

# Child Rights Governance

Dates: 6 – 8  
December 2010  
Venue: Nairobi,  
Kenya



**Save the Children**  
Sweden

Save the Children Sweden is a member of the International Save the Children Alliance, a global organisation for children's rights.

## Vision

Our vision is of a world in which the United Nations Convention on the Rights of the Child has been translated into practical reality, and all children's rights are fulfilled. Such a world is one which:

- respects and values each and every child;
- listens to, and is prepared to learn from, children;
- gives every child hope and opportunity.

## Mission

Save the Children Sweden fights for children's rights. We influence public opinion and support children at risk, in Sweden and in the world. We strive to influence and change society, and the foremost priority for our work is to bring about permanent improvements in the circumstances of the world's most vulnerable children. Save the Children Sweden works together with children and young people, as well as with other actors who can influence children's situation. We emphasise the responsibility which parents, other guardians and public authorities have with regard to children and their conditions of life.

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# Regional Child Rights Governance (CRG) Strategic Workshop East and Central Africa

*Dates: 6 – 8 December 2010*

*Venue: Nairobi, Kenya*



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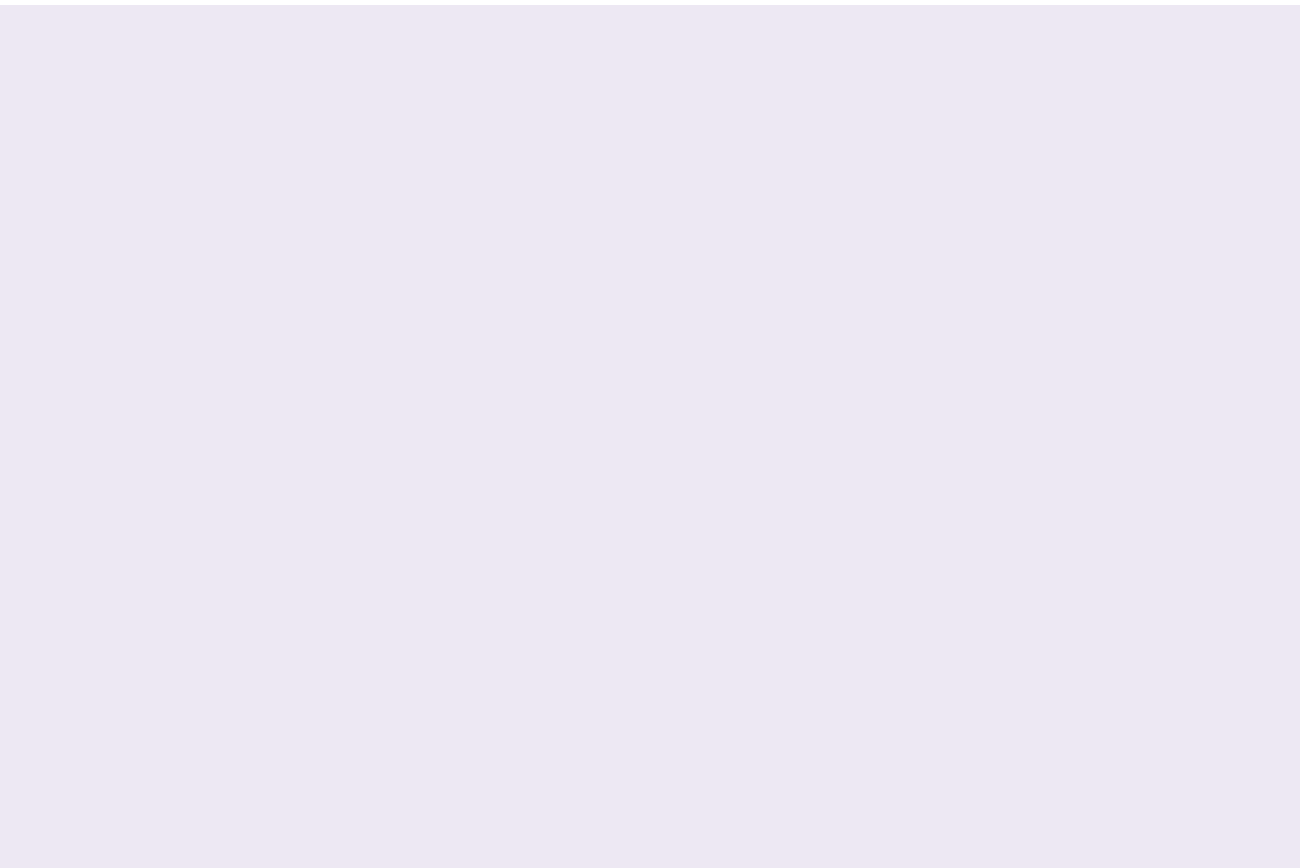
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# Acknowledgements

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# Acronyms / Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACRWC	African Charter on the Rights and Welfare of the Child
CR	Child Rights
CRC	(UN) Convention of the Rights of the Child
CRG	Child Rights Governance
CRI	Child Rights Institute
CRP	Child Rights Programming
CRSA	Child Rights Situation Analysis
CS	Civil Society
CSO	Civil Society Organisation
ECA	East and Central Africa
GI	Global Initiative
IPU	International Programme Unit
NCCS	National Council for Children's Services
NGO	Non Government Organisation
SC	Save the Children
SCI	Save the Children International



Day 1



## 1.1 Objectives and Outputs

The purpose of the workshop included:

- To engage the different Save the Children (SC) members in their understanding of Child Rights Governance (CRG) and integration of CRG in the sectors of health, education, hunger reduction, humanitarian relief etc;
- To obtain information from regional and national partners e.g. CLAN, CRI and AMC in clarifying CRG trends, challenges and opportunities (SWOT analysis);
- To inform regional partners and

## 1.2 Rights based approaches

Lennart Reinius gave a presentation on the purpose of the workshop and an introduction to rights-based approaches. (See appendix 1).

It was explained that child rights governance is a programme area, similar to emergency, health or education etc., but needs to focus more on broader child rights approaches – otherwise this gets lost. In the current development climate human rights are still not mainstreamed and needs based approaches are still prevalent, although there have been some positive developments. However, INGOs still follow funding streams and are becoming corporatised. Southern NGOs are being forced to become more regulated. Thus, it is challenging to integrate authentic rights approaches within development work globally and regionally, especially regarding children.

### Where do you think an organisation like SC presently fits regarding development and human rights (and what about humanitarian responses?)

- On ‘paper’, SC is a child rights organisation – but in practice much still needs to be done to integrate child rights into its programming;
- Some sectors do not include a rights perspective e.g. watsan and emergencies;
- Concern was expressed that SC’s new vision and mission does not refer overtly to child rights – SC runs the risk of not really integrating rights approaches;
- The establishment of the Child Rights Governance Initiative is a positive development.

### What should SC do?

- SC needs to develop a conceptual framework – at a level in between programming and vision – which describes how to be a child rights organisation;
- To combat resistance to rights approaches – we need to become better at documenting and demonstrating the results of child rights (CR) approaches;
- Quantitative indicators must be supplemented with process/ qualitative indicators;
- Need to help clarify the unique role of civil society within emerging democracies.

### What is the situation in Africa and in the EA region?

- Needs-based approaches still common;
- Budget allocation for children is still limited.

## 1.3 Overview of CRC Committee

Awich Pollar, an expert in CRC Committee, presented an overview of the CRC Committee. (See appendix 2).

The CRC Committee works with other structures related to other conventions as well as UN agencies e.g. UNICEF. Article 41 of CRC includes international mechanisms to monitoring the implementing the UNCRC. The Committee provides guidelines for State Party reporting. 194 States are obligated to report to the CRC Committee on a regular basis through Initial (first) and Periodic Reports (every 5 years). Shadow reports are provided by civil society and discussed in closed (private) sessions with civil society reps. The Committee then issues Concluding Observations to States regarding the concerns and recommendations for further implementation of the CRC, as well as General Comments and recommendations elaborating different articles of the CRC.

### Discussion:

How can governments be forced to comply with recommendations from civil society shadow reports?

- This is not possible directly – States are not accountable to shadow reports. However, the shadow reports are used by the Committee to formulate Concluding Observations. Many recommendations are thus based on civil society reports and these reports are very important. The Concluding Observations are the only way the Committee can hold States accountable.
- However, the facts reported in shadow reports need to be accurate and writing must be of high quality. This will ensure the reports can be used in drafting the Concluding Observations.
- How can CSOs best follow up on Concluding Observations?
- Concluding Observations are public documents and they are posted on the CRC website. Thus, CSOs have direct access to these reports. The State is responsible for implementing the recommendations. However, CSOs can play a role in lobbying for implementation e.g. in Tanzania – training of professionals on CR was recommended and CSOs have been active pushing for this to be implemented by the State.
- The Committee also opposes legislation that overly regulates civil society, especially if civil society organisations are required to register annually.

## 1.4 Mapping CRG activities

Participants discussed the CRG work they are currently undertaking:

### a. CRG activities

A wide range of CRG activities are being undertaken in the region e.g. child rights monitoring, strengthening CRG systems; building awareness and capacity and alternative reporting on the CRC and ACRWC.

**b. The main challenges re CRG**

The main challenges include strengthening the capacity of civil society organisations and children’s networks; working more strategically with government; developing a more conducive environment and legislation for civil society; and clarifying misconceptions about child rights approaches and CRG in particular.

**Day 2**



## 2.1 Recap

Reflections on the previous day's sessions:

- CRG appears to be a new name for old strategies – especially involving good child rights programming;
- There is a need for clarity on the concept of CRG, what its added value is and the boundary between CRG and other programme areas. Some questions include:
  - » What is the difference between CRG & child protection?
  - » What is the difference between CRG and CRP?
- There is a need to continue to emphasise the importance of CRP – especially as the merger continues and the new International Programme Unit (IPU) is formed in SCI;
- It was confirmed that there is a narrow political space in East Africa in which CSOs operate;
- The child rights sector in many countries needs further strengthening;

## 2.2 Experiences from north Sudan

Yassir Saliem, from the Child Rights Institute (CRI), gave a presentation on experiences in CRG in north Sudan. CRI undertakes CR research and policy work and currently works in partnership with SCS. (See appendix 3).

Since 2004, one of the main activities of CRI has involved undertaking a campaign and research studies regarding harmonising national legislation with the CRC, especially filling in the gaps in the Child Act in north Sudan. In 2002 civil society submitted the first alternative CRC report. But the report writing process was not participatory. For the subsequent report, in 2010, the CRC reporting process was reviewed and revised. The outcome of this process was the formation of a national Child Rights Forum. The Forum is now preparing an alternative report to the ACRWC.

Several challenges still persist, including the misconception of social values associated with religion; early marriage and FGM which are considered legal and practiced; political instability; poor budget allocation and the referendum of January 2011.

## 2.3 Experiences from East & Central Africa Region

Ruth Koshal, Regional CRG Manager SCS, gave a presentation on CRG experiences in East & Central Africa. (See appendix 4).

CRG needs to be based on the child rights principles, CRC and ACRWC. While all countries in ECA ratified the UNCRC in early 1990s, several challenges remain:

- Child rights needs to move beyond ratification;
- Many reports are outstanding – very little reporting is done on the ACRWC;
- Restrictive NGO laws and environments exist in many countries;
- Political instability e.g. north Sudan referendum in January 2011;
- Limited attention to vulnerable groups of children, especially child poverty.

There are some opportunities to build on:

- There are some examples of ethical and meaningful children's participation;
- Current law reform is ongoing in several countries;
- There is potential funding to strengthen the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

### Discussion:

- Structures for participation – SC tries to support key regional structures and national coalitions of NGOs to address issues. However, these structures tend to be issue based, loose and informal. The quality of the structures and good governance principles need to be observed more overtly;
- Child led organisations – this is a gap in ECA region. The Africa Movement for Working Children in West Africa and Ajet in Rwanda are examples of a few semi-organised structures. There are many child rights clubs but these tend to be adult led. More work needs to be done to empower these structures to act independently.

## 2.4 Experiences in CRG mainstreaming

Remember Miamingi, Africa Advocacy Officer SCUK, gave a presentation on SCUK's experiences mainstreaming CRG in the areas of health, education and emergencies. (See appendix 5).

SCUK's programming approach is based on child rights principles to realise lasting change. Usually this starts with a child rights situation analysis (CRSA). The difference between CRP and CRG was emphasised. CRP is about mainstreaming CR and child participation in programming. CRG is about creating child rights systems to monitor and deliver rights.

Mainstreaming of CRG takes place through planning, monitoring and evaluation and developing sustainable strategies. In practice, there is still a problem differentiating between CRP and CRG. In the process of mainstreaming CRG within other programme activities – it loses its emphasis, especially in emergency situations. Needs based approaches/ service delivery still dominates.

### Discussion:

- The CRG Global Initiative clearly differentiates between CRP (a rights based approach to programming) and CRG (a distinct programme area). However participants still expressed confusion re differentiating between the two in practice e.g. the “3 Pillar” appear to be the same for CRG & CRP;
- To mainstream or not? There are pros & cons of “mainstreaming”. Experiences of participants have been mixed;
- CRSA is a good starting point for CRG – helps us to be rights based and identify and focus on the root causes of child rights issues.

## 2.5 Overview of CRG Global Initiative

Alfhild Petren, SCS, presented an overview of the SCI CRG Global Initiative. (See appendix 6). CRG is seen as a priority for SCI 2010-2015, especially CRC monitoring, strengthening regional systems and building awareness and capacity. Various global initiatives were formed to highlight certain thematic areas, coordinate advocacy efforts across SC members and ensure quality programming within the organisation. CRG as a sector emerged as a SCI Global Initiative in 2010.

Child rights governance includes: governments being responsible to its citizens; building systems that will institutionalise CR; progressive civil society holding government to account and engaging other actors influencing child rights realisation.

As CRG is a new programme area and SC is still learning to explain it clearly and simply. A global framework has been developed but country programmes need to further develop the programme components (especially as many activities are pre-existing).

### Discussion:

- How do we distinguish between CRG and Child Protection? There is a lot of overlap between these two areas. The distinctions are probable more important for SC internally & should not affect partners. We should not make partners 'choose' between the two areas. CRG needs to be made clearer internally to help members, staff and programmes engage.
- How are the 6 GIs coordinated? There is a global coordination group to ensure no duplication and greater coordination of efforts. There is also an Initiative Framework to clarify the expectations of the GIs. But it is 'early days' and many systems are still evolving.

## 2.6 Child rights SWOT analysis

Working in groups, participants identified the following strengths, weaknesses, opportunities and threats of CR in the region. (See appendix 8). Through a group voting process, participants identified the following short and long term priority areas:

### a. Short term priorities

- **Child rights sector strengthening (8)**
  - (3) continue building strong civil society networks;
  - (2) address lack of coordination among CR CSOs regionally and nationally;
  - (2) address limited OCD support for CSOs and child led organisations;
  - (1) continue building a thriving CSO community.
- **Evidence of impact (5)**
  - (2) continue developing baselines, knowledge and documentation of CRG work;
  - (2) address limited existence of credible assessment, evidence and research.

- **Resource mobilisation (2)**
  - (1) reduce corporate approach of NGOs;
  - (1) address limited long term funding available.
- **Application of rights-based approaches (5)**
  - (4) improve application of rights-based approaches in our work;
  - (1) reduce focus on needs-based approach.
- **Use African human rights mechanisms (5)**
  - (4) start using African human rights systems & mechanisms;
  - (1) address stakeholder ignorance/ lack of awareness of role of ACERWC.

### b. Long term priorities

- **Child rights sector strengthening (6)**
  - (2) address weakening civil society across the region;
  - (1) address lack of coordination of CR CSOs;
  - (1) address lack of standardised training materials;
  - (1) address restrictive legal framework for CSOs.
- **Resource mobilisation (2)**
  - (1) address insufficient marketing and advocacy to attract donors and other actors;
  - (1) reduce corporate approach of NGOs.
- **Work with governance systems (6)**
  - (4) address biased budgetary allocation by governments;
  - (2) build on ability to influence government institutions, policies and legislation.
- **Use African human rights mechanism (4)**
  - (2) address limited capacity of ACERWC;
  - (1) start using UNCRC complaints mechanism;
  - (1) start using African human rights systems & mechanisms.
- **Strengthen CR approach (3)**
  - (2) reduce focus on needs based approach;
  - (1) strengthen application of rights based approaches in our work.
- **Children's participation (5)**
  - (4) address children's voices not being heard in decision making;
  - (1) address limited CR awareness and capacity building at community level.



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Day 3

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### 3.1 Reflections on previous day's session

- There is still confusion about the definition of CRG;
- What is the difference between CRG & good child rights work (CRP)?
- How does CRG relate to other programme areas?
  - » CRP remains SC's overall, holistic approach to programming – i.e. promoting the rights relationship by empowering rights holders to claim their rights as well as holding duty bearers accountable;
  - » CRG relates to how government and duty bearers are equipped to realise CR and comply with obligations. In practice this involves promoting the 12 CRC General Measures of Implementation (putting legislation in place, ensuring access to resources and training government officials etc).
  - » There is a need for a conceptual paper on CRP (“the state of the art”);
  - » The CRG GI is working on forming a digital library which will provide some information;
  - » CRG helps to maintain a focus on child rights approaches throughout all programme areas, especially as SCI undergoes the merger.

### 3.2 Recommendations

#### a. Recommendations for moving CR forward for senior leaders

- SC, as an international organisation has a moral and political obligation to ensure CRG plays an integral role as stipulated in Article 4 of the UNCRC in its work and that of its partners;
- Senior leadership needs to ensure that as SC moves into IPU processes, a child rights approach to programming still plays a key role in SC's work;
- Ensure conceptual understanding of CRG and provide guidelines for implementation;
- Involve regional and country structures to ensure the sharing of experiences & learning as part of SC policy changes;
- Review change management systems and involve staff to ensure transparency, participation & buy-in;
- Country offices to develop a set of indicators that measure both qualitative and quantitative impact of SC's work;
- Recognise the need to groom and develop leadership that balances global influences & understanding of the needs of beneficiaries on the ground;
- Work through civil society - enhance, keep, sustain and support the strengthening of CSOs and beneficiaries;
- Advocate for more fund raising and resource allocation to CRG work.

#### b. Recommendations for moving CR forward for partner organisations

- CR partners need to form, strengthen and coordinate their national & regional civil society networks to effectively monitor and advocate for CR with a strong voice;
- CR partners need to use a CR approach in their programmes and projects;
- Partners need to develop a common framework of working with different types of partners e.g. other CSOs, SCI, other donors, UN agencies, government and private sector;

- CSO partners should work with African human rights mechanisms, especially ACERWC, in a coordinated manner, and with other relevant regional bodies, such as the African Commission on Human & People's Rights; African Court on Human and Peoples' Rights; Pan African parliament etc;
- CSO partners should ensure ethical and meaningful children's participation;
- CSOs need to develop a resource mobilisation strategy on CR issues;
- Document experiences, lessons and good practices to provide evidence of impact;
- Develop a strategy for working with media strategy.

#### c. Recommendations for moving CR forward for CR practitioners

- Capacity development for working in rights hostile environments (investigate alternative processes, way of programming and reporting);
- Simplify and concretise child rights language and approach e.g. translation into local, political and culturally appropriate languages, packaging messages in a fun way;
- Develop practical ways of mainstreaming children's participation and non discrimination;
- Concretise the concepts of partnership and networks in order to strengthen civil society e.g. aims, mandate and division of roles;
- Document and share good practices and lessons learnt.

### 3.3 Experiences monitoring CRC in Kenya

Mathenga Munene, SC Canada, gave a presentation on Kenya's experience in CRC reporting. (See appendix 7.)

So far the 1st two reports (due in 1990s) have been submitted but the reports due in 2002, 2007 & 2012 are still outstanding.

The process of producing the first two reports was restrictive due to repressive political climate in Kenya. An alliance of CSOs was formed to promote the drafting process. A national reporting committee, coordinated by the Children's Department, was also formed with govt and civil society representatives. UNICEF provided further training on reporting processes. A final report (due 1992) took one year to complete and was submitted by government in 2002.

Civil society submitted a supplementary report to highlight six issues that had been omitted from the State Party report. The alternative reporting process was entirely supported by civil society.

The second State Party report involved children's participation, including a private consultation with six children in Geneva when the second State Party report was presented to the CRC Committee. This was a response to the Concluding Observations from the initial State Party report. National children's participation guidelines have subsequently been improved and adopted by government.

A semi autonomous institution, National Council for Children's Services (NCCS) has now been nominated to spearhead future reporting processes. The NCCS involves both government and civil society representatives.



### 3.4 Next steps

- Draft workshop report to be circulated to all participants by Ruth Koshal by Wed 15th December 2010;
- A draft conceptual paper on CRG and a child rights approach to be drafted by SC members and partners – this will help guide programming in the region. Ruth, Remember, Kirsi and Marianne to lead the drafting process. (By early Feb 2011);
- A short (2 page) policy brief on CRG for senior leaders will be prepared to stimulate dialogue and discussion in the region;
- Both the draft conceptual paper and policy brief will be discussed with CRG GI to ensure global input, close collaboration and clarity as CRG is further refined globally:
  - » SC members will prepare first drafts;
  - » Drafts will be shared with partners and CRG GI for further input;
  - » Policy brief and conceptual paper will be rolled out to CR CSOs and country staff in the region;
- Develop a TOR and establish a regional reference group on CRG to inform different levels of leadership:
  - » The regional reference group will comment on the conceptual paper & policy brief;
  - » Reps from the African Advocacy Initiative will be included;
  - » Regional reference group will have strong, proactive links with CRG GI;
- Conduct a CSO needs mapping exercise to develop a long term capacity development strategy for the child rights sector in the region;
- Provide context specific capacity building of CR practitioners e.g. opportunities for skills sharing through regional networks;
- Ensure the integration of recommendations from this workshop into 2011 work plans and strategic planning processes – especially at country level;
- Ensure coordination of country plans across country offices;
- CRG GI requested to hold 3 regional consultations in Africa (east, west and southern) in 2011;
- Consider CR in CPH and IPU processes e.g. screen formats and check CR principles are clearly demonstrated;
- Ensure partners demonstrate commitment to CRG and CRP issues and follow up on implementation.

## Appendices













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