campaigns and activities), maintains generally positive relations with central and local government, and actively participates in working groups created by the Parliament, ministries, and other institutions. It also forms groups on its own initiative seeking to address particular problems related to the implementation and protection of children’s rights.

### **Local NHRIs for children**

Some European countries have distinct offices at national level, as in most of the countries examined for this study. Other states have more than one federal or national human rights institution for children (e.g. in Belgium there are separate commissioners for the Flemish and French communities). A third group have independent regional and/or local NHRIs (e.g. in Austria there is a federal children’s ombudsman and one in each of the nine regions).

UNICEF has suggested<sup>325</sup> that local or regional ombudspersons should be seen as complementary mechanisms rather than alternatives to NHRIs. They conclude that *‘Although regional ombudspersons or commissioners may be more accessible and able to focus on local problems, they may not always be able to address issues arising under national law and policy and to influence overall policy actions for children under the jurisdiction of the state’*.

In relation to *Sweden*, the UN Committee has suggested<sup>326</sup> that the Government provide resources for the Ombudsman to establish local representatives<sup>327</sup>. Following a report by the Children’s Ombudsman in 2003, the Government argued that since development at municipal and regional level must be an expression of local initiatives, it could not call on the country’s municipal authorities to appoint local

325 UNICEF (2006) *The General Measures of the Convention on the Rights of the Child: The Process in Europe and Central Asia*, Florence: Innocenti Research Centre

326 UN Committee on the Rights of the Child (2009) *Concluding Observations on Sweden*

327 In 2008, Save the Children suggested that the Government should look at the possibility of setting up a function for dealing with children’s views and complaints within the framework of the regional administration boards.

representatives for children and young people. Nevertheless, in the early 2000s a number of municipalities launched trials of local children's representatives, with varying mandates and organisational structures, in some cases working together with groups such as Save the Children. However, in recent years these initiatives have not been given any attention or evaluated.

In *Lithuania* there are no local representatives of the rights of the child who might be called independent human rights institutions. Generally, experts do not feel there is a need, as there are already some local institutions that promote children's interests (including Divisions for the Protection of the Rights of the Child, and recently introduced 'social pedagogues' in schools).

In *Romania*, the Ombudsman has local offices in 14 areas but it remains poorly known and is largely inaccessible. It has responsibilities related, inter alia, to children rights but the expert knowledge of local staff is insufficient. The majority of representatives of county and local authorities consulted for the national study said that the Ombudsman at local level is not very active and is powerless. Although the institution has the authority to carry out monitoring visits to any state service, they could not identify any instances where they had had contact with the Ombudsman on a children's issue.

Despite the lack of a national Ombudsman in *Italy*, at regional level there has been an increase over the past five years in the number of laws to establish Ombudsman for Children, and these have been approved by almost all of the Regions<sup>328</sup> (except for Sicily, Valle d'Aosta and Sardinia). However, the regional laws that have been approved vary in relation to issues such as methods of nomination procedures, structure, functions, powers, and resources of the Ombudsman. Moreover, not all of the Regions have provided for the nomination of a person to head such a body, and currently, Ombudsmen for Children are in operation only in Lazio, Veneto, Molise, Campania and the Autonomous Province of Bolzano<sup>329</sup>. The passage of laws establishing Ombudsman Offices for Children's Rights has also taken place, in some cases, at provincial (e.g. in Nuoro, Foggia and Cagliari<sup>330</sup>) and municipal levels (e.g. in Syracuse<sup>331</sup>).

The Regional laws to appoint Ombudsmen do not envisage any form of structured collaboration with NGOs, and they only contain very general provisions regarding the promotion of initiatives to safeguard children's rights. This is an area that needs to be strengthened further.

In addition, no structured consultation with children and youngsters is anticipated in the Regions in which Ombudsmen have been appointed – indeed the majority of regional laws do not even foresee youngsters having access to the Ombudsman Offices<sup>332</sup>. Although the Ombudsmen that have been appointed maintain that young people can turn personally to them, but only in cases in which their rights have been violated. But in practice, the number of young people who have contacted the Ombudsman during 2008-2009 appears to have been on a very small scale in all of the Regions: none (through reports) in one Region, about ten in another; and less than 50 and over 50 in two other Regions.

328 Tuscany (R.L. 26/2010); Autonomous Province of Bolzano (R.L. 3/2009); Piedmont (R.L. 31/2009); Umbria (R.L. 18/2009); Lombardy (R.L. 6/2009); Abruzzo (R.L. 46/1988); Veneto (R.L. 42/1988); Basilicata (R.L. 15/1990); Friuli Venezia Giulia (R.L. 49/1993); Marche (R.L. 18/2002); Lazio (R.L. 38/2002); Calabria (R.L. 28/2004); Emilia Romagna (R.L. 9/2005); Puglia (art. 30 R.L. 19/2006); Campania (R.L. 17/2006); Molise (L.R. 32/2006); Liguria (R.L. 9/2007).

329 In the Marche, the functions of Ombudsman for Children is carried out by one of the Ombudsman's Offices for adult and child rights, and in Friuli Venezia Giulia, the President of the Regional Council has taken on this title and task for an interim period. In Liguria and in the Autonomous Province of Trento, the regional Ombudsman has been delegated the role of Ombudsman for Children, while in Emilia Romagna the Regional Ombudsman undertakes this task in practice (this is provided for by the Region's Statute – art. 71).

330 Source: 2nd Supplementary Report, CRC Group (2009)

331 Provided for by the Municipal Statute, recently regulated, but an appointment has not yet been made.

332 Accessibility of the Ombudsman Offices by young people is envisaged in the regional laws of Calabria, Campania and Liguria, and in a more specific way in that of Emilia Romagna.

#### Innovation at regional level in Italy

In *Lazio*, the Office of Ombudsman for Children does not provide services, but initiates and stimulates action. In particular, it monitors the extent to which young people are ‘at risk’ (e.g. living outside the family unit, in communities or in foster care), and attempts to reinforce protection systems (e.g. through courses for volunteer tutors). Although coordination with other regional and local institutional offices needs strengthening, a very positive step is that experienced regional Ombudsmen have recently established a coordination system by naming the Lazio region’s Ombudsman for Children as their coordinator.

*Lombardy*’s experience can be seen as an example of good practice in that the involvement of civil society and young people is provided for in a structured way by the regional law which should hopefully soon be approved.

*Emilia Romagna*, where the Ombudsman carries out the role and functions of the Ombudsman for Children, stands out among the other regions because of the attention it gives to communication with children through the preparation of child-friendly information materials which it distributes mainly at schools.

*National Study on Italy*

#### Save the Children recommend:

- All governments that have not yet established a National Human Rights Institution for Children should do so. All governments must ensure that such an institution is established by law and complies fully with the Paris Principles<sup>8</sup> and General Comment No. 2 to the CRC.
- All governments must ensure that the National Human Rights Institution (NHRI) for Children is independent, has the general function of protecting and promoting children’s rights and is responsible for all children in their jurisdiction. The NHRI for Children should have the competence to receive and investigate individual complaints from children. Sufficient human and financial resources should be accorded to the NHRI for Children so that it is able to carry out its functions effectively.
- In states where local Ombudsmen/Commissioners for children and young people have not been established, official inquiries should be undertaken to explore the potential role and mandate of such Offices, and their potential relationship to any National Human Rights Institution for Children
- Children and young people should be given more concrete and clear information about the role and function of the National Human Rights Institution for Children.

### 3.9 Information and awareness-raising

*‘If the adults around children, their parents and other family members, teachers and carers do not understand the implications of the Convention, and above all its confirmation of the equal status of children as subjects of rights, it is most unlikely that the rights set out in the Convention will be realized for many children.’*

General Comment No. 5

Article 42 of the CRC sets out that “States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.” In line with this Article, the UN Committee suggests that countries should develop comprehensive strategies for increasing knowledge and understanding of the Convention across the whole of society. This should include information on governmental and independent bodies involved in CRC implementation and monitoring. The Committee also underlines that it is particularly important that providing knowledge of children’s



rights, and of human rights in general, be made a part of school curricula at different levels. Similarly, knowledge relating to the CRC needs to be integrated into the education and further training of all those who work with and for children.

Article 44(6) sets out, in addition, that “... *States Parties shall make their reports widely available to the public in their own countries.*” The Convention explicitly requires States to make their reports widely available to the public (e.g. through translation, “child friendly” language), and to disseminate them at local and national levels (see Chapter 1 for description of the reporting process). All other documentation relating to the examination of their reports under the Convention should be made widely available to promote constructive debate and inform the process of implementation at all levels. The Committee’s concluding observations should be disseminated to the public including children and should be the subject of detailed debate in parliament.

### **Th situation at national level**

#### **UN Committee Concluding Observations**

There is considerable similarity in the Concluding Observations of the UN Committee on the State Party reports of the countries analysed in this report. The Committee welcomes initiatives in various State Parties, but these appear to be isolated examples; the Committee therefore argues for the adoption of comprehensive strategies for the future.

In its Concluding Observations on *Sweden*’s fourth report the Committee welcomed some positive steps that had been taken<sup>333</sup>, but expressed concern that the level of awareness of the CRC is low among children in general, and that not all professional groups that work with children receive adequate training in children’s rights. The Committee therefore urged Sweden to do more to ensure that all children are aware of the Convention, and to provide systematic, continual education and training in human rights, including children’s rights, to all those who work with or for children.

The Committee welcomed the efforts made by *Romania* to train the professionals working with children and the decision makers from the local level, recommending that such actions should be further developed, in a systematic way. The Committee points out that the Romanian State should ensure the dissemination and knowledge of the Convention on a wider scale, among both children and adults.

The Committee’s Concluding Observations on *Lithuania* welcomed similar efforts to those elsewhere<sup>334</sup>, but expressed parallel concern that dissemination and awareness-raising about children’s rights and the CRC is insufficient and does not address all sections of society (and in particular, those in rural areas, and children themselves). Moreover the supply and availability of appropriate training is still not adequate. The Committee recommends that the State disseminates the Implementation Handbook; incorporates learning about human rights into the school curriculum (at both elementary and secondary levels); and organises ongoing training for specialists working with children, and for children themselves.

The *UK* Government argues that it is committed (as are the devolved administrations) to promoting awareness and understanding of the Convention<sup>335</sup>, but although there are a number of positive activities underway<sup>336</sup>, to date no government has developed a comprehensive awareness raising strategy. While

333 E.g. Publication of a Swedish-language version of the UNICEF Implementation Handbook for the Convention on the Rights of the Child (financed by the government); and the establishment of the ‘Swedish Academy for the Rights of the Child’ at the University of Örebro.

334 E.g. The translation of the Implementation Handbook into the Lithuanian language, and the country’s efforts in organising training on children’s rights and the CRC for specialists working with or for children.

335 UK Government (2007) The Consolidated 3rd and 4th Periodic Report to the UN Committee on the Rights of the Child

336 For example, the fourth priority of ‘Working Together’, the UK-wide child rights ‘action plan’ is ‘to increase knowledge of the CRC by sharing good practice and developing strategies for making it widely known across England, Wales, Scotland and Northern Ireland.’

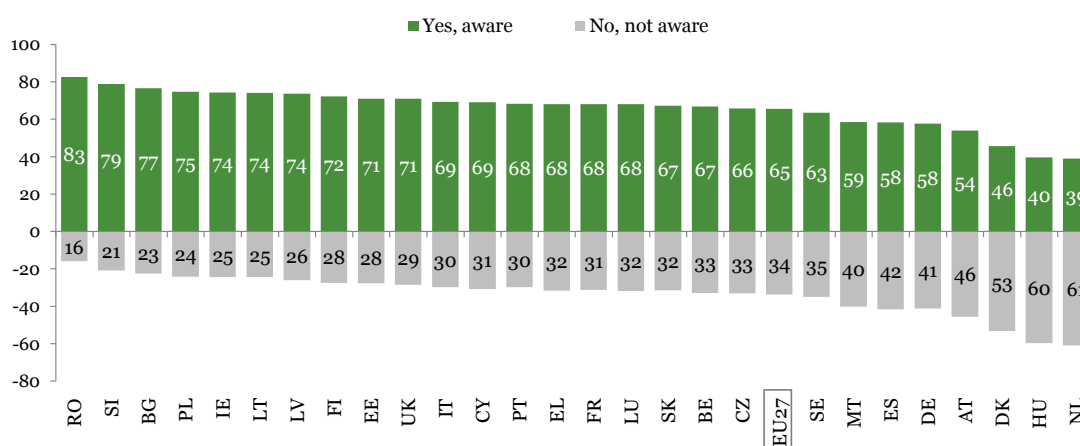
recognizing the State Party's efforts, the UN Committee is concerned that there is no systematic awareness-raising of the CRC and that the level of knowledge about it among children, parents and professions working with children is low. The Committee recommended that the State Party: "...further strengthen its efforts, to ensure that all of the provisions of the Convention are widely known and understood by adults and children alike, inter alia, by including the Convention in the school curriculum and ensure that its principles and values are integrated into the structures and practice of all schools. It also recommends that reinforcement of adequate and systematic training of all professional groups working with children..."<sup>337</sup>

In its 2003 Concluding Observations on *Italy*, the Committee welcomed the efforts made in disseminating the Convention, especially through the National Centre for the Documentation and Analysis of Childhood and Adolescence. As elsewhere, however, the Committee reiterated its concern that dissemination and awareness-raising activities were not always conducted in a systematic and targeted manner. For this reason it recommended that Italy develop further its dissemination programme to children, parents, civil society and all government sectors and levels, including initiatives addressing vulnerable groups. In its 2006 Concluding Observations, the Committee expressed its appreciation for the efforts made by the State party to raise awareness about the provisions of the Optional Protocol. But it also expressed concern that dissemination of information on the subject of the sale of children, child prostitution and child pornography was not carried out in a systematic way and recommended Italy pay "particular attention to its awareness-raising campaigns and to the use of appropriate materials for minors".

### Knowledge among children

According to a Eurobarometer study carried out for the European Commission in 2009, two-thirds (65%) of young people (15–18 years old) were aware that people under 18 enjoy specific rights compared to adults, while one-third (34%) were not aware of this<sup>338</sup>. A majority of EU Member States followed a similar distribution in their awareness of children's rights compared to the EU overall (i.e. two thirds of respondents were aware of the issue versus one-third who were not). The level of awareness of the Rights of the Child was the highest in Romania (83%; 18 percentage points above the EU27 average). Of the other countries in the current study, the figure for Lithuania was 74%, for the UK 71%, Italy 69%, and Sweden – the only one of the study countries below the EU average – 63%.

### Awareness of the Rights of the Child



### Q1. Are you aware that people under 18 enjoy specific rights compared to adults?

The Gallup Organisation (2009) The rights of the child: Analytical report, Flash Eurobarometer 273

337 UN Committee on the Rights of the Child (2008) Concluding Observations on the United Kingdom of Great Britain and Northern Ireland. Paragraph 21

338 It is important to note that rates of awareness among younger children are generally a lot lower in countries where data are available.

Interesting though these findings are, the research unfortunately does not seek to explain them. Perhaps the most surprising finding is the lower level of awareness recorded in *Sweden* compared to some other EU countries. According to the Swedish national study, it has been assumed that one reason for this is that neither children's rights, nor the CRC, are included in any of the syllabuses for the subjects children are taught at school; although several of the syllabuses do deal with rights embraced by the Convention, including the right to participation and the right to be free from discrimination, there is no explicit linking of them to the concept of human rights; instead, the syllabuses talk in more general terms of fundamental values and democratic principles.<sup>339</sup>

Although *Romanian* teenagers have the highest awareness level of child rights in the EU, most of them are pessimistic about the enforcement of these rights – 54% of them said that children's rights are partially protected, or not protected at all. Asked about the problems they may encounter when trying to defend their rights, the most frequent response is that they do not know what steps to follow and who to contact. Eurobarometer's conclusions were confirmed during the focus groups conducted for the national study on Romania; for example, very low awareness of the public structures responsible for children rights was revealed, and children had no knowledge about other aspects of the implementation of the Convention (see box below). This reinforces the need for parents and others in 'authority' to be educated about children's rights too.

The overall EU findings can also be supplemented by more detailed national studies that have been undertaken to assess the extent and depth of knowledge among children about children's rights and the CRC. In *Sweden*, for instance, the Children's Ombudsman has carried out a number of studies in recent years, which show that the level of awareness is low. One survey in 2009 found that no more than roughly 20% of children aged between eleven and fourteen had heard of the CRC.<sup>340</sup> That being said, when asked more direct questions relating to rights which are included in the Convention, the children knew more: *"Children know a lot about what rights children and young people have, but they do not generally connect these rights with the Convention and the Convention's weight as a binding document in international law"*, the Ombudsman elaborated. Another study, highlighted in the government's 2008 communication on child rights policy, showed that only 28% of children aged between ten and fifteen had heard of the CRC, 21% knew what it was about, and 14% felt that they knew enough about the Convention's content.<sup>341</sup>

Similar outcomes have been found in *UK* studies. Several research reports in *England* have shown that the majority of children and young people in England do not know about the CRC. In 2006 a survey carried out on behalf of the English Commissioner revealed three quarters of the participants (11-16 year-olds) were not aware of the CRC.<sup>342</sup> More recently, research by CRAE (the Children's Rights Alliance for England) found that, when asked if they had they heard of the CRC, only 58% of children said 'yes' and only a minority (34%) claimed that they knew a lot about it<sup>343 344</sup>. Research carried out by the *Welsh* Commissioner suggested that only 30% of children are aware of the CRC.<sup>345 346</sup> In Scotland, a consultation

339 Gunnarsson, A., Save the Children Sweden (2008) "If someone violates our rights, we should know that this is not a normal thing", Save the Children Sweden

340 Barnombudsmannen (2009) Att sprida barnkonventionen

341 Regeringen (2008) Skrivelse 2007/08:111, Barnpolitiken – en politik för barnets rättigheter

342 Office of the Children's Commissioner for England Press release (13 July 2006)

343 Children's Rights Alliance for England (2008) What Do They Know? Investigating the human rights concerns of children and young people living in England

344 Research commissioned by the (then) Department for Children, Schools and Families also found a significant lack of awareness of the CRC, with only six per cent of respondents claiming to know 'a lot' about it and 29% saying they knew 'nothing at all'. Willow, C., Franklin, A., and Shaw, S., (2007) Meeting the Obligations of the Convention on the Rights of the Child in England: Children and young people's messages to government

345 Cited in Welsh Assembly Government (2009) Getting it Right 2009 United Nations Convention on the Rights of the Child.

346 The Welsh Assembly Government has recognized that "a range of other studies have also identified varying (but universally low) levels of awareness of rights generally." Welsh Assembly Government (2009) Getting it Right 2009 United Nations Convention on the Rights of the Child. A 5-year rolling Action Plan for Wales setting out key priorities and actions to be undertaken by the Welsh Assembly Government in response to the Concluding Observations of the UN Committee on the Rights of the Child 2008

by the Children's Parliament showed there was little knowledge about the CRC or the concept of rights in general amongst 8-13 year olds.<sup>347 348</sup> In *Northern Ireland*, the 2009 Young Life and Times Survey<sup>349</sup>, found that 62% had not heard of the CRC. Of the 33% who had, only 8% said that they knew a lot about it.<sup>350</sup>

The national studies carried out for this report suggest, however, that these examples from Sweden and the UK are isolated ones. More commonly, little research of this kind has been undertaken at this level. In *Italy*, for instance, no investigations appear to have been carried out nationally to assess levels of knowledge about the rights of children. Young people, professionals and carers (e.g. teachers, judges, parents, social workers, voluntary bodies) give the impression that few in Italy know the contents of the CRC and most are unaware of its existence<sup>351</sup>. However a questionnaire in 2007-08 among about 2,000 young people<sup>352</sup> in five Regions (Campania, Lazio, Lombardy, Puglia and Veneto) revealed that about 90% of the younger group knew their rights and about 80% of these had heard about them from their teachers (73.5% from their parents); only 67% of the older children had heard about them, mainly from their teachers (about 44%) and from TV (about 28%)<sup>353</sup>.

The interviews with children for the national study in *Lithuania* indicate that children's knowledge about their rights is very superficial. They can name just a few CRC rights (usually, the right to education, family and health care), they don't know how to apply the rights in daily life, nor do they know the precise meaning of the rights. Nevertheless, the children were fairly well informed about the municipal institutions responsible for protecting children's rights and where a child could seek help. They had no knowledge of the fact that the State has to submit regular reports to the UN Committee, and that such reports must be made widely available to the public.

*"I think we all know our rights, but the problem is that we don't really have them. Not all the adults take them into account and we can't force them to do so. Some children are never allowed to go out, to play in front of their gate or to come to football, because they have work to do. Do you think that if they would tell their parents that they have the right to play, something would change? No, nothing. They don't care. It's not enough that we know our rights, these must also be respected by others, otherwise they remain like a poem learned in school ... and that's it."*

Child, 13 years, rural area, interviewed for National Study on Romania

## Learning about the CRC in school

Whilst it does not appear that teaching about children's rights is a statutory part of the curriculum in any of the states studied, there are various approaches that are taken to allow for children's rights to be addressed by schools.

Although training on children's rights is not incorporated into the school curriculum in *Lithuania*, the CRC and various child rights topics (and human rights more generally) are incorporated into the General Civic Education Programme. Schools must "...produce informed and active citizens who are aware of their

347 Scottish Executive (2007) A Report on Implementation of the UN Convention on the Rights of the Child in Scotland 1999-2007

348 In research for Youth Link Scotland, 11-16 year olds were asked how much they knew about the CRC: 41% had a degree of knowledge about it, 21% knew hardly anything at all and close to a third (32%) had never heard of it. YouthLink Scotland, Being Young in Scotland 2009 (2009), Available at <http://www.youthlinkscotland.org/Index.asp?MainID=7616> (last accessed 3 June 2010).

349 Based on interviews with 856 16 year olds.

350 ARK. Young Life and Times Survey, 2009 [computer file]. ARK [www.ark.ac.uk/ylt](http://www.ark.ac.uk/ylt) [distributor], April 2010.

351 Benevene P. Le violazioni dei diritti dei bambini e degli adolescenti [www.onuitalia.it/diritto/infanzia/BeneveneCRCeleviolazioni.html](http://www.onuitalia.it/diritto/infanzia/BeneveneCRCeleviolazioni.html)

352 1,134 aged 10-12 and 876 aged 13-17

353 Pidida La parola ai bambini, alle bambine e ai ragazzi che vivono in Italia. Progetto pilota in 5 Regioni, May 2009.

*rights and duties and who are able to participate in the life of ever-changing society*". One of the tasks of civic education is ,...to provide students with knowledge about the documents establishing rights, duties and freedoms of the citizen and promote general understanding of these matters."<sup>354</sup> A lot of information about children's rights is provided by schools: many schools put up posters on children's rights, and organise events.

**An important innovation affecting children's rights implementation was the introduction of the 'Social Pedagogue' position in schools. In the majority of schools, social pedagogues disseminate information on children's rights and the CRC and organise educational activities for children. However, they have to devote most of their working time to children at risk and their family members, and this may lead to their educational role being de-prioritized.**

*National Study on Lithuania*

Pre-school institutions experience the greatest lack of training on children's rights. Professionals in pre-school education have repeatedly expressed their concern about the lack of publications on how to educate pre-school children about children's rights. Furthermore, there is a lack of textbooks and publications for teaching young children about their rights.

In *Romania*, the main role in promoting child rights and the CRC has been played by civil society. In 2006, following Save the Children efforts, children's rights have been included as an optional course in the school curriculum of the 6<sup>th</sup> grade, with the NGO developing the necessary teaching materials. The organisation also aims to increase children's awareness on their rights, carrying out training sessions in schools, national competitions or thematic summer camps. To improve the knowledge of the CRC among children, Save the Children published a child friendly abbreviated version.<sup>355</sup>

The Children's Ombudsman in *Sweden* has expressed the view that it is important for human rights and the CRC to be included in curricula and syllabuses at all levels of school education.<sup>356</sup> In its comments on Sweden's fourth report to the UN Committee, the youth group of the CRC Network also stated the view

that the CRC should be made a compulsory element of the curriculum, and that teaching of the subject should deal with how the CRC is applicable in everyday life.<sup>357</sup>

**In 2010 Parliament adopted a new School Education Act. One of the new elements is a paragraph which establishes that the best interests of the child are to form the foundation of all education. The Act also says that children's views are to be listened to.<sup>358</sup> The proposal for a new national curriculum says that every pupil, by the time they leave school, is to be able to adopt and express consciously ethical standpoints based on an understanding of human rights. Human rights and the rights of the child are to be taught as part of the Civics syllabus. This should lead to an increase in pupils' awareness of these issues.**

*National Study on Sweden*

354 General Civic Education Programme // available online at: [http://www.smm.lt/ugdymas/docs/ISAKI086\\_Bendroji\\_pilietinio\\_ugdymo\\_programa.pdf](http://www.smm.lt/ugdymas/docs/ISAKI086_Bendroji_pilietinio_ugdymo_programa.pdf)

355 [http://www.salvaticopiii.ro/romania/ce\\_facem/programe/promovarea\\_drepturilor.html](http://www.salvaticopiii.ro/romania/ce_facem/programe/promovarea_drepturilor.html)

356 Barnombudsmannen (2009) Att sprida barnkonventionen

357 Nätverket för barnkonventionen (CRC Network) (2008) Rapport från barn, ungdomar och vuxna i Sverige till FN-kommittén för barnets rättigheter i Genève ('Report from children, young people and adults in Sweden to the UN Committee for the Rights of the Child in Geneva')

358 Regeringen (2009) Prop 2009/10:165, Skollag, 2010

At a national level in *Italy*, there is an absence of a specific programme for the dissemination of the CRC. However a pilot project has been launched by UNICEF's Italian Committee with the Ministry of Public Instruction to raise awareness about child rights and the CRC; this should involve about 600 schools, while there are active agreements with about 20 universities to provide multi-disciplinary courses on teaching these rights. The Ministry of Labour and Social Policies intends to publish a brief informational booklet for schools to celebrate the 20<sup>th</sup> anniversary of ratification of the CRC in Italy.

In the *UK*, schools are not required to teach about the CRC. The Education (*Northern Ireland*) Order 2006 includes provision for a revised curriculum; key stage 3 (11-14 year-olds) has a statutory requirement under Local and Global Citizenship to include content on human rights as outlined within international instruments but this will not guarantee that children are taught about the CRC. One of the key priority areas in 'Priority and Plans' (the Northern Ireland response to the 2008 Concluding Observations on the UK) focuses on dissemination, training and awareness-raising about the CRC, which is also welcome<sup>359</sup> but there is a lack of detail on what is planned and how it will build on existing activities. A clear timeframe is also needed along with clarity on what resources will be available

There is no statutory school curriculum in Scotland, although the Curriculum for Excellence describes a range of experiences and outcomes that children should achieve without prescribing specific topics. The CRC is not referenced explicitly but under the 'health and well being experiences and outcomes' it states "*As I explore the rights to which I and others are entitled, I am able to exercise these rights appropriately and accept the responsibilities that go with them. I am able to respect the rights of others.*" There are also opportunities to cover the CRC within other subjects (e.g. religious and moral education).<sup>360</sup> Learning and Teaching Scotland (LTS) a non-departmental public body funded by the Scottish Government are currently producing information on teaching about rights to be placed on the LTS website, and the UNICEF's 'rights respecting schools project' also works in a number of schools. While these developments are welcome much is left to the discretion of the school, and this does not constitute a comprehensive approach to child rights education in schools.

In 2007, research in *Wales* by Funky Dragon with over 8,000 young people revealed that only 8% of young people had been taught about the CRC in school.<sup>361</sup> The revised framework for Personal and Social Education (key stages 1-4 – primary and secondary education ages 5-16 years) makes specific reference to human rights under two of its five key themes - 'active citizenship' where it states that "*learners should explore their rights in a democratic society as underpinned by the United Nations Convention on the Rights of the Child*" and 'sustainable development and global citizenship' where it refers to human rights more broadly.<sup>362</sup> However, the PSE framework is non-statutory and it is the responsibility of schools to implement it. Following a Save the Children mapping exercise which identified gaps in teaching materials, WAG is currently developing resources.

In 'Priorities for Action' (the *England* child rights 'action plan') the (then) Labour Government committed to raising awareness of the CRC in *England* through a number of initiatives so that children could learn about their rights in school: through citizenship lessons teaching rights and responsibilities, the development of curriculum resources and the Rights Respecting Schools initiative. The Ministry of Justice and the British Institute of Human Rights (an NGO) published key stage 3 teaching resources for citizenship education in 2008 on human rights and a series of lessons plans on the CRC were developed

359 Office of the First Minister and Deputy First Minister (2010) UNCRC – Northern Ireland Priorities and Plans

360 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

361 Funky Dragon (2007) Our Rights: Our Story

362 Welsh Assembly Government (2008) Personal and social education framework for 7 to 19-year-olds in Wales



by CRAE as part of this resource.<sup>363</sup> The ‘Get Ready for Geneva’ children’s report to the UN Committee recommended that Government make the CRC a compulsory part of the school curriculum.<sup>364</sup>

### Professional training and information for parents

Following the enactment of Law no. 272/2004 in *Romania* on the rights of the child, the former National Authority for the Protection of Child Rights developed comprehensive training and information activities for those working with children. With UNICEF support, the Authority developed a comprehensive manual for the implementation of Law 272, and six additional manuals for various professional groups working with children (e.g. teachers, medical personnel, social workers, judges and prosecutors, priests and police officers). In addition, every year Save the Children organises accredited “Child Rights” training for teachers, and training for specialists and parents are conducted as well<sup>365</sup>.

With financial support from the EU, NAPRC launched a campaign “Children’s rights are law!” (2005-2006) with three components: informing the public (especially the promotion of the right to education, identity, expression and protection from abuse); training of professionals (over 1,800 participants at the national level in all relevant professional groups); and activities related to national and international media. In 2006-07, under the slogan “You too can be a better parent”, NAPRC carried out a new campaign which aimed to increase parental responsibility<sup>366</sup>. NAPRC positive efforts for training professionals and promoting legislation, although very necessary, have proven hard to sustain. Such training is currently lacking, although this field involves a relatively high turnover of personnel and is based on legislation which requires periodic refresher courses.

*National Study on Romania*

In *Sweden*, quite a lot of information material relating to the CRC exists, addressing varying target groups (public bodies, municipal and regional authorities, parents, schools, children etc.). But in spite of this, there is a shortage of practically oriented material that gives clear and concrete guidance on how the Convention can be used in real, everyday situations. A further area where there is a shortage is up-to-date information on how to work to strengthen children’s democratic participation.

In 2010 the Government gave the Children’s Ombudsman a SEK 2 million (€222,840) grant to finance the production and distribution of information materials for parents and parents-to-be on children’s rights.<sup>367</sup> The materials are to focus especially on the relationship between children and their parents, and may also cover children’s right to protection from violence, including corporal punishment<sup>368</sup>. The Children’s Ombudsman also disseminates information to public bodies and municipal and regional authorities. Various kinds of material have been produced for this purpose over the years<sup>369</sup>.

*National Study on Sweden*

363 British Institute of Human Rights and Ministry of Justice (2008) Right Here, right now: Teaching citizenship through human rights

364 Cited in Children’s Rights Alliance for England (2008) What do they know? Investigating the human rights concerns of children and young people living in England

365 [http://www.salvaticopiii.ro/romania/ce\\_facem/programe/promovarea\\_drepturilor.html](http://www.salvaticopiii.ro/romania/ce_facem/programe/promovarea_drepturilor.html)

366 Romanian Government, Romania and UN Convention of the Rights of the Child – The 3rd and 4th Periodical Report, 2007, pg. 26-28.

367 Regeringen (2009) Prop 2009-2010:1, Budgetpropositionen, utgiftsområde 9

368 In 1979 Sweden was the first country in the world to make the physical punishment of children illegal. Studies carried out since then show that the proportion of children who have at some time been beaten at home has fallen considerably. However, the most recent (2006) study indicates that the incidence of physical punishment is no longer continuing to fall, and in some respects appears to be on the increase. The Government therefore feels that it is important that there is information to help parents develop relationship of respect with their children.

369 Eg. Information on how auditing can be used as a tool for promoting children’s rights, how to undertake child impact analyses, what can be done to promote the democratic participation of children and young people.

In 2009 the Children's Ombudsman was instructed by the government to draw up proposals for a strategy for promoting the development of knowledge relating to the child rights perspective. Responses from higher education institutes to an Ombudsman questionnaire<sup>370</sup> showed that all the core courses bar three for student teachers, police, nurses and social workers cover the CRC; however, shortage of time and insufficient knowledge among lecturers were factors which lead to the courses not providing students with enough knowledge and understanding of how, after graduation, they can use the CRC as a practical tool in their work. The Children's Ombudsman therefore suggested that the Government should direct the National Agency for Higher Education to look at ways of increasing the emphasis given to the CRC in the degree syllabuses<sup>371</sup>.

Although the state in *Lithuania* encourages initiatives to disseminate information about children's rights and the CRC, these activities are fragmented and inconsistent. Knowledge of children's rights is generally poor, even among those working with children. Although children and adults are provided with information on children's rights and the CRC, there is a lack of training that would help them understand what children's (and human) rights mean in everyday life, and what their practical implementation means. At present, training is mostly available to professionals working with children or in the areas of children's rights (e.g. social workers, social pedagogues, child protection staff), but there is a lack of training in other areas (e.g. for health care professionals, lawyers, police officers). There is practically no training for children themselves, except for a few topics in civic education classes (and sometimes during other classes upon the initiative of teachers).

The main role in dissemination of information is played by NGOs, who: prepare and publish information on children's rights and the CRC; organise training and lectures for children, parents (and legal guardians), and professionals; and organise public events (e.g. around the CRC anniversary every year). However, the national study found that NGOs do not receive sufficient support (both financial and organisational) from the governmental for these activities.

As in other parts of the *UK*, there is concern in *Wales* that teachers sometimes lack expertise and confidence to teach children about rights and do not currently receive sufficient training to address this gap. A 2007 study commissioned by Save the Children to assess the level of knowledge of the CRC revealed that across professions there is uncertainty about what is really meant by children's rights. Often within youth work and in children and young people's partnerships there is a focus on the importance of Article 12 whilst broader understanding of the CRC is neglected.<sup>372</sup> WAG has subsequently awarded a grant to Save the Children to develop and deliver training on the CRC; the programme is currently focusing on professional groups, child care workers and school liaison officers. The CRC is not yet included in statutory training for professionals working with children<sup>373</sup>.

The Rights, Policy and Implementation team is undertaking activities to increase awareness of the CRC across government departments. WAG has also committed to using its new Parenting Strategy for Wales to help raise awareness of the CRC among parents.<sup>374</sup>

---

Barnombudsmannen, 2007, and undated fact-sheets.

370 Barnombudsmannen (2009) Att sprida barnkonventionen

371 In 2008 the Government instructed the Agency to examine the extent to which human rights issues were included in higher education degree programmes. A subsequent Agency study, while it showed that human rights did feature in most of the vocationally-oriented programmes, also identified a number of problems (eg. no development in lecturers' competence in the field of human rights).

372 Milne, B., (2007) Who is disseminating information on the United Nations Convention on the Rights of the Child in Wales? Unpublished scoping study for Save the Children

373 However the Children and Young People's Workforce Development Network in Wales is currently consulting on a draft Children and Young People's Workforce Strategy, which includes awareness raising of the CRC as does the associated Common Core of Skills, Knowledge and Understanding, which will apply to all professionals working with children and young people.

374 Welsh Assembly Government (2009) Getting it Right 2009 United Nations Convention on the Rights of the Child.

Funky Dragon (2007) Our Rights: Our Story

In *Northern Ireland*, the NICCY review found that knowledge of the CRC varied widely among professionals working with children. Alarmingly, there was widespread misunderstanding of children's rights, with the view commonly expressed that rights should not be automatically afforded to children and young people, but rather be dependent on them fulfilling civic responsibilities.<sup>375</sup>

During the development of the 10 Year Children's Strategy civil servants received training on the CRC delivered by Save the Children and the Children's Law Centre. NICCY has also delivered training on children's rights to civil servants and the text of the CRC has been distributed to almost 4,000 personnel across government departments. Organisations have also received grants from government to deliver training on the CRC to professionals who work with children however these grants tend to be on a one-off basis for particular groups of professionals, which will not guarantee that all professionals receive adequate and ongoing training on the CRC.

In *Scotland*, the CRC features in training for many professions working with children such as teachers, social workers and nursery staff<sup>376 377</sup>. However, Together has concluded that *"Despite areas of success like these the overall view is that training is still extremely patchy."*<sup>378</sup> The Scottish Government admits that despite an amount of training for professionals *"it is clear it does not always translate effectively into day to day practice"*<sup>379</sup>. It has no plans to introduce mandatory training though it intends to identify gaps in practice and consult training providers and professional groups.<sup>380</sup> It has also pledged to *"work with local government colleagues to consider how they can help promote understanding and awareness of the UNCRC at a local level"*<sup>381</sup>.

There is no standard route whereby parents receive information about children's rights. However the CRC is referred to issue-specific information such as the Charter for Children, booklet on physical punishment, and in other publications and leaflets that go out to parents. Commendably the Scottish Government is committed to working with internal and external colleagues to develop information on children's rights that will appeal to parents.

Much more needs to be done in *England* to ensure that all professionals working with children are aware of the CRC, although recently there have been some positive developments<sup>382 383</sup>. There are few resources on the CRC specifically aimed at parents. There is some information on the CRC for parents on the Government's website ('Direct Gov'), but surprisingly no information on the CRC is included in the section for young people.<sup>384</sup>

## Raising awareness

Since the CRC was ratified by *Sweden* a wide array of initiatives have been carried out to disseminate awareness of it. For example, in the 1990s the state financed large-scale projects by NGOs to train CRC

375 Northern Ireland Commissioner for Children and Young People (2008) *Children's Rights: Rhetoric or Reality. A Review of Children's Rights in Northern Ireland*

376 E.g. The Standard for Initial Teacher Education and the Standard for Full Registration emphasises the importance of the CRC and requires prospective teachers to demonstrate respect for children's rights.

377 There are also a few areas in the professional education of health care professionals and police officers which include the CRC or human rights generally.

378 Together (2010) *State of Children's Rights in Scotland*

379 Scottish Government (2009) *Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child*

380 Ibid.

381 Ibid.

382 E.g. The Children's Workforce Development Council has adopted the CRC to underpin its work and the Common Core of Skills and Knowledge (that everyone who works with children and young people is expected to have) refers to the CRC alongside other relevant legislation. The Common Core is being embedded in initial and continuing professional training.

383 UK Government (2008) *The Consolidated 3rd and 4th Periodic Report to the UN Committee on the Rights of the Child*

384 [http://www.direct.gov.uk/en/Parents/ParentsRights/DG\\_4003313](http://www.direct.gov.uk/en/Parents/ParentsRights/DG_4003313)

publicity officers, inform municipal authority employees about the CRC, and so on. NGOs also launched their own initiatives, for example to increase children's and young people's knowledge of the Convention. This kind of large-scale campaign is now a thing of the past, as the CRC is assumed to be fairly well known – although the CRC Co-ordination Office at the Ministry of Health and Social Affairs still carries out special campaigns<sup>385</sup>. Questionnaire-based surveys sent to bodies such as municipal authorities show that more and more people are aware of the CRC. The problem, though, is in moving from awareness to practical implementation.

In terms of disseminating Sweden's report to the UN Committee, the Government Offices website includes a Swedish-language version. On one occasion, the CRC Co-ordination Office commissioned a child-friendly version of the report. Although the Committee's Concluding Observations are to be translated into Swedish, Save the Children Sweden is generally quicker at getting a translation done, so that is the translated text used.

Despite the fact that knowledge of the CRC in *Italy* appears widespread at an institutional level, and also in general at the level of public opinion, in reality this knowledge is limited to "knowing that the CRC exists" without having a full understanding of its contents and the actions that would be required to achieve its full implementation. The Government's Report to the UN Committee indicates that dissemination of the CRC and Optional Protocols is an activity the Government tends to "delegate" to third sector associations – often with the help of public financing – and believes it should be carried out by UNICEF's national section and local committees<sup>386</sup>. In Italy there is no body specifically tasked with carrying out this kind of activity, although the National Centre for the The National Observatory on Childhood and Adolescence partially carries out this function by gathering and publishing research studies and a publications bulletin on children<sup>387</sup>.

The Inter-ministerial Committee for Human Rights (CIDU) has stated this it may make available all the documents relevant to Italy's reporting process to the UN CRC Committee, however as yet CIDU does not have its own website, nor does it have its own page on the website of the Ministry of Foreign Affairs. The Italian NGO Group for the CRC has gathered together all of the documents relating to the monitoring of the CRC's implementation in Italy in a special section of their web site. However, it does not seem that these documents have been sufficiently disseminated and political debate has not been stimulated by this process. The young people consulted also did not know about the monitoring system or the documents produced, and there are currently no child friendly versions available.

Research shows that children's rights and the CRC receive substantial attention in *Lithuania*. Both the Government and NGOs organise initiatives for raising awareness, however the activities are one-off, inconsistent and unsystematic. One of the most important achievements is the annual selection of NGO projects to implement the provisions of Article 42 of the CRC. Currently, it is the only such programme intended for the dissemination of specific information on children's rights and the CRC. Apart from this, there is a lack of publications on children's rights, and in particular publications to teach children and adults about the Convention and children's rights. The media also does not show sufficient interest in children's rights.

In *England*, It is not yet clear how the Coalition Government intends to raise awareness of the CRC. The former Labour administration did not develop a comprehensive strategy to ensure greater awareness of the CRC among children, parents and professionals. Nor did it produce children's versions of the CRC,

---

385 E.g. Granting additional funding to NGOs and the Children's Ombudsman to enable them to distribute information material, especially to schools, on the twentieth anniversary of the Convention.

386 Government of Italy (2009) Third-quarter Government Report "Diritti in crescita" chapter I par: 7.

387 Art. 3 par: 2 g DPR 103/2007.

the Concluding Observations or the Government's report to the UN Committee (although children's NGOs have produced these materials). It had, however, provided funding towards UNICEF UK's 'Rights Respecting Schools' Programme – a project to encourage schools to embed the CRC in their ethos. The Children's Commissioner also held an event to mark the 20th anniversary of the CRC.

The *Scottish* Government has said that because it is not under a statutory duty to disseminate information about the CRC, until recently little has been done to raise awareness. The Government has no plans to develop an awareness raising strategy<sup>388</sup> but there are some positive initiatives in relation to general dissemination. A number of children's versions of key documents have been produced and disseminated widely in recent years.<sup>389</sup>

Information and resources on the CRC and the Reporting Process in *Northern Ireland*, including the consultation which took place with children and young people, are available on the OFMDFM (Office of the First Minister and Deputy First Minister) website.<sup>390</sup> During the last reporting process, the Government produced a summary of the Northern Ireland Report on the CRC<sup>391</sup> and in partnership with NICCY and the Children's Law Centre a children and young people's version of the 2008 Concluding Observations<sup>392</sup> (aimed at older children) was published and distributed through NGOs and at workshops. The Executive has also undertaken some specific initiatives to promote understanding and awareness of the CRC in primary<sup>393</sup> and secondary schools<sup>394</sup>.

### Raising awareness in Wales

The Welsh Assembly Government has a large number of activities currently underway to raise awareness of the CRC. A very positive aspect of the Rights of Children and Young Persons (Wales) Measure is the direct duty on Welsh Ministers to *"take such steps as are appropriate to promote knowledge and understanding amongst the public (including children)"*<sup>395</sup> of the CRC and its Optional Protocols.

Uniquely in the UK, WAG is working with communication officials to develop a comprehensive and cross-cutting approach to marketing and communication around the CRC and work is underway to ensure that all policy and strategy relating to children and young people is clear on how it contributes to implementing the CRC.

A national children's rights conference, funded by WAG was held in March 2009 with one of its objectives being to raise awareness of the CRC and the Concluding Observations. WAG has also committed to holding a national children's rights conference each November to celebrate children's rights day.

388 Scottish Government (2009) Do the Right Thing: A Response by the Scottish Government to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

389 E.g. A young person's version of 'Do The Right Thing', a young person's guide to the CRC (produced with SCCYP), 'Are we there yet?: A report on the CRC in Scotland for under 12s' and 'The UNCRC Explained' (for 12 – 18 year olds). All of these documents are available on the Scottish Government website.

390 <http://www.ofmdfmi.gov.uk/index/equality/children-young-people/un-convention-on-the-rights-of-the-child.htm>

391 Office of the First Minister and Deputy First Minister (2008) Northern Ireland Report on the United Nations Convention on the Rights of the Child (UNCRC) Young people's summary

392 Office of the First Minister and Deputy First Minister (2008) UN Convention of the Rights of the Child UN UK Concluding Observations 2008 version for children and young people

393 A resource called the 'Spin Wheel' has been developed for primary school children to learn about their rights along with a teaching resource to assist teachers and other professionals. Office of the First Minister and Deputy First Minister (2008) Children's rights – A Guide for teachers and facilitators

394 Office of the First Minister and Deputy First Minister (2008) Our Children and Young People – Our Pledge Action Plan 2008-2011

395 Section 5 Proposed Rights of Children and Young Persons (Wales) Measure section



On the 20th anniversary of the CRC WAG held an event at The Senedd (the National Assembly for Wales), which attracted wide-spread media coverage where a CRC Raising Awareness Toolkit was launched. This includes workshop materials for both children and young people, parents and carers and adults working with children and young people.<sup>396</sup> There is a commitment to develop and improve the Toolkit based on feedback received. The toolkit is available to download on the Lets Get it Rights website which contains information on human rights more broadly, a children and young people's version of the CRC, a game to learn about rights and children's versions of the Concluding Observations and 'Getting it Right 2009'.<sup>397</sup> Information on the CRC is also available on the CLIC website – the National Information and Advice Service for young people.

New resources on the CRC and Concluding Observations have recently been made available in Braille, audio, British Sign Language and in Welsh. WAG is committed to producing the documents in other languages if there is demand. This is an extremely positive development and WAG is the only Government in the UK to do produce materials for different groups of children

Over Autumn/Winter 2009, WAG launched a competition to raise awareness of the CRC. Children and young people were asked what the Assembly Government could do to make the CRC a reality for children in Wales. The Government is currently considering using the entries as a basis for a publication.

*National Study on the UK*

### The situation at local level

*Italy:* The majority of the Regions<sup>398</sup> claim to have contributed to the dissemination of the rights ratified by the Convention and its Optional Protocols through the organisation of meetings/ seminars, awareness-raising campaigns, training/refresher courses, school activities and through projects aimed at particularly vulnerable children<sup>399</sup>. In Emilia Romagna such activity has mainly been carried out by the NGO 'CAMINA' (Child Friendly Cities association); in Lombardy this takes place during annual demonstrations on and around the 20th of November, and through a page dedicated to 'children' on the region's website; in Lazio dissemination takes place through publications, conferences, regional websites and call centres established through local healthcare agencies.

The respondents at regional level interviewed for the Italian national study said that: they had not carried out information or awareness-raising activities on the rights contained in the CRC (Social Policies Departments – Lazio Region); they were not in a position to guarantee that the whole community could know and be aware of the CRC's contents (Sicily and Emilia Romagna), or attributed responsibility in this area to the Municipalities (Emilia Romagna). An exception was Lazio Region's Ombudsman for children who maintained that he was capable of fulfilling this task, through its website and the dissemination of press releases. The lack of human and/or economic resources to devote specifically to dissemination was identified (in Lazio, Lombardy, Emilia Romagna, Municipalities of Catania and Roma) as the main obstacle hindering implementation.

396 Welsh Assembly Government and European Social Fund (2009) Let's Get it Right A Toolkit to support the Awareness Raising and Promotion of the United Nations Conventions on the Rights of the Child <http://www.uncrcletsgetitright.co.uk/toolkit.aspx>

397 <http://www.uncrcletsgetitright.co.uk/>.

398 Except Calabria, Campania, Sardinia and Sicily, which did not supply information on this subject in the national study.

399 E.g. foreign minors and those from countries more recently acceded to the EU (Marche, Friuli Venezia Giulia, Autonomous Provinces of Trento and Veneto), children with a disability (Emilia Romagna), Roma children (Lombardy) children in juvenile detention (Piedmont, Puglia and Tuscany), and homeless children (Val d'Aosta).



However, the Municipalities consulted, as well as the National Italian Association of Municipalities, stated that they were not in a position to be able to guarantee knowledge of the CRC at a local level (Catania, Rome), or they did not put specific actions into effect for the dissemination of the CRC (Bologna). Only the Municipality of Milan responded in a positive manner, citing the opportunity provided by the funds derived from the implementation of Law no. 285/1997.

*Romania:* In 2007, the Directorate General for Social Work and Child Protection (DGSWCP) from 41 counties and from District 1 of Bucharest carried out information seminars addressed to the decision makers from the county (local) level<sup>400</sup>. Interviewed for the national study, representatives of the DGSWCPs mentioned that they have been promoting children rights through: information projects (sometimes in partnership with other institutions such as schools or the police), special events in schools or by displaying information on their premises. DGSWCP Iasi, in partnership with the County School Inspectorate and the local Association for the Development of Social Programs, developed the campaign “Have you heard about the protection of children’s rights?” which aimed to inform pupils in 27 schools and high-schools about the DGSWCP’s activities and to identify the information needs of children.

*Lithuania:* At the local level, as at the national level, the attitude is common that children know too much about their rights, and not enough about their duties. There is no clear strategy for awareness raising about children’s rights, and the Convention is not properly understood. This is partly due to lack of resources in the Divisions for the Protection of Children’s Rights, made more acute by staff reductions as a result of the financial crisis. The absence of a strong civil society in Lithuania is also a factor. Nevertheless, in some municipalities, there are community initiatives to promote understanding of children’s rights<sup>401</sup>. *National Study on Lithuania*

Representatives of the Divisions for the Protection of Children’s Rights said that the media does not show sufficient interest in children’s rights – most often they address children’s rights when prominent incidents and scandals take place. Hardly anyone writes about the good practices and successful cases, or about children’s rights and the CRC in general.

*Sweden:* In the municipal authority of Partille, politicians and senior civil servants are familiar with their CRC strategy as a result of courses having been provided. There are however some teachers who are still not aware that the municipality has a strategy. None of the other three municipalities covered by the Swedish national study have carried out any major initiatives aimed specifically at increasing awareness of the CRC, but the Malmö authority is planning to provide training for politicians and civil servants in autumn 2010, perhaps in a joint initiative with Save the Children. As for the situation in schools, Save the Children volunteers working on projects at schools said that teachers are interested in working on the CRC in the classroom, but often do not have the time or competence required. The national study also suggested that knowledge of the CRC is also fairly limited among school pupils.

### **Save the Children recommend:**

- All governments, together with regions and local authorities, need to develop comprehensive CRC awareness raising strategies that are sustainable and include the whole of society. This should include the allocation of adequate resources and the identification of relevant bodies to take the lead at each level.
- Education about children’s rights and the CRC should be a requirement of pre-school, elementary

400 Romanian Government, Romania and UN Convention of the Rights of the Child – The 3rd and 4th Periodical Report, 2007

401 E.g. In Jurbarkas municipality, Jurbarkas Education Centre carried out research to find out how much children knew about children’s rights.

and secondary education programmes. New curricula and syllabuses on children's rights should be developed where necessary, together with appropriate teaching materials for different age groups.

- Braille, audio and sign language versions of the CRC should be developed for children with disabilities.
- All professionals working with and for children – including teachers, social workers, youth workers, child care staff, legal practitioners, the police, health care staff - must receive statutory, comprehensive on-going training on the CRC. Compulsory course modules on children's rights should be introduced in all vocationally oriented higher education programmes for occupations involving work with or for children.
- Governments should ensure that material on the CRC and methods for reaching out to a range of audiences, especially parents, are developed.
- All media should be encouraged to develop and promote positive attitudes towards children's rights and the CRC, through training and the provision of appropriate guidelines.<sup>402</sup>

---

<sup>402</sup> The UN Committee devoted its 1996 Day of General Discussion to the issue of "The child and the media". The recommendations from that day can be found in the document CRC/C/15/Add.65

## 4. Recommendations

### National law and the UN Convention on the Rights of the Child

- Where they have not done so, national governments should incorporate the CRC into national law at the earliest opportunity. Devolved, regional and local administrations and public authorities should also ensure effective CRC incorporation within their respective legislative frameworks.
- All governments should undertake regular reviews of legislation to ensure full compatibility with the CRC, and to identify and close any existing gaps in the legislative framework.
- Public authorities should pay particular attention to ensuring that the general principles of the Convention (i.e. non-discrimination [Article 2], the best interests of the child [Article 3], survival and development [Article 6], and child participation [Article 12]) are adequately reflected in legislation, policy and practice at all levels.

### Development of National Strategies and National Action Plans

- All governments should ensure that National Strategies for Children's Rights, covering all the rights of the CRC, are in place, accompanied by concrete Action Plans for implementation. The Action Plans should include measurable objectives, designated institutional roles, specific timetables, allocated resources, and identified monitoring and evaluation mechanisms.
- Regional and local authorities should develop Strategies and Action Plans for children's rights, in line with National Action Plans that exist and the specific local circumstances faced by children. Sufficient financial and human resources need to be allocated.
- Children as well as child rights NGOs should be involved in drawing up the national, regional and local Strategies and Action Plans. The Strategies and Action Plans should be reviewed on a regular basis to ensure that they cover all areas relating to children and all aspects of the CRC and set out how the state will fully address the Concluding Observations of the UN Committee.

### Co-ordination of implementation

- Structures should be established at the heart of government, to ensure effective co-ordination of CRC implementation at national, regional and local level. Both horizontal and vertical coordination measures, that include all levels of the governing structures in the country, should be established. Whatever mechanism is used, it must have adequate authority and sufficient financial and human resources.
- Given the wide range of models that exist for coordinating CRC implementation, further research should be conducted to explore the effectiveness of different mechanisms in different national, regional and local contexts.

### Monitoring implementation

- Governments should ensure that a unified and coherent system and supporting structure is in place to monitor the implementation of children's rights, covering national, regional and local levels. Monitoring must include all of the CRC and be performed regularly, consistently and systematically. Adequate resources must be allocated.
- User-friendly child impact assessment tools must be developed for all levels of government and parliament to ensure that child rights impact assessments are carried out on existing and proposed legislation and policy affecting children, either directly or indirectly.
- Structures should be established and appropriate methodologies developed at national, regional and local levels to involve children effectively in monitoring CRC implementation.

### Data-collection and indicators

- Working with key stakeholders (e.g. statistical offices, research bodies, NGOs, children), all governments should develop a clear set of child rights indicators including all rights set out in the CRC. Consideration should be given to what has been done at European and international level. Data should be collected to assess the situation of children across the country, both at national, regional and at local level, to make monitoring of CRC implementation possible. Analysis of the collected data and the monitoring should be used when developing new legislation, policy and practice at all levels.
- Government departments (at national, regional and local level) and statistical offices should ensure that data on children is disaggregated appropriately to reveal the circumstances and perspectives of particular groups of vulnerable children, as well as for all children, in order to inform effective monitoring of CRC implementation.
- Data collection should also include the views of children as far as possible and efforts should be strengthened at national, regional and local levels to share good practice regarding child participation in data collection.
- All governments should publish an annual assessment of the state of children's rights in the country (including both quantitative and qualitative information). The data in the annual assessment should be disaggregated to local level. Governments should ensure that such a report is debated in Parliament and in regional and local assemblies, and disseminated widely.
- The allocation of resources to the development of child rights data collection and indicators requires strengthening at all levels.
- There is a need to improve coordination and collaboration between all agencies involved in data collection.
- Staff training initiatives must be developed to ensure a common methodological approach to the collection of data and information about children.

### Making children visible in budgets

- All governments should strive to assess spending on children with an accompanying analysis at national, regional and local government levels with a view to ascertaining how effectively children's rights are being implemented. This is important for a proper monitoring of CRC implementation, quality decision making and to ensure non-discrimination.
- Opportunities should be developed for governments and other stakeholders to exchange experience around child budgeting, both within and between states. Tools for budgetary analysis (e.g. the guides developed by Save the Children UK<sup>403</sup> and by the Swedish Children's Ombudsman) provide the basis for practical models for making children more visible in budgets, and should be used by states.
- Governments should explore ways to develop mechanisms to allow for participatory budgeting, so that the voices and perspectives of all key stakeholders (including children) can be heard, in particular at local level.

### Co-operation with civil society

- Governments (at national and local level) and NGOs, including children's organisations, should work together to define the purpose of, and most appropriate forms for, dialogue and co-ordination in relation to implementation of the CRC. Mechanisms for ongoing collaboration with civil society, and community consultative structures, should be strengthened.
- Government bodies (at national and local level) should develop their capacity to consult with children on the implementation of the CRC and should better integrate child participation in their work. The experience of Children's Ombudsman/Commissioners for Children and NGOs may provide sources of knowledge and inspiration in relation to ways of developing child participation.

---

403 See Save the Children UK (2009) *Children's Budgeting at the Local Level*

- Parliamentary bodies should foster the participation of children and young people in hearings, inquiries, and draft bills relating to issues that affect them.

### **Independent human rights institutions**

- All governments that have not yet established a National Human Rights Institution for Children should do so. All governments must ensure that such an institution is established by law and complies fully with the Paris Principles<sup>8</sup> and General Comment No. 2 to the CRC.
- All governments must ensure that the National Human Rights Institution (NHRI) for Children is independent, has the general function of protecting and promoting children's rights and is responsible for all children in their jurisdiction. The NHRI for Children should have the competence to receive and investigate individual complaints from children. Sufficient human and financial resources should be accorded to the NHRI for Children so that it is able to carry out its functions effectively.
- In states where local Ombudsmen/Commissioners for children and young people have not been established, official inquiries should be undertaken to explore the potential role and mandate of such Offices, and their potential relationship to any National Human Rights Institution for Children.
- Children and young people should be given more concrete and clear information about the role and function of the National Human Rights Institution for Children.

### **Information and awareness-raising**

- All governments, together with regions and local authorities, need to develop comprehensive CRC awareness raising strategies that are sustainable and include the whole of society. This should include the allocation of adequate resources and the identification of relevant bodies to take the lead at each level.
- Education about children's rights and the CRC should be a requirement of pre-school, elementary and secondary education programmes. New curricula and syllabuses on children's rights should be developed where necessary, together with appropriate teaching materials for different age groups. Braille, audio and sign language versions of the CRC should be developed for children with disabilities.
- All professionals working with and for children – including teachers, social workers, youth workers, child care staff, legal practitioners, the police, health care staff - must receive statutory, comprehensive on-going training on the CRC. Compulsory course modules on children's rights should be introduced in all vocationally oriented higher education programmes for occupations involving work with or for children.
- Governments should ensure that material on the CRC and methods for reaching out to a range of audiences, especially parents, are developed.
- All media should be encouraged to develop and promote positive attitudes towards children's rights and the CRC, through training and the provision of appropriate guidelines.<sup>404</sup>

---

<sup>404</sup> The UN Committee devoted its 1996 Day of General Discussion to the issue of "The child and the media". The recommendations from that day can be found in the document CRC/C/15/Add.65

# Annex I: Executive summary

## Introduction

### **Implementing the UN Convention on the Rights of the Child**

The 1989 UN Convention on the Rights of the Child (CRC) and its Optional Protocols (on the involvement of children in armed conflict [2000], and on the sale of children, child prostitution and child pornography [2000]) enshrine a clear set of principles and standards to realise a positive vision for child rights, where children are seen not only as passive recipients of protection, but also as active contributors to society. Encompassing civil, political, economic, social and cultural rights, the CRC provides a comprehensive framework against which to evaluate existing and proposed legislation, policy, and institutional structures.

The CRC has been ratified by almost all states. This reflects that there is a universal commitment to respect, protect and fulfil the rights of the child. However the act of ratification alone does not automatically ensure that the rights of the child are implemented. The CRC should be seen as a dynamic tool for the development of a comprehensive and coherent approach to implementing children's rights by all the key stakeholders – including central and local government, NGOs and other groups and individuals working with children, as well as children themselves. What is needed is the political will to translate the principles and standards of the Convention into practical action at community, national, regional and international levels.

To assist states in fulfilling their obligations, the UN Committee on the Rights of the Child (referred to below as the UN Committee), the monitoring body for the CRC, has elaborated General Comments that should help states in the interpretation and implementation of the provisions and principles of the CRC. This report focuses on the General Comment No.5 'general measures of implementation'<sup>405</sup> (GMI).

### **What are the general measures of implementation and why are they important?**

The general measures of implementation (GMI) are the key cross-cutting measures required to implement all the rights in the CRC and are based on article 4, 42 and 44 para 6 of the CRC. The GMI are intended to promote the full enjoyment of all rights in the Convention by all children, through legislation; the establishment of coordinating and monitoring bodies; comprehensive data collection; awareness-raising, training and the development and implementation of appropriate policies, services and programmes. According to General Comment No.5, the emergence of initiatives and mechanisms such as these *'indicates a change in the perception of the child's place in society, a willingness to give higher political priority to children and an increasing sensitivity to the impact of governance on children and their human rights'*. These initiatives and mechanisms are addressed in more detail below.

### **About this report**

This report brings together evidence from national studies carried out in *Italy, Lithuania, Romania, Sweden* and the *UK* by Save the Children organisations. A separate report has been written on the EU institutional context. By identifying trends and patterns between and within states, the report helps to shed light on

---

<sup>405</sup> General Comment No 5 (2003). UNCRC/GC/2003/5, 27 november 2003.



the various ways in which the CRC is being understood and implemented at all levels. Highlighting good examples of progress from other countries will also contribute to the sharing of experiences between countries, both EU and non EU Member States, and can be used as models for the work of EU institutions on the rights of the child.

The five national studies which this report is based on were conducted between March and October 2010 using a common methodology. The main components were: desk studies of documents and statistics, and web searches; semi-structured interviews with key stakeholders (e.g. civil servants, independent human rights monitors, 'technical' experts, NGOs) at national and local levels; visits to four municipal/local authorities in each country; interviews/focus groups with children and young people; and analysis of the information collected in the research, identifying examples of good progress and formulating conclusions and recommendations.

### **Intention of use**

We would like you, not only to use this document as a source of information, but rather as a base for discussions, for example, between NGOs and national and local Governments. How far have you come? What is left to do? What will be your next priority area to make progress on? How will it be done? Who will do it? What resources will you need? When the progress is achieved how will you sustain it?

### **Different attitudes and policy responses to children's rights**

There are considerable similarities, but also considerable differences, between European countries, and any transnational comparisons have to be set in appropriate context. All the countries in this study are EU Members and have ratified both the UN Convention on the Rights of the Child and its Optional Protocols. However attitudes to children's rights differ greatly both between and within states, affecting the ability of governments and other stakeholders to implement child rights policies and practices. Whereas in *Sweden*, for example, support for children's rights has traditionally been strong, in *Lithuania* many people believe that emphasizing children's rights restricts the ability of adults to educate, raise, and discipline children as they see fit. In relation to the *UK*, the UN Committee has raised concern about the general climate of intolerance and negative public attitudes towards children, especially adolescents, which it has suggested may be often the underlying cause of further infringements of their rights. In *Italy*, issues in relation to children are often considered primarily within the framework of family policy, and focus on the child as an independent subject is therefore lacking. In *Romania* children are understood not from the broad perspective of their rights, but from the child protection need, therefore child rights are mainly interpreted in terms of social work.

Although the emphasis of policy responses also varies considerably, many common obstacles remain to the development of effective child rights approaches. *Sweden's* approach reflects that in other Nordic countries, with a strong focus on gender equality, female labour market integration, and particular attention paid to children's rights. In the liberal/neo-liberal *UK*, there is a long-standing emphasis on individual responsibility, means-tested support, and market-orientated intervention, but more recently there has been a strong focus on tackling child poverty. *Italy* shares similarities with other Mediterranean countries in its emphasis on family rather than child rights policy and a significant degree of responsibility devolved to regional and/or local level. Whilst the post-socialist countries, including *Romania* and *Lithuania*, have followed a variety of paths, they have all tended to move towards greater emphasis on family responsibility and child welfare (rather than child rights), coupled with weak state intervention and funding. In *Romania*, for instance, the accession to the EU was a major driver of change, as child protection was a key issue on the negotiation agenda. As a result child protection systems were reformed, but insufficient funding and bureaucracy still hinders proper implementation of these systems.

# Good progress examples and obstacles to overcome

## National Law and the UN Convention on the Rights of the Child

The CRC has been ‘incorporated’ in national law in *Romania*, *Lithuania* and *Italy*. In other words, the provisions of the Convention can be directly invoked before the courts and applied by national authorities, and the Convention prevails where there is a conflict with domestic legislation or common practice. By contrast, in *Sweden* and the *UK*, treaties do not form part of national law unless they have been incorporated by an Act of Parliament – and this has not happened in either country. There is some support in *Sweden* for incorporation (e.g. from the Children’s Ombudsman, and from some political parties), however change is not envisaged in the near future.

There has been little progress on incorporation of the CRC at the UK level, however great progress has been made by the Welsh Assembly Government (WAG). In July 2009, the then Welsh First Minister made a statement on the intention to embed the CRC in legislation and make it a legal requirement for the CRC and its Optional Protocols to be taken into account as part of Ministerial decision-making and policy development.

Subsequently the legislative proposal, the Children and Young Persons (Wales) Measure, completed its passage through the National Assembly for Wales on January 18th 2011 with cross-party unanimous support. The legislation will come in two stages: first, from May 1st 2012, applying to the making of new laws or policies and review of existing policies and then from May 1st 2014 will apply to all of the Welsh Minister’s functions.

The national studies suggest that ratification has had a generally positive impact on the development of law and policy. In *Romania*, incorporation of the CRC in national law has prompted significant legal reform, but difficulties in implementing legislation, and various gaps, remain (e.g. a focus only on ‘vulnerable children’ rather than on all children; failure to address the core principles of the CRC; lack of resources). Although *Lithuania* has been quite successful in harmonising national law with the CRC, a comprehensive review of legislation and policy has not been carried out. There is often a gap between having the appropriate legislation in place and failure to implement the legislation in practice. In *Italy*, a considerable body of progressive legislation on children’s rights was developed during the first decade following CRC ratification. However other important reforms have still not been completed.

## Following this Save the Children recommends:

- Where they have not done so, national governments should incorporate the CRC into national law at the earliest opportunity. Devolved<sup>406</sup>, regional and local administrations and public authorities should also ensure effective CRC incorporation within their respective legislative frameworks.
- All governments should undertake regular reviews of legislation to ensure full compatibility with the CRC, and to identify and close any existing gaps in the legislative framework.
- Public authorities should pay particular attention to ensuring that the general principles of the Convention (i.e. non-discrimination [Article 2], the best interests of the child [Article 3], survival and development [Article 6], and child participation [Article 12]) are adequately reflected in legislation, policy and practice at all levels.

<sup>406</sup> Devolution is the statutory granting of powers from the central government of a sovereign state to government at a subnational level, such as a regional, local, or state level. Devolution can be mainly financial, e.g. giving areas a budget which was formerly administered by central government. However, the power to make legislation relevant to the area may also be granted.

## Development of National Strategies and National Action Plans

There is a wide range of approaches adopted at national level to the development and contents of National Strategies and Action Plans for Children. In the *UK*, each of the four governments has published some form of CRC 'Action Plan'.<sup>407</sup>

*In Scotland*, the Government consulted extensively - with NGOs, children and young people - on the development of its 5-year Action Plan, which also highlights priorities areas for action. It is the only Action Plan in the UK that seeks to respond to all the recommendations of the 2008 Concluding Observations. Whilst the Action Plan can be improved, it represents significant progress.

In *Sweden*, a Children's Strategy was endorsed by Parliament in 1999, and has been revised several times since. It has led to the introduction of mechanisms such as child impact analyses and child-rights checklists, but overall impact has been limited, according to NGOs. In 2010 the current Government proposed a new strategy to strengthen children's rights, but it lacks fixed time-frames, measurable targets and indicators. Although it is not rooted in the CRC, *Lithuania* has a Strategy for State Policy on Child Welfare and an accompanying plan for its implementation (2005-2012). However it is not updated sufficiently frequently and there is a lack of cooperation and collaboration among the Ministries. There is also too little discussion about the Strategy, and too little information on its implementation provided for NGOs, those working with children, and wider society. In *Italy*, since 1997 there has been a legal requirement to develop a National Action Plan every two years, but only three Plans have been adopted since then (the last in 2003). Currently a new Strategy is in preparation, but even if it is approved, there are various potential obstacles to the implementation of the Plan (e.g. lack of resources). *Romania* has a National Strategy largely complying with the requirements of the General Comment no 5 and an accompanying National Action Plan (2008-2013), but resources for their implementation have not been allocated.

At local level, the evidence from the national studies suggests that very few public authorities have specific Action Plans for Children's Rights in place. In some authorities, there was widespread lack of awareness of the existence of any National Action Plan (where there was one). Many authorities appeared to lack the resources for effective implementation, and responsibilities were often poorly coordinated between local institutions. Child participation in the formation of local plans was also generally weak, or non-existent.

### Following this Save the Children recommend:

- All governments should ensure that National Strategies for Children's Rights, covering all the rights of the CRC, are in place, accompanied by concrete Action Plans for implementation. The Action Plans should include measurable objectives, designated institutional roles, specific timetables, allocated resources, and identified monitoring and evaluation mechanisms.
- Regional and local authorities should develop Strategies and Action Plans for children's rights, in line with National Action Plans that exist and the specific local circumstances faced by children. Sufficient financial and human resources need to be allocated.
- Children as well as child rights NGOs should be involved in drawing up the national, regional and local Strategies and Action Plans. The Strategies and Action Plans should be reviewed on a regular basis to ensure that they cover all areas relating to children and all aspects of the CRC and set out how the state will fully address the Concluding Observations of the UN Committee.

<sup>407</sup> The English Action Plan was published by the then Labour Government and at present it is unclear whether the Coalition Government will endorse it or develop its own Action Plan.

## Co-ordination of implementation

Co-ordination may include ‘horizontal’ measures across departments, agencies and civil society at a particular level, or ‘vertical’ measures to ensure effective links between different tiers - or a combination of both. It appears that there is no one form of co-ordination that is applicable to all countries, and national and local conditions must be taken into account in each case.

A wide range of mechanisms exist. In *Sweden*, *Lithuania*, and the *UK*, responsibility for coordinating implementation of the CRC is given to a particular Ministry, although other Ministries are also involved, but the mandate and powers vary. In the *UK*, for instance, co-ordination across the four jurisdictions remains weak. Usually there is also a lead Minister located in the same Ministry, sometimes, but not always, at Cabinet level. Often, there will be some form of CRC Co-ordination Unit (as in *Sweden*) or Children’s Rights Team (as in the *UK* and its devolved nations) to undertake the day-to-day work, however they frequently lack sufficient authority and resources to drive a children’s rights agenda across government.

*In Romania* there is considerable uncertainty as to which body is responsible for leading on co-ordination, following significant restructuring. At the end of June 2010 the Romanian Government dissolved the National Authority for Family and Child Rights Protection, whose existence was a prerequisite for the country’s accession to the EU. The lack of central co-ordination of child rights protection brings Romania back to the critical position in the past.

In order to facilitate more regular collaboration between civil servants, other structures than the above mentioned may operate. For example, in *Sweden* there is a ‘CRC Network’ consisting of representatives of various Ministries, and in *Lithuania* an ‘Interdepartmental Child Welfare Council’ brings together representatives of different Ministries, other national bodies and NGOs. In *Northern Ireland*, ‘children’s champions’ have been established to take forward action in different Ministries (and a similar arrangement is proposed in *Scotland*). Again, however, it appears there is often lack of clarity over the mandate and resources of such networks.

*Italy* has a rather different model, having set up the National Observatory for Childhood and Adolescence to ensure greater coordination between a wider range of stakeholders, including not only central but also local government, trade unions, and child welfare NGOs. But here again, the powers and impact of this body are relatively weak. It must also be noted that the overlapping of several Ministries in planning, implementation and monitoring activities aimed at the promotion and protection of children’s rights, have given rise to problems, delays and considerable bureaucracy as regards the adoption and implementation of policies in favor of children and adolescents. Nevertheless, there is at least a structure in place.

### Following this Save the Children recommend:

- Structures should be established at the heart of government, to ensure effective co-ordination of CRC implementation at national, regional and local level. Both horizontal and vertical coordination measures, that include all levels of the governing structures in the country, should be established. Whatever mechanism is used, it must have adequate authority and sufficient financial and human resources.
- Given the wide range of models that exist for coordinating CRC implementation, further research should be conducted to explore the effectiveness of different mechanisms in different national, regional and local contexts.

## Monitoring implementation

Although there has been significant progress in many states in monitoring implementation, various weaknesses remain to be addressed. Often, states believe they fulfil their obligation to undertake CRC monitoring by submitting periodic reports to the UN Committee; this appears to be the approach in *Italy* and *Romania*, for instance, where there is little or no data gathering on the impact of law and policy at any level. There are also issues about who undertakes monitoring; in *Lithuania*, primary responsibility lies with the Ombudsman (the NHRI for Children) and in *Sweden* the intention is to increase the role of the Ombudsman in monitoring, however there is a risk here that the state may downplay or avoid its obligations. In many countries, there can be a tendency to monitor only some of the rights in the CRC, rather than all of them, as the Convention demands. In part this may be a question of lack of resources; which may hamper efforts to establish the permanent and ongoing structures needed to assess progress.

‘Child impact assessments’ can be undertaken in different ways and there is as yet no consensus on the most effective way to carry them out. There is also some confusion at all decision making levels about what child impact analysis actually entails. Mechanisms to ensure that child rights impact assessments are carried out are lacking, although there are some positive steps towards putting them in place.

*Scotland’s Commissioner for Children and Young People, for example, has produced a comprehensive Children’s Rights Impact Assessment model which has been used by some government officials. The Scottish Government is considering a trial of children’s rights impact assessment to demonstrate how such a tool could help promote and develop consideration of children’s rights in the policy making process.*

### Following this Save the Children recommend:

- Governments should ensure that a unified and coherent system and supporting structure is in place to monitor the implementation of children’s rights, covering national, regional and local levels. Monitoring must include all of the CRC and be performed regularly, consistently and systematically. Adequate resources must be allocated.
- User-friendly child impact assessment tools must be developed for all levels of government and parliament to ensure that child rights impact assessments are carried out on existing and proposed legislation and policy affecting children, either directly or indirectly.
- Structures should be established and appropriate methodologies developed at national, regional and local levels to involve children effectively in monitoring CRC implementation.

## Data-collection and indicators

The development of effective legislation and policy in relation to child rights depends on a detailed understanding of children’s circumstances at all levels. This requires a regular flow of statistical information, in-depth research, and consistent monitoring and evaluation between the research community and those implementing policy and providing services.

The UN Committee has praised attempts to increase the amount of data available at national level.

For example, it has commended Lithuania's efforts to improve the collection of data on children and the development of a list of child indicators. In relation to Italy, the UN Committee has welcomed the establishment of the National Documentation and Analysis Centre for Childhood and Adolescence, although it has also registered concern at the lack of coherence between the various bodies in charge of data collection, and in the regions.

In *Sweden*, the government has instructed the Children's Ombudsman to develop a monitoring and review system to ensure more systematic follow-up of children's life conditions.

However, despite some positive developments, a number of weaknesses remain in data collection systems. There may be gaps; in *Lithuania* there is an absence of data on ethnic minorities, and victims of human trafficking, in *Sweden* on disabled children, and on children who have been subjected to sexual abuse. Data collection may also be adult focused and may therefore not reveal the specific situation of children, as in *Italy*. A related topic is the importance of disaggregating data to identify any discrimination and/or disparity in the realisation of rights between different groups of children (according to age, gender, disability, race, ethnicity etc.), alongside information about the circumstances of children as a whole. In for instance *Romania* and *Sweden* there tends to be a lack of disaggregated data at local level.

Generally, children are not systematically involved in the gathering of information and data about issues that concern them. The previous *UK* Government did though commission research with children, even if it did not always systematically do it as a way of monitoring CRC implementation.

### **Following this Save the Children recommend:**

- Working with key stakeholders (e.g. statistical offices, research bodies, NGOs, children), all governments should develop a clear set of child rights indicators including all rights set out in the CRC. Consideration should be given to what has been done at European and international level. Data should be collected to assess the situation of children across the country, both at national, regional and at local level, to make monitoring of CRC implementation possible. Analysis of the collected data and the monitoring should be used when developing new legislation, policy and practice at all levels.
- Government departments (at national, regional and local level) and statistical offices should ensure that data on children is disaggregated appropriately to reveal the circumstances and perspectives of particular groups of vulnerable children, as well as for all children, in order to inform effective monitoring of CRC implementation.
- Data collection should also include the views of children as far as possible and efforts should be strengthened at national, regional and local levels to share good practice regarding child participation in data collection.
- All governments should publish an annual assessment of the state of children's rights in the country (including both quantitative and qualitative information). The data in the annual assessment should be disaggregated to local level. Governments should ensure that such a report is debated in Parliament and in regional and local assemblies, and disseminated widely.
- The allocation of resources to the development of child rights data collection and indicators requires strengthening at all levels.
- There is a need to improve coordination and collaboration between all agencies involved in data collection.
- Staff training initiatives must be developed to ensure a common methodological approach to the collection of data and information about children.



## **Making children visible in budgets**

Producing a children's budget' provides a mechanism for governments to examine resource allocation with a view to ascertaining how well children's rights are being implemented. Children's participatory budgeting (i.e. involving children in the budgeting decision-making process) also increases government transparency and accountability.

Some states claim it is not possible to analyse national budgets to reveal the position of children. In the *Lithuanian* national study, for instance, civil servants stated that it was very difficult to separate out indirect and direct funding for children (although NGOs tended to disagree). Other states have, however, been able to undertake budgetary analysis of this kind.

In *Wales*, the Welsh Assembly Government (WAG) commissioned an analysis of financial provision for children within its budget for 2004-05 and has repeated this exercise since. Though the analysis was described by NGOs as "fairly rudimentary" they also acknowledged that this was the first time the Assembly Government - or indeed any government in the UK - had attempted to identify spending on children. WAG has recognised that it still has "*very much further to go to provide as accurate a picture as possible*" and has committed to "*improving the transparency of budgeting of children and young people at a national level*". WAG is also planning to carry out two projects to strengthen children's engagement in budgetary decision-making.

Very few states publish specific figures for the funding available to children through the national budget – and even when such information is available, government commitment to setting out an accompanying analysis or commentary is often extremely weak. The Swedish budget, for instance, does not contain a separate children's budget detailing what resources are being allocated each year to children and their needs. It does, however, contain a section called 'Child Rights Policy', which shows what resources are available to the CRC Co-ordination Office.

At local level, experience in tracking spending on children is also limited, although some examples exist in some of the countries studied. Generally speaking, there was a sense among respondents in the national studies that it would be useful to attempt to draw up children's budgets, but that it would be difficult, but not impossible to do in practice. In *Italy*, for instance, there is a widespread appreciation at local level of the need to formulate so called social budgets. These tend to place more emphasis than ordinary budgets on separate data relating to expenditure on children. Also in *Romania* most respondents in the study thought 'Children's Budgets' would support planning and interventions to respond to the needs of each child.

At the present time resources to undertake such work are scarce, and cuts to national budgets as a result of the economic crisis are having a significant impact on local budgets. However, due to the current climate it is more important than ever to highlight how much resources are allocated directly to children.

### **Following this Save the Children recommend:**

- All governments should strive to assess spending on children with an accompanying analysis at national, regional and local government levels with a view to ascertaining how effectively children's rights are being implemented. This is important for a proper monitoring of CRC implementation, quality decision making and to ensure non-discrimination.
- Opportunities should be developed for governments and other stakeholders to exchange experience around child budgeting, both within and between states. Tools for budgetary analysis (e.g. the guides

developed by Save the Children UK<sup>408</sup> and by the Swedish Children's Ombudsman) provide the basis for practical models for making children more visible in budgets, and should be used by states.

- Governments should explore ways to develop mechanisms to allow for participatory budgeting, so that the voices and perspectives of all key stakeholders (including children) can be heard, in particular at local level.

## Co-operation with civil society

The potential roles of NGOs in promoting and protecting children's rights are numerous, and include: information gathering; carrying out research; lobbying government and key decision-makers; organizing public information campaigns; providing services; being a referral body in the preparation of State Party reports and preparing alternative reports to the UN Committee. Having said this, the nature of the NGO sector and its activities differs significantly between states. In assessing the nature and extent of state cooperation with the NGO sector, it is essential to take these differences into account.

The national studies provide a range of examples of contact between governments and NGOs in relation to the development of policy and practice to implement the CRC, and the different forms this may take. It can range from the state contracting NGOs to provide social services for children (especially at local level where no other service provider might be available) to NGOs commenting upon legislative proposals.

An example is in *Romania* where since 2004 legislation has been in place prohibiting any form of violence and humiliating treatment against children. This legislative proposal was initiated by Save the Children, which was able, through sustained advocacy, to attract the support of members of Parliament for adoption. Save the Children also developed a Pilot Centre in Bucharest and nine other Transit Centre for victims of human trafficking around the country (including staff training), transferring these services, a year later, to the governing county level.

It is important to emphasize that the dialogue that takes place between NGOs and governments on all policy affecting children must have a focus on implementation of the CRC. In practice, the evidence suggests that this may be lacking in many cases.

In general the national studies suggest that in most cases relations between governments and NGOs appear to be constructive. Nevertheless, more structured mechanisms for consultation can be weak or remain insufficiently used. In *Sweden*, NGOs sometimes feel that the dialogue is a formality without any real content. Similarly, NGOs in *Lithuania* expressed a wish in the national study that their proposals were taken into account more, believing that some meetings and consultations are organised just in order to be able to indicate that NGOs have been consulted. In *England* there is no formal mechanism where child rights NGOs can meet regularly with the Government and its officials to discuss CRC implementation. In *Italy* the most continuous form of collaboration is the National Observatory on Childhood, which includes the participation of NGO representatives, however meetings have been infrequent recently.

Although some structures for consultation between the local authority, NGOs and other stakeholders do exist at local level, in the study countries, any focus on CRC implementation appears to be either weak or non-existent.

408 See Save the Children UK (2009) Children's Budgeting at the Local Level

As children are part of civil society, but often are not included, child participation is an important issue to focus on. There are various examples of mechanisms for consultation with children (e.g. youth councils, school councils, and ministerial advisory groups), but children often feel that their voices have little impact in practice and frequently these activities do not take place with a view to taking forward implementation of the CRC.

The Office of the Children's Ombudsman in *Sweden*, for instance, has a broad spectrum of contacts with children and young people. As well as visiting schools and youth activities, the Ombudsman sends questionnaire surveys to what are called contact classes two or three times a year. The Children's Ombudsman also receives advice from a number of children's and young people's councils, and from an expert panel of children and young people who have been placed in care homes. As part of the process of preparing a response to the bill for a new School Education Act, the Children's Ombudsman arranged a meeting with school pupils with disabilities.

National Human Rights Institutions (see section below) have a clear role in facilitating the involvement of children in CRC implementation. However, this does not negate the need for governments to ensure that they themselves also engage regularly and systematically with children when monitoring and implementing the CRC.

#### **Following this Save the Children recommend:**

- Governments (at national and local level) and NGOs, including children's organizations, should work together to define the purpose of, and most appropriate forms for, dialogue and co-ordination in relation to implementation of the CRC. Mechanisms for ongoing collaboration with civil society, and community consultative structures, should be strengthened.
- Government bodies (at national and local level) should develop their capacity to consult with children on the implementation of the CRC and should better integrate child participation in their work. The experience of Children's Ombudsman/Commissioners for Children and NGOs may provide sources of knowledge and inspiration in relation to ways of developing child participation.
- Parliamentary bodies should foster the participation of children and young people in hearings, inquiries, and draft bills relating to issues that affect them.

### ***Independent human rights institutions***

In its General Comment No. 2<sup>409</sup>, the UN Committee has set out the need for every state to establish an independent National Human Rights Institution for Children (NHRI) – sometimes called an Ombudsman/Ombudsperson, or Commissioner - to monitor compliance and progress towards implementation of the CRC, together with detailed guidance on the establishment and operation of such bodies.

*Italy* has not set up an NHRI for Children and in *Romania* there is a general Ombudsman and not a separate Children's Ombudsman.

In practice, the mandates of NHRIs for Children vary. For example, the English Commissioner has a

---

409 UN Committee on the Rights of the Child (2002) General Comment no. 2

weaker remit than the Commissioners in the other *UK* jurisdictions, and it only has the general function to “*promote awareness of the views and interests of children*” rather than an explicit rights focus. NHRIs for Children can investigate individual complaints in *Lithuania, Romania, Northern Ireland* and *Wales*, but not in *England, Scotland* or *Sweden*. The UN Committee has repeatedly expressed concern in relation to states where children cannot bring individual complaints. Among Commissioners themselves, there is also strong support for the view that individual casework is a very important part of their powers and duties.<sup>410</sup> Currently a third Optional Protocol to the CRC is being drafted, to provide an individual complaints procedure.

To function effectively, NHRIs must be free to set their own agenda and activities. These guidelines are not fully met in practice in all states. In *England*, for instance, Ministers have the power to direct the Commissioner to undertake an inquiry, and the Commissioner has to consult the Secretary of State before they can initiate their own inquiries. By contrast, in *Sweden*, although the Ministry can direct the Office to carry out specific instructions or activities, the Ombudsman increasingly defines its own work programme.

*In Lithuania, the independence of the Commissioner is enshrined in law. Appointment procedures must also be transparent. In some countries, different sections of civil society are consulted in the process of appointing the Ombudsperson. Particularly noteworthy in Wales and Northern Ireland is the direct involvement of children in this procedure; this also takes place in England and Scotland, but to a lesser extent.*

### **Following this Save the Children recommend:**

- All governments that have not yet established a National Human Rights Institution for Children should do so. All governments must ensure that such an institution is established by law and complies fully with the Paris Principles<sup>411</sup> and General Comment No. 2 to the CRC.
- All governments must ensure that the National Human Rights Institution (NHRI) for Children is independent, has the general function of protecting and promoting children’s rights and is responsible for all children in their jurisdiction. The NHRI for Children should have the competence to receive and investigate individual complaints from children. Sufficient human and financial resources should be accorded to the NHRI for Children so that it is able to carry out its functions effectively.
- In states where local Ombudsmen/Commissioners for children and young people have not been established, official inquiries should be undertaken to explore the potential role and mandate of such Offices, and their potential relationship to any National Human Rights Institution for Children.
- Children and young people should be given more concrete and clear information about the role and function of the National Human Rights Institution for Children.

### **Information and awareness-raising**

The UN Committee recommends that states develop comprehensive strategies for increasing knowledge and understanding of the Convention across the whole of society. Whilst welcoming the efforts that some states have made, it has also urged the governments of all the countries in this study to do more to ensure that all children are aware of the Convention, and to provide systematic, ongoing education and training in

410 Thomas N., Gran B., Hanson K., ‘An independent voice for children’s rights in Europe? The role of independent national human rights institutions for children in the EU’, Special Issue of the International Journal of Children’s Rights, Spring 2011 (forthcoming)

411 Office of the United Nations High Commissioner for Human Rights Principles relating to the status of National Institutions (The Paris Principles) Adopted by General Assembly resolution 48/134 of 20 December 1993

human rights, including children's rights, to all those who work with or for children.

The UN Committee welcomes in its Concluding Observations relevant initiatives in various State Parties, but these initiatives appear to be isolated examples. For instance in *Italy* at regional level the respondents interviewed for the national study said that they were not in a position to guarantee that the whole of the community could know and be aware of the CRCs content, as they had not carried out information and awareness-raising activities.

There are isolated examples of positive initiatives and good progress examples.

Although training on children's rights is not incorporated into the school curriculum in *Lithuania*, an important innovation has been the introduction of 'social pedagogues', who (among other things) disseminate information on children's rights and the CRC and organise educational activities for children. Another positive initiative in Lithuania is an annual selection of NGO projects to implement the provisions of Article 42 of the CRC, for which the selected projects receives funding. Currently it is the only such programme intended for the dissemination of specific information on children's rights and the CRC.

In *Sweden*, a current proposal for a new national curriculum says that every pupil, by the time they leave school, must be able to adopt and express consciously ethical standpoints based on an understanding of human rights. Human rights and the rights of the child are to be taught as part of the Civics syllabus.

In June 2010 the Government also decided to grant the Children's Ombudsman SEK 2 million (approximately 225 000 euro) to finance the production and distribution of information material for parents and parents-to-be on children's rights. In its instructions, the government says that the material is to focus especially on the relationship between children and their parents, and is also to cover children's right to protection from violence, including corporal punishment.

In *Romania*, the former National Authority for the Protection of Child Rights developed comprehensive training and information for those working with children, including various manuals for different professional groups (eg. teachers, medical personnel, social workers, judges and prosecutors, priests and police officers). With financial support from the EU, the National Authority for the Protection of the Rights of the Child launched a campaign "Children's rights are law!" (2005-2006) to inform the public, train professionals, and initiate media activities. Although positive, these activities have proven hard to sustain.

The *Welsh* Assembly Government is undertaking a wide-variety of activities to increase awareness of the CRC and has recently produced materials on the CRC in Braille, audio and British Sign Language. There will also be a direct duty on Welsh Ministries to "*take such steps as are appropriate to promote knowledge and understanding amongst the public (including children)*" of the CRC and its Optional Protocols following the adoption of the new Children and Young People's Rights (Wales) Measures (see page 110).

**Following this Save the Children recommend:**

- All governments, together with regions and local authorities, need to develop comprehensive CRC awareness raising strategies that are sustainable and include the whole of society. This should include the allocation of adequate resources and the identification of relevant bodies to take the lead at each level.
- Education about children's rights and the CRC should be a requirement of pre-school, elementary and secondary education programmes. New curricula and syllabuses on children's rights should be developed where necessary, together with appropriate teaching materials for different age groups. Braille, audio and sign language versions of the CRC should be developed for children with disabilities.
- All professionals working with and for children – including teachers, social workers, youth workers, child care staff, legal practitioners, the police, health care staff - must receive statutory, comprehensive on-going training on the CRC. Compulsory course modules on children's rights should be introduced in all vocationally oriented higher education programmes for occupations involving work with or for children.
- Governments should ensure that material on the CRC and methods for reaching out to a range of audiences, especially parents, are developed.
- All media should be encouraged to develop and promote positive attitudes towards children's rights and the CRC, through training and the provision of appropriate guidelines.<sup>412</sup>

---

412 The UN Committee devoted its 1996 Day of General Discussion to the issue of "The child and the media". The recommendations from that day can be found in the document CRC/C/15/Add.65



# For further information

Further information about this project and the other reports in this series are available at Save the Children's Resource Centre on Child Protection and Child Rights <http://resourcecentre.savethechildren.se/>

Please contact either Save the Children *Sweden* or the respective Save the Children organization in your country if you would like to discuss ideas and opportunities to further children's rights where you live and work, or if you have good examples of progress that you wish to share.

# Other reports in this series:

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Italy?

Politiche per l'infanzia, a che punto siamo? Le misure generali di attuazione della Convenzione Onu sui diritti dell'infanzia e dell'adolescenza in Italia

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Lithuania?

Valdymas, atitinkantis vaiko poreikius. Vaiko teisių konvencijos bendrųjų priemonių įgyvendinimas Lietuvoje nacionaliniu ir vietos lygiu

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Romania?

Administrație publică în beneficiul copiilor. Măsurile generale de implementare a Convenției privind Drepturile Copilului la nivel central și local in ROMANIA

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in Sweden?

Bra beslut for barn. Samhällsstyrning for barns rättigheter.

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in the UK?

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in the EU Institutions?

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in five European Countries?

Governance fit for Children. To what extent have the general measures of implementation of the UNCRC been realised in five European Countries? Executive summary of a comparative study.

The executive summary is also available in Italian, Lithuanian, Romanian and Swedish.



# The Project Governance fit for Children

This report is part of an overarching project across five European countries and the EU institutions. Save the Children has received financial support from the European Commission's Fundamental Rights and Citizenship Programme to carry out the project Governance fit for Children to assess how far the general measures of implementation of the UN Convention on the Rights of the Child (CRC) have been realised at European, national and community level.



The general measures of implementation of the Convention on the Rights of the Child (articles 4, 42 and 44.6) concern the structures and mechanisms which need to be in place if the whole of the CRC is to be implemented holistically.

The project focuses on the EU institutions and five European countries: Italy, Lithuania, Romania, Sweden and the United Kingdom.



Co funded by the European Union's Fundamental Rights and Citizenship Programme



**Save the Children**