THE STATE OF INTERNATIONAL CHILDREN'S RIGHTS

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CONTENTS

ACRONYMS

ACRWC	African Charter on the Rights and Welfare of the Child
ACERWC	African Committee of Experts on the Rights and Welfare of the Child
CBCPM	community-based child protection mechanism
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CP	child protection
CRC	Convention on the Rights of the Child
CRIN	Child Rights International Network
CSR	corporate social responsibility
ECD	early childhood development
ECPAT	End Child Prostitution and Trafficking
EFA	Education for All
EU	European Union
FGM/C	female genital mutilation/cutting
GI	Global Initiative to End All Corporal Punishment of Children
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
IJS	informal justice systems
ILO	International Labor Organization
INGO	international non-governmental organization

IPEC	International Program on the Elimination of Child Labor
MAEJT	African Movement of Working Children and Youth
MDG	Millennium Development Goal
MRM	Monitoring and Reporting Mechanism
RCTs	randomized control trials
SDG	Sustainable Development Goal
SVRI	Sexual Violence Research Initiative
TIP	trafficking in persons
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGEI	United Nations Girls' Education Initiative
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review
USA	United States of America
VAC	violence against children
VAW	violence against women
WHO	World Health Organization

INTRODUCTION

Twenty-nine years after the adoption of the United Nations Convention on the Rights of the Child, there have been major advances in some areas of children's rights: child survival has increased dramatically, and child health has generally shown demonstrable improvements. More children are in primary school today than ever before in history. On the other hand, large numbers of children continue to live in poverty, are affected by armed conflict, and suffer from violence, abuse, and exploitation.

The purpose of this paper is to provide an overview of the state of international children's rights, to inform the discussions of a small group of specialists in August 2017, and to make a contribution to ongoing global discussions about child protection and children's rights. The paper focuses mainly on: efforts to realize children's rights through legal advocacy to strengthen government accountability; large-scale service delivery programs for child welfare, health, education and protection; and targeted interventions to promote social and behavior change.

This report explores the following questions:

- What have the movements for children's rights and child protection achieved since 1989?

- What are the main shortcomings and challenges to these achievements, and what explains them?

- What can be done to address and overcome these challenges and shortcomings?

- Who are key actors? Who can and should do what?

In addition to these broad topics, the report attempts to address a number of more specific issues:

- What are the strengths and limitations of a rights-based approach to international children's rights? In what ways should children's rights be operationalized, enacted, and realized to make this framework more current, more results-oriented, and more in line with the Sustainable Development Goals?

- Within the broad field of international children's rights, what are core areas of investment where donors and policymakers can achieve major impact? If we commonly agree that health and education have taken conceptual root and been, at least to some extent, implemented at scale, what other areas would maximize impact for the largest number of children?

- Millions of children are still falling outside of the safety nets of health and education programs. Many of them are also invisible in national statistics, especially those based on household surveys. Invisible children include: children in institutional care (including boarding schools), children with disabilities, ethnic minorities, indigenous children, and migrant, separated, and missing children. How can the missing millions of children be reached?

- Is there a need for establishing a third pillar (in addition to health and education) of social factors related to family relationships, connectivity with others and community connections? Could such a third pillar represent a cohesive area of child rights that requires coherence and aligned investments?

- Which thematic issues should be prioritized?

Methodology: This paper is an exercise in the art of the possible rather than a systematic academic review of the vast literature on children's rights, human rights, child protection, civil society activism, or the broader literature of childhood studies. The paper is based on recent documents reflecting on 25 years of the CRC, critical reflections on child protection, a new publication on campaigning for children, and a wide range of other relevant documents. I have sought out writers and thinkers who are thought-provoking and who challenge existing orthodoxies. In addition to the review of documents, I contacted a few colleagues for up-to-date information on specific topics.

This report cannot do justice to every initiative or organization mentioned. Instead, it tries to tease out useful ideas that can challenge us to go further and to think differently about old problems and to imagine more effective solutions. There are bound to be factual errors or misrepresentations in this paper, for which I take responsibility.

PART I: OVERVIEW OF CHILDREN'S RIGHTS

A. EVOLUTION OF CHILDREN'S RIGHTS

1. Child rights architecture

The Convention on the Rights of the Child (CRC) was adopted by the United Nations on November 20, 1989, establishing global standards to ensure the protection, survival, and development of all children. Countries that ratify the treaty pledge to protect children from economic and sexual exploitation, violence, and other forms of abuse and to advance the rights of children to education, health care, and a decent standard of living. The convention also addresses children's rights to a name and nationality, to be heard, to be fairly treated when accused of offenses, when deprived of parental care, and other rights.

The CRC is the most rapidly and widely ratified human rights treaty in history —with 196 countries as "states parties." Only the USA has not ratified the treaty. Countries that ratify the treaty must submit reports every five years to a UN committee of independent experts—the Committee on the Rights of the Child. The committee examines not only each country's reports, but also information from non-governmental organizations and UN sources to identify areas of progress and concern and to recommend steps that the country should take to improve the lives of children. An optional communications procedure adopted by the UN in 2011 allows individuals to file complaints with the Committee on the Rights of the Child for violations of their rights under the convention if domestic remedies have been exhausted. The committee may then investigate the complaints and make recommendations to the country responsible for the violation.

The convention has three optional protocols that were negotiated by countries after the treaty was adopted and have the status of independent treaties. The optional protocol on the participation of children in armed conflict, adopted in 2000, deals primarily with child soldiers, and sets 18 as the minimum age for direct participation in hostilities, and for any conscription or forced recruitment into armed forces. The optional protocol on the sale of children, child pornography and child prostitution was also adopted in 2000. The optional protocol on the communications procedure for filing complaints under the convention was adopted in 2011. To date, Albania, Bolivia, Costa Rica, Gabon, Germany, Montenegro, Portugal, Slovakia, Spain and Thailand have all ratified and a further 37 States have signed but not ratified the 3rd optional protocol.[1]

Over the past 28 years, a significant child rights architecture has been built up at global level as part of the wider human rights architecture. Through its concluding observations and the twenty-one General Comments on different articles of the CRC (see annex), the CRC Committee continues to clarify and interpret children's rights norms. In addition to the CRC Committee, several Special Representatives of the Secretary General[2] and Special Rapporteurs[3] under the Human Rights Council are working to draw attention to violations of children's rights. The Monitoring and Reporting Mechanism (MRM) established as a result of Security Council resolution 1612 (2005) is an important instrument to document violations of children's rights in

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1   HRW: 25th Anniversary of the Convention on the Rights of the Child 2014.

2   E.g. Special Representatives on Sexual Violence in Conflict; for Children and Armed Conflict; and on Violence against Children.

3   Special Rapporteurs on the sale of children, child prostitution, and child pornography; the right to education; on trafficking in persons, especially in women and children; and on violence against women, its causes and consequences.

armed conflict and to demand accountability. The child rights field also utilizes the broader global human rights infrastructure, including the Security Council, General Assembly, Office of the High Commissioner for Human Rights, Human Rights Council, Universal Periodic Review, UN Treaty Bodies, special tribunals, and others.[4]

Africa is the only continent with a regional human rights treaty exclusively dealing with children as well as the first regional body to receive individual and collective complaints on children's rights violations. African governments have adopted the African Charter on the Rights and Welfare of the Child (ACRWC). The Charter is an important expression of African states' commitment to the universality of children's human rights.[5] The Charter is being monitored by the African Committee of Experts on the Rights and Welfare of the Child. The ACERWC is now stronger than it has ever been. Other human rights mechanisms in Africa include the African Union Special Rapporteurs of the African Commission on Human and Peoples' Rights, who address a range of human rights issues, none specific to children. The African Union and Regional Commissions are also expanding their role in peace keeping and in promoting greater government accountability.

2. Advancing children's rights

The adoption and promotion of the CRC in the 1980s and 90s did not happen in isolation. Several other developments intersected with the CRC to form the current child rights and development landscape.

The new social studies of childhood, which emerged in the 1970s, regard children as social actors and promote research with, rather than just about, children. This conceptual and methodological shift in children's studies had some impact on the practice of child development organizations, particularly in promoting children's participation in research, programming, and activism (e.g., Save the Children UK 1995).

Human rights-based approach to development: The 1993 Vienna Conference on Human Rights affirmed that human rights and development belong together. It took until the turn of the millennium for the shift in the development paradigm to gain traction. The Human Development Report 2000 marked the start of a flurry of papers on a human rights-based approach to development programming and the publication of specialized documents on human rights-based approaches to education, health, water and sanitation, and many other issues.[6]

Accountability and participation: At a fundamental level, the realization of human rights is about the accountability of duty bearers to fulfil their obligations as well as the active participation of rights holders to demand their rights and entitlements and to hold people in power to account. The strengthening of accountability mechanisms can take many different forms, ranging from formal human rights mechanisms to court action, civil society campaigns, and popular movements.[7] The World Bank and UNDP support large-scale programs to strengthen governance, accountability, and the rule of law. Digital technologies and social media have given human rights activists a new set of tools to keep an eye on those in power.[8] Accountability mechanisms often do not work well in isolation. In order to be effective, they have to be linked and flexible to react and respond to the constant efforts of duty bearers to shirk their responsibilities.

The **mainstreaming of human rights into development** led to different interpretations and approaches. Oxfam and ActionAid transformed themselves into global advocacy organizations to address the power imbalance and politics that lie at the root of poverty, inequality and injustice. Other UN agencies (WHO, UNESCO, UNIFEM/UN Women) brought program norms and standards in line with human rights norms. Some NGOs embraced holistic, community-based human rights approaches. In the most watered-down form of mainstreaming, some planning processes reduced human rights in development to little more than a power analysis and the disaggregation of data by age and sex.

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4   For a comprehensives guide, see the Child Rights International Network: https://www.crin.org/en/guides.

5   "The drafting and adoption of the African Charter on the Rights and Welfare of the Child, the first regional treaty on children's rights, partly reflects the feeling among some sectors that the Convention [CRC] did not reflect the priorities and concerns relating to children on the African continent. (Twum-Danso Imoh and Ansell 2014)

6   The FXB Center on Health and Human Rights, Harvard University, was established in 1993 by Jonathan Mann.

7   E.g. the "Fees must Fall" social justice movement to demand the right to education in South Africa.

8   DATNAV: How to navigate digital data for human rights research. The Engine Room, Benetech, Amnesty International, 2016.

Child development organizations, such as Save the Children and UNICEF, operationalized the CRC across their programs gradually. Initial efforts consisted of CRC training, awareness raising, and the popularization of the CRC. It soon became clear, that this approach by itself was insufficient to bring about changes in legislation and in adult attitudes and behaviors towards children. In due course, many international child development organizations rebranded themselves as "child rights organizations" and began collaborating with the CRC Committee, national governments, and national NGOs on child rights reporting, shadow reports, the follow-up to the CRC Committee's Concluding Observations, and the General Comments. UNICEF published several editions of the CRC Implementation Handbook and supported efforts to develop child rights indicators.[9] Several agencies organized meetings and published documents on child rights and macroeconomics.[10] Child-focused development organizations embraced the four guiding principles of the Convention: non-discrimination; adherence to the best interests of the child; the right to life, survival, and development; and respect for the views of the child. Some agencies regrouped their program work according to the rights to survival, development, protection, and participation.

3. Future of human rights

"When the world's richest tycoons want to make another billion dollars, they can easily game the system in order to do so. In contrast, if they felt inclined to reduce global inequality or stop global warming, even they wouldn't be able to do it, because the system is far too complex." (Yuval Harari. Homo Deus: A Brief History of Tomorrow)

The global context has changed in fundamental ways since the adoption of the CRC. The certainties of the Cold War, the division of the world between capitalism and communism, and the seemingly unstoppable march of globalization and liberal democracy have been replaced or are being challenged by resurgent nationalism, authoritarianism, Islamism, and the rightwing backlash to migration and women's empowerment. The

media landscape has changed in profound ways, giving unprecedented access to information and communication, but also enabling misinformation and fake news. The rise of digital technology has created monopolies (Google, Facebook, Amazon), is transforming labor markets, contributes to extreme concentrations of wealth, and raises the specter of entrenched social and economic inequalities, unprecedented unemployment, and political disenfranchisement. While the population of much of the world is aging, Africa's population is on course to double from 1.2 billion in 2015 to 2.4 billion in 2050, eventually reaching 4.2 billion by 2100 (Africa 2030).

Major changes are happening in **development financing**. Private sector investments have overtaken development aid in many low- and middle income countries, and new donors, such as China and the Gulf States, are bringing their own agendas and aid modalities, which are not committed to a human rights-based approach. On the other hand, children's protection rights have for the first time been included in the global development policy agenda by incorporating goals related to violence against children, child labor, early childhood development, and child marriage in the Sustainable Development Goals (SDGs).

In recent years, **private sector** companies have taken a growing interest in children's rights, not least to clean up their supply chains and to improve their image with consumers. Typically, corporations have focused on child labor, exploitation, and slavery, including child online exploitation. The UN Guiding Principles on Human Rights and Business (the Ruggie Principles of 2011) have established standards and UNICEF has invested in a range of partnerships with the private sector to promote child rights and business principles.[11] A new category of venture philanthropists has emerged, who bring a business approach to children's rights, are media- and tech-savvy, and tap into new sources of funding. At the same time, questions are being asked regarding the ethics of venture philanthropists, the origin of their funds, and whether investments are harming children (e.g., tobacco and alcohol, extractive industries, clearing of rainforest, etc.).[12] Child rights NGOs that accept funding from private sector foundations may face unrealistic expectations of what they can achieve since some private sector foundations underestimate how much time it takes to deliver and measure results (e.g., IKEA

9   http://www.childwatch.uio.no/projects/thematic-groups/monitoring-children%27s-rights/

10   Stefan De Vylder (2000) Macroeconomic Policies and Children's Rights: A Book Focusing on Developing Countries. Save the Children Sweden. Cornia, Giovanni Andrea, Richard Jolly, Fraces Stewart (eds.) Adjustment with a Human Face: Volume I: Protecting the Vulnerable and Promoting Growth. Clarendon Press, 1987.

11   https://www.unicef.org/csr/

12   See the controversy over TCI's (funder of CIFF) aggressive shareholder activism; or IKEA not paying taxes - https://goo.gl/Gxv3MU.

Foundation). Michael Edwards concludes that the results of private sector engagement in children's rights have so far been disappointing and that "real transformation will occur when business behaves more like civil society, not the other way around" (Edwards 2010).

Digital technologies have greatly facilitated access to information and communication channels; provided platforms for social mobilization; and have been used for reporting, complaints, and accountability mechanisms. Children born today are growing up in a world where digital and online technologies are part of everyday life for most people, even in many low-income countries. Human rights organizations are using digital technologies to gather data, and smartphone applications have been developed to help women protect themselves against sexual harassment and to hold government departments to account for the delivery of services. The internet and smartphones are potential tools for the empowerment of and freedom for adolescent girls, but restrictions on their use are common in patriarchal families, such as in rural India. Blockchain offers technologies to reduce corruption and increase transparency and accountability in relation to public contracts, land rights, and the use of development funding (Tapscott and Tapscott 2016). Big data analytics can be a tool for uncovering hidden behaviors, such as child abuse, that remain invisible or underreported in attitude and practice surveys (Stephens-Davidowitz 2017).

There has been a lot of hype around the use of digital technologies in development, humanitarian work, and child protection. In 2015, Deloitte launched the Freedom Ecosystem to use digital media to combat child trafficking, but since the high-profile launch nothing much seems to have happened. It has been easier to develop technologies but more difficult to use them among poor and disadvantaged communities and to generate tangible results for children. Gigler's book on Bolivia shows how complex it is to bring digital technologies to poor people. According to the World Development Report 2016, "the benefits of rapid digital expansion have been skewed towards the wealthy, skilled, and influential around the world, who are better positioned to take advantage of the new technologies.

The effect of technology on global productivity, expansion of opportunity for the poor and middle class, and the spread of accountable governance has so far been less than expected. Digital technologies are spreading rapidly, but digital dividends – growth, jobs and services – have lagged behind."

Online risks: Increased access to the internet also has a dark side, leading to the spread in surveillance and a loss of privacy; this access is also creating new opportunities for online abuse and exploitation, including sexual exploitation and radicalization (see ECPAT 2016). Gus Hosein of Privacy International warns: "Surveillance will destroy people's confidence in organising, expressing and sharing ideas, trying to create a political movement."[13] In the area of child online protection, new partnerships are being formed between child rights organizations, social media companies, Internet Service Providers (ISPs), and law enforcement agencies to prevent online sexual exploitation. The global WeProtect initiative has developed a Model National Response that identifies what needs to be done and provides a framework for collaboration to tackle this complex and ever-changing risk for children.[14] It is important to keep in mind that online and offline risks are linked and do not exist in isolation from each other.

Aside from online risks, there are concerns about net neutrality and about the need for open source technologies to combat ownership and control of the internet by a few dominant tech companies such as Google, Facebook, and Amazon. Tech giants such as Microsoft and Facebook are pushing their versions of the internet for poorer communities, aiming to lock them into stripped-down versions of the internet that are controlled by these companies; they are also trying to take over education by pushing a set curriculum. Critical debates on these issues are going on at institutional levels (e.g., EU, Council of Europe), at country level (e.g., India), and within the human rights community. For the most part, however, child rights actors have been absent from these debates. Child rights agencies should be more informed about and engaged in these debates and listen and learn from tech-savvy children and young people.

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13   How BAE sold cyber-surveillance tools to Arab states. BBC, 15 June 2017.

14   http://www.weprotect.org/the-model-national-response/

B. ACHIEVEMENTS

In many ways, children are better off than 29 years ago. Many countries have used the CRC to strengthen national legislation and have adopted new policies to improve children's lives. Greater attention to children's right to health has contributed to children being twice as likely to reach their fifth birthday; the obligation of countries to provide free primary education has led to 81 percent of children in the least developed countries being enrolled in school (53% in 1990); and with increased restrictions, child labor rates (under 15) have halved since 1990. Fifty-two countries prohibit all forms of corporal punishment of children (which just four countries did in 1989). The CRC is also a valuable tool for citizens and civil society to hold their government to clear standards in the treatment of children (HRW 2014).

Jo Becker identifies five priority areas to promote children's rights: education; social protection; legislation; life skills and the empowerment of girls; and investing in family systems to avoid institutionalization, especially of children with disabilities. The following paragraphs look at different strategies to achieve results for children's rights. Much can be learned from positive experiences, such as those presented in Becker 2017.

Use of UN human rights mechanisms: The Global Initiative to End All **Corporal Punishment** of Children (GI) works for the prohibition of corporal punishment of all children in all settings. GI uses evidence for country, regional, and global advocacy and engages with the Universal Periodic Review (UPR) mechanism, treaty bodies, and multilateral institutions (e.g., the Council of Europe). "States take UPR more seriously than reports from treaty bodies" (Peter Newell, quoted in Becker). GI has expanded its collaboration with other sectors, such as women's rights, disability rights, and the health sector as well as with faith-based groups and lawyers. While maintaining a single thematic focus, GI has been flexible and innovative in developing new ways, including litigation, to advocate for an end to corporal punishment. GI's focus on the highly symbolic issue of physical punishment has the potential to reach beyond corporal punishment and have an impact on violence against children more broadly.

Legal reform: The campaign to end the **juvenile death penalty** in the USA forged a broad-based movement over years. Psychiatrists, psychologists, the medical community, and experts on adolescent brain development were all mobilized by lawyers. In addition, the campaign used media, human rights institutions, religious leaders, and Nobel peace laureates. The strategy had implications beyond the death penalty and affected juvenile justice generally. This example demonstrates the importance of a narrowly focused campaign (with broader implications), persistence, the mobilization of different constituencies and allies, and a politically astute strategy. It is also a reminder that linear, technical approaches often fail to address political issues.

Using the courts: Efforts to clamp down on the **sexual exploitation of children in tourism** succeeded in changing the laws in the perpetrators' home countries so they could be tried for crimes committed elsewhere. The extraterritorial jurisdiction, for example, resulted in the prosecution under German law for the sexual abuse of children in Thailand. End Child Prostitution and Trafficking (ECPAT) also partners with tourism companies to prevent child sexual exploitation and abuse. ECPAT's report, *Offenders on the Move*, highlights the changing patterns and methods of child sexual exploitation: more tourists are coming from non-Western countries without extrajudicial jurisdiction; lodge with AirBNB without being registered; and use webcams and smartphones for live streaming of child sexual abuse materials, which is difficult to control. This example highlights the need to adapt child rights strategies to ever-changing realities and to build new partnerships (e.g., with Interpol and social media companies).

International pressure: Local efforts to stop child recruitment into armed forces and groups are rarely successful. The **child soldier bill** shows how US military aid was used as leverage to end child recruitment. The campaign mobilized senators and congress people to back the child soldier bill, bundled with the anti-trafficking bill. Once the bill had been passed, President Obama continued to sign waivers in order not to offend allies in the war on terror. This example demonstrates how political, strategic, and economic interests can come in the way of human rights implementation. Activists have to use a multi-faceted

approach, get through to actors with real leverage and power (e.g., congress people), who can exert pressure on politicians and government. Just passing the law was not enough but required continued pressure on politicians to ensure the law was enforced.

Trade and consumer pressure: Other issues where the US government has been mobilized include **child labor** (Harkin Engel) and **trafficking** in persons (TIP) reports. Consumer pressure in rich, western countries has been critical in putting pressure on countries that use child labor. Examples include tea in India, cocoa in Ghana and Côte d'Ivoire, cotton in Ukraine, carpets in Nepal, and garments in Bangladesh. Consumer pressure can work well for export products but is less effective for local products, such as stone quarrying. There is a risk in this situation in which consumer pressure from thousands of miles away affects children's lives. In Bangladesh, for example, pressure against the exploitation of children in the garment industry resulted in the dismissal of the children, who ended up in even worse situations. These unintended consequences highlight the need to work on child rights issues at many levels to avoid unintended and harmful consequences for children. Consumer pressure in developing countries is generally not very strong, but the sensitization and mobilization of the urban middle class could be a viable strategy in the longer term. Partnerships with the private sector and private sector foundations set up to work on child rights issues have shown some promise.

Multilateral leverage: Countries in Eastern Europe have the highest percentage of institutionalized children in the world. UNICEF has been working with the Council of Europe to exert its influence on Eastern Europe countries to take decisive action on the deinstitutionalization of children. The threat of withholding EU funds to countries that do not comply with the **UN Alternative Care Standards** has been a major achievement.[15]

Global networks and alliances: Girls Not Brides, the Global Partnership to End Child Marriage, is a network of more than 650 organizations. It provides a platform for the exchange of information and strategies across the network. "Although many member organizations of Girls Not Brides had been working to end child marriage for years, the creation of a new global partnership helped catalyze international attention to the problem and secure new commitments to tackle the issue" (Becker 2017: 55).

Children as activists and leaders: The examples of Malala Yusufzai in Pakistan and Nujood Ali in Yemen show what some children are capable of achieving. Malala's and Nujood's stories are so powerful because they have grown out of extreme personal experiences of adversity. There are many other children with similar experiences who struggle on their own against abuse, neglect, and maltreatment. The African Movement of Working Children and Youth (MAEJT in French) is a network of associations of working children from twenty African countries. This child-led organization protects working children by organizing them in local groups, organizing public awareness raising campaigns to influence public opinion, and negotiating with government officials for children's rights.

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15   http://www.coe.int/en/web/children/alternative-care

C. GAPS AND CHALLENGES

1. Accountability gaps

Despite significant achievements, children's rights face numerous challenges. According to Human Rights Watch (2014): "Many children have been left out of the progress of the last 25 years. Although many countries have adopted impressive sets of laws protecting children, they often fail to enforce them. At least 58 million children are not in school—particularly girls, children from poor families, children in conflict countries, and children with disabilities. Many children die from diseases that can be easily prevented, including diarrhea and malaria. The ILO [International Labor Organization] estimates that 168 million children are engaged in child labor. Every year an estimated 14 million girls around the globe— 38,000 a day—are married before they turn 18. Although the convention obligates governments to use detention as a measure of last resort and for the shortest period of time, at least one million children are detained in jails and prisons on any given day, many without charge or for non-violent or petty offenses. Tens of thousands more are detained solely because of their immigration status. Ninety percent of the world's children live in countries where corporal punishment and other physical violence against children is still legal."

Laws, norms, protocols, and standards mean little without effective enforcement. Kevin Watkins identifies five weaknesses where the application of the Convention is falling far short of the promise it holds: "Limited political engagement. Gaps between the letter of national laws and the spirit of the Convention. Failure to address inequalities that violate the Convention's non-discrimination principles. Comfort zone scrutiny: too much emphasis on reciting legislative initiatives, and too little detailed scrutiny of the real impacts of legislation on vulnerable children. And weak provisions for converting principles into policy" (UNICEF 2014a).

Lack of resources: The CRC is a binding treaty whereas the Millennium Development Goals (MDGs) and SDGs are non-binding. While some significant investments have been made in the global children's rights architecture, work on child rights treaty recommendations receives much less funding than development-focused strategies. The Global

Study on Children Deprived of Liberty, for example, is at risk of not being completed due to a lack of funding commitments from the UN. Human rights and child rights organizations are often under-resourced and lack effective delivery and enforcement mechanisms. National and local child rights and human rights advocates and activists, in particular, often lack resources and capacities, and are under pressure from undemocratic and repressive governments.

Other challenges in the implementation of the CRC include different and **competing definitions and interpretations** of the concepts of children, development, and protection. Among the neglected child rights areas are the rights of LGBTQI children, indigenous children and children from minority groups, and children with disabilities. The following section explores some of these challenges.

2. Global norms and local practices

"There is a culture clash between the world of child rights, which reflects Enlightenment values and the views of modernity, and the world of traditional values and practices." (Wessells and Kolstelny 2016).

One of the biggest challenges for universal child rights are competing ideologies and belief systems. Before European colonization, every culture around the world had its own ways of raising and educating children, responding to diseases and disasters, resolving conflicts, supporting people in need and punishing offenders. Over the past two centuries, western ideas and approaches have been spreading across the globe with varying effects. The following paragraphs highlight how the relationships between "universal" norms and systems, and indigenous practices have developed in different rights and development arenas.

- Formal **education** entirely ignores pre-modern forms of education.

- Western **health** approaches are so dominant that alternatives (e.g., acupuncture, Ayurveda) are marginalized and barely acknowledged. Traditional

African healing has more in common with psychosocial care and community healing than with a germ theory of disease. Limited efforts have been made to draw on the skills of traditional healers in post-conflict rehabilitation and reconciliation (e.g., Sierra Leone).

- **Early childhood care and development** continue to be dominated by indigenous approaches to child rearing, while preschools and kindergartens remain beyond the reach of most poor people in low- and middle-income countries. There has been some interest in culturally-appropriate approaches in early childhood development (Early Childhood Matters 1998, no. 89). A question arises: to what extent is the interest in parenting education as an approach to violence prevention informed by an understanding of indigenous child rearing practices?

- **Social protection** has traditionally relied on kinship and neighborhood support as well as informal networks and associations. Recent attempts to promote public social protection schemes (cash transfers, health insurance, pensions, public works, etc.) have shown some promise, but remain – for the most part – out of reach for poor people. Despite strong evidence on the extent of informal social protection mechanisms, "The possibility of building on existing informal social protection systems and creating complementary linkages between the formal and informal systems is rarely considered by policy-makers and donor agencies in Africa." (Devereux and Getu 2013).

- Recent efforts to install **child protection systems** have focused on district-level statutory services with links to communities. In some cases, agencies have made efforts to understand community-level child protection mechanisms (e.g., Wessells and Kostelny 2016), but in many other cases, child protection definitions, concepts, and approaches are grounded in social work and child psychology. Links between community protection and formal child protection system are often weak. In its review of child protection systems policies in West Africa, Child Frontiers concludes (2016): "Since the mapping of child protection systems began in the region in 2010, there is increased recognition of the centrality of families and communities to child welfare and protection. To not deal with their *de facto* role becomes problematic and impacts the extent to which communities will endorse the [child protection] policy."

- Top-down and didactic approaches also dominated **child rights education,** especially in the 1990s**.** These approaches are not only ineffective, they may also cause a backlash. Some NGOs have developed more respectful bottom-up approaches to human rights education.

- **Informal justice systems** continue to play important roles in many sub-Saharan African countries. The role of customary law differs by country. In some, customary laws are recognized by national law and are complementary to the formal, statutory legal system; in others they are merely tolerated. Issues related to family law, women, and children are often handled by customary or religious laws. In general, poor people and communities prefer to solve issues within the family and community rather than interacting with the police or the justice system, which are seen as inefficient, abusive, corrupt, and biased in favor of rich and powerful people. A recent publication by UNDP, UN Women, and UNICEF states (2013): "Until recently, informal justice systems (IJS) were relatively invisible in development partner-assisted justice interventions. Yet, IJS form a key part of individuals' and communities' experience of justice and the rule of law, with over 80 percent of disputes resolved through informal justice mechanisms in some countries. IJS may be more accessible than formal mechanisms and may have the potential to provide quick, relatively inexpensive, and culturally relevant remedies. Given this central role and increasing government and partnering donor interest in IJS, it is key to build an understanding of IJS and how best to engage with them for the strengthening of human rights, the rule of law and access to justice."

- **Public health** has engaged significantly with indigenous beliefs and social norms, partly because other approaches to reproductive health, violence prevention, and harmful practices had such poor results.

Wessells and Kostelny (2016) capture the fundamental challenge confronting the promotion of children's rights in many parts of the world: "a significant gap exists between the formal system of child rights that is enshrined in Kenyan law and the CRC and the views and practices of local people. (…) The finding that even some authorities who were supposed to protect child rights had concerns about them indicates that people in Kenya, particularly authorities who have been trained on child rights, have

a leg in each of two worlds—the worlds of tradition and modernity." Children's rights agencies have learned that negative and judgmental approaches to family and community beliefs and practices are bound to fail – everywhere, not just in rural Africa.

Disconnections: Beyond the tensions between cultures, beliefs, values, norms, and practices, western approaches are compartmentalized and siloed. There are often few links between health, education, social protection, justice, child protection, and public health. Each technical field comes with its own disciplines, concepts, and approaches. While public health publications on social norms are proliferating, the discourse on customary law does not use the social norms concept. Typically, government services and systems, as well as many NGO programs, are sector-specific and vertical, without recognizing or reinforcing linkages at community level. Challenging existing practices and beliefs, power dynamics, gender relations, and the position of children without understanding their roots and the ways in which they are changing, leads to frustrations, misunderstandings, and resistance. This lack of deep understanding diminishes the effectiveness of development programs and efforts to promote children's rights.

What is needed? Wessells and Kostelny (2016) suggest a social norms change approach as an important complement to efforts to develop child rights-supportive laws and policies. Instead of top-down child rights promotion, they propose that "it is time for a change of approach in how we promote child rights. If we want to make child rights a reality, we should limit the use of top-down approaches at grassroots level and emphasize internally guided processes of social influence and social change. Making this change in our own behavior offers us the best chance of fulfilling our collective obligation to protection the rights and well-being of every child."

3. Children's rights and child development

The CRC provides a comprehensive normative framework that defines the accountabilities of governments and other duty bearers for children's rights. The General Comments have made significant contributions to the interpretation of specific articles of the CRC from a human rights perspective. Additional interpretations and commentaries can be found in the extensive academic literature and jurisprudence on children's rights.

Much of the actual work to address children's rights to survival, development, protection, and participation rests with child focused agencies working in low- and middle-income countries. These agencies have drawn selectively on the articles of the CRC and, to a limited extent, on related expert documents. Some child rights activists accuse child development agencies of a **lack of commitment to children's human rights**. They claim that development organizations often do not understand international human rights law and believe that "human rights work" is a separate approach from working for children and that human rights are for lawyers, not really being about justice, equality, and accountability. They further contend that child development organizations are unwilling to be political because talking about rights means talking about obligations, accountability, and root causes rather than non-controversially dealing with the consequences of a problem. It is easier for child development agencies to raise funds for causes that appear to be easy to solve, such as building schools, rather than for more intractable issues, such as holding governments accountable for protecting children from trafficking.

Child development organizations have aligned their work with the four "clusters of rights" of child survival, development, protection, and participation. Each of these program areas is broadly aligned with a phase and an age range in children's lives: early childhood (0-5 years) is broadly aligned with child survival and ECD; middle childhood (6-14+ years) with education; childhood (0-17 years) with child protection and children's participation. In recent years, adolescence (10-19 years) has gained increasing popularity as an additional area for programming. These classifications are informed by theories of child psychology and brain development. Accordingly, adolescence is sometimes extended to age 24, the age at which human brains reach the emotional development and impulse control of adulthood.

Three broad approaches are being applied to promote children's rights to survival, development, protection, and participation: (a) using the law through legal advocacy, enforcement, juvenile justice, litigation, and accountability efforts; (b) large-scale service delivery programs for child health, basic education, child welfare, social protection, and family support, etc.; and (c) prevention of exploitation, abuse, and violence against children through social and behavior change promotion, public health, and social work prevention and protection programs. Where they work effectively, these approaches can be powerful and complementary parts of a comprehensive strategy for

children's rights. In practice, however, they are often not well aligned and coordinated, and large gaps remain in the geographic coverage and in reaching the most vulnerable and excluded children. The synergy between these approaches and between macro-level policy and systems work, on the one hand, and local-level work to support children and their families on the other, remains one of the biggest challenges for the realization of children's rights.

Survival

The **human rights to health** has a long history. Dr. Jonathan Mann was a pioneer in advocating to combine public health, ethics, and human rights. He promoted the idea that human health and human rights are integrally connected, arguing that these fields overlap in their philosophies and objectives to improve health, well-being, and to prevent premature death (Wikipedia). Before his untimely death, Dr. Mann founded the François-Xavier Bagnoud Center for Health and Human Rights at Harvard University.

The discourse on the **social determinants of health** are informed by a commitment to social justice. A background paper prepared for the Commission on Social Determinants of Health in 2005 identified the following entry points for policies and interventions on the social determinants of health[16]:

- decreasing social stratification by reducing "inequalities in power, prestige, income and wealth linked to different socioeconomic positions";

- decreasing the specific exposure to health-damaging factors suffered by people in disadvantaged positions;

- lessening the vulnerability of disadvantaged people to the health-damaging conditions they face; and

- intervening through healthcare to reduce the unequal consequences of ill-health and prevent further socioeconomic degradation among disadvantaged people who become ill.

The large-scale investments in **child survival** stand in stark contrast to these examples of the connections between health, human rights, and social justice. The child survival revolution was initiated by James Grant, the UNICEF

Executive Director from 1980 to 1995. Put simply, child survival implements large-scale, vertical programs that reduce child mortality and morbidity in a short time. The programmatic focus is to deliver technical solutions to diseases that cause the largest number of child deaths. The approach is driven by evidence, data, and cost-effectiveness to achieve the greatest reduction in child deaths with the least investment. The approach is grounded in public health and economics. Child survival programs are adapted to child mortality rates and causes of child and infant deaths in different countries, variously focusing on under 5 deaths, on child survival in the first 1000 days, or on neonatal deaths and the first 72 hours of life. While UNICEF has been the main proponent of child survival as the central pillar of its health program, many other organizations and donors have joined the bandwagon. In recent years, GAVI, the Vaccine Alliance, and the Gates Foundation have poured large funds into vertical health programs that have been credited with the achievement of the MDG health targets in many countries.

Equity: Since 2012, UNICEF has focused its child survival and development programs on equity to ensure that "all children have an opportunity to survive, develop and reach their full potential without discrimination, bias or favouritism." UNICEF invokes the CRC and states that "the equity-based approach … seeks to understand and address the root causes of inequity so that all children, particularly those who suffer the worst deprivations in society, have access to education, health care, sanitation, clean water, protection, and other services necessary for their survival, growth, and development." UNICEF matches the moral imperative for equity with evidence-based strategies, technical innovations, and granular data analysis to reach the most deprived children. The focus on equity is in line with the CRC principle of non-discrimination. On the other hand, the hallmark of a human rights-based approach or a social justice approach to health is to be broad and to address a wide range of social, economic, and political determinants of health. Large-scale vertical child survival programs have made major contributions to reducing childhood illnesses and deaths. They have also established standards for the MDGs and the SDGs, which are now spreading beyond health and nutrition (see discussion of human development framework below).

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16   Action on the Social Determinants of Health: Learning from Previous Experiences. A Background Paper Prepared for the Commission on Social Determinants of Health, March 2005, WHO.

Development

Education is a human right, not a privilege. This means: the right to education is guaranteed legally for all, without any discrimination; states have the obligation to protect, respect, and fulfil the right to education; and there are ways to hold states accountable for violations or deprivations of the right to education.[17] Katarina Tomaševski, the first United Nations Special Rapporteur on the right to education proposed the 4As to make education available, accessible, acceptable, and adaptable.

International investments in education over the past decades have achieved near-universal access to primary education through **global partnerships,** such as the Education for All (EFA) movement. EFA is a global commitment to provide quality basic education for all children, youth and adults. The United Nations Girls' Education Initiative (UNGEI) is a multi-stakeholder partnership to improve the quality and availability of girls' education and to contribute to the empowerment of girls and women through transformative education. While primary school enrollment is high, there are major gaps in primary school completion, especially in sub-Saharan Africa and South Asia. Other major gaps remain in the quality of education, learning outcomes, and in the equity of education. The gaps increase in secondary and tertiary education. The long-term plan of the global education programs is to improve education access and quality over time. As UNESCO data show, the most marginalized groups of children won't complete primary education for decades. A major challenge to the achievement of the global targets is the increasing privatization of education while governments abdicate their responsibilities for children's right to education.

Protection

The rights to protection from violence, abuse, exploitation, and neglect are "negative rights"[18] defined in specific articles of the CRC. The conceptualization of child protection in low-income countries evolved in parallel to the propagation of the CRC. Almost half of the substantive articles of the CRC refer to child protection, and, over time, the boundaries between children's rights and child protection have become blurred – at least from the perspective of implementing agencies. In the 1980s and early 1990s, child-focused agencies supported stand-alone projects for children in especially difficult circumstances and children in need of care and protection, such as street children, separated children, and children in institutions. Between the mid-1990s and 2005, larger issue-based and problem-focused programs emerged, tackling child labor, trafficking, sexual exploitation, juvenile justice, alternative care, female genital mutilation / cutting (FGM/C), and other child protection concerns. During this period, child protection, child rights, and women's rights agencies made numerous attempts to frame children's and women's protection issues, creating concepts such as "harmful traditional practices," "commercial sexual exploitation of children," "gender-based violence," and the "worst forms of child labor." To a large degree, child rights and child protection actors felt they "owned" these problems.

In the mid-2000s, child protection agencies tried to develop an overarching framework to **unify the child protection agenda.** Notable examples include UNICEF's Protective Environment Framework (2005), the United Nations Study on Violence Against Children (2006), and UNICEF's approach to child protection systems (2010). Child protection seemed poised to step up into the big league of development issues, next to health, education, and nutrition. The child protection systems approach offered the prospect of a core infrastructure to deliver child protection services, and the violence against children (VAC) studies produced unprecedented statistical insights into VAC in low- and middle-income countries. Since 2015, children's protection rights are prominently included in the global sustainable development agenda, and child protection issues attract considerable media attention. A look below the surface, however, shows the deep challenges child protection continues to face in low- and middle-income countries.

The developments over the past ten years heralded a **shift from child protection problems to solutions**. This shift also highlighted the fact that much of the "child protection" agenda is the professional domain of agencies and disciplines working on solutions related to: social protection; governance, rule of law, and access to justice; law enforcement; public health; and education. Traditional child protection actors are now looking at the prospect of a shrinking field of operation, where large social policy arenas (e.g. education, social protection, governance, public health) are occupied by well-established professional communities while child protection actors are increasingly confined to marginal areas that, again, have little power, capacities, or resources. These child protection

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17   http://www.right-to-education.org/page/understanding-education-right
18   A negative right is a right not to be subjected to an action of another person or group.

niche areas include: formal, statutory child protection systems; community-based protection; case management; child protection information management systems, alternative care, juvenile justice, social welfare workforce strengthening, and other social work dimensions of child protective services. At country level, child protection is spread across many different ministries with little coordination, coherence, or leadership.

Child protection focuses on children as victims rather than on their agency. While the leading international child protection agencies consider children as right holders, many service providers for children in need of care and protection take a charity approach (e.g., adoption agencies and many child care institutions). As a result, some child protection agencies are working in isolation from child rights and human rights actors. The child protection discourse is further **fragmented by child protection issues and professional disciplines**. And there is little overlap between the professional communities dealing with child labor and social protection; juvenile justice; or child marriage and FGM/C. Professional specialization often leads to the fragmentation of responsibilities, making it harder to identify duty bearers and to hold them to account. Child rights and protection actors have to adapt to these realities and develop new partnerships with agencies that may have limited understanding of children's protection rights. They have to find new ways to engage, rather than relinquishing the prevention work to specialized technical agencies.

Agencies working to strengthen **child protection systems** tend to emphasize formal, statutory government protective services. This emphasis often comes at the expense of working with children and families at the community level. In order to build a professional infrastructure for child protection, efforts have been concentrated on strengthening the social service workforce, case management systems, and child protection information management systems. These kinds of investments take many years to reach significant numbers of abused, neglected, and exploited children. Investments in child protection systems have not developed a convincing model for achieving large-scale results. A review of child protection systems in West Africa concludes: "There is a widespread perception that the policies produced are actually contributing to child protection system strengthening, but there is little evidence to support this perception" (Child Frontiers 2016). While strengthening systems for child protection is important, it should not lead to losing sight of children.

The Critical Reflections report (2016) comments on the relationship between child rights and child protection: "There was a rich discussion on the origins of and relationship between child protection (CP) and the UN CRC. The concept of CP emerged from a Western World social and professional point of view, with a complex system of rules and regulations taken by judges, social workers, police and others to intervene in the life of the family after violence has occurred. This is still echoed in many systems implemented in many countries including in the Global South. **The CRC** (including CRC General Comment 13) **has a more comprehensive vision of CP with greater emphasis on prevention and family support"** (Cook and Forbes 2016).

The **prevention of violence against children** is currently one of the most dynamic child protection areas. Donors have heightened expectations regarding child protection results and measurements. The SDGs have raised the bar, and the VAC prevention agenda is shifting towards public health, education, and communication, with an emphasis on evidence, data, and cost-effective technical solutions (emulating child survival in some sense). Neither public health nor economics are grounded in children's rights, and the narrow focus on technical solutions risks losing touch with the rights-based roots of child protection.

Participation

The CRC does not explicitly mention children's "participation rights." Instead, the Convention includes a number of civil and political rights, including children's rights to: be heard, express their views, access information, decision making, privacy, freedom of religion, freedom of association, name and identity, and right to justice. Children's agency is integral to children's rights. It is also the most radical aspect of the CRC, and no country has yet fully realized children's civil and political rights. The CRC limits children's civil and political and economic rights.

Supporting the civic engagement of children and adolescents is integral to the promotion of children's rights. Over the past decades, children's agencies have supported a wide variety of "children's participation" initiatives, ranging from children in pretty clothes singing at the opening of conferences, to children's clubs in schools, "children's parliaments," adolescent reporters, children engaged in peace building, and unions of child workers, to name just a few. Some of these initiatives are based on children's civil and political rights as enshrined in the CRC; others are adult fantasies of children's

performances in adult spaces. Claire O'Kane (annex) mentions three types of initiatives that have been relatively successful: working children's associations and movements; children's participation in inclusive groups or clubs; and children as researchers in participatory action research processes. Children's participation is virtually non-existent in child survival programs; it is likewise limited in child protection, which focuses on children's vulnerabilities and deficiencies rather than their agency and is concerned about the risks of exposing children in public spaces. Children's participation is moderate in education (school committees and clubs, etc.) and relatively strong in adolescent empowerment programs.

Children's participation is fraught with legal, conceptual, and logistical challenges. The vast majority of children's participation initiatives have had little impact on children's agency or on the power relationships between children and adults. Socially excluded children, such as girls, disabled, indigenous, minority, and exploited children, are often underrepresented in child participation projects. Virtually all child participation initiatives end when they lose support from adults or when children turn 18. In general, children's participation has received much less investment than child survival, development, and protection, and there has been little progress in promoting children's agency. While some child-focused organizations have changed their culture to make it easier for children to have a say, many others have not, and children's agency and participation continues to be a marginal child rights issue.

Children's agency has not widely caught on across children's programming and remains, at best, an isolated niche area. The work on children's political participation, civil rights, and citizenship as well as participatory research with children have been influenced by the social studies of childhood and a critique of childism (see next section). Instead of becoming a guiding and unifying principle of children's rights and development, children's agency remains the most contested and least understood aspect of children's rights. Structural inequality and social exclusion act as barriers to children's agency. Adults are driving the child rights agenda and children are, for the most part, not empowered to demand their rights.

4. Childhood theory, rights, and practice

Underlying children's rights and child development practice are theories of childhood. Child rights and development practitioners and advocates are aware of some of these theories, especially those that are closest to their specific area of technical expertise, such as early childhood development, social and behavior change promotion, epidemiology and public health, or child protection. Jo Boyden has taken a broader look at the theories underpinning child rights work and argues that **human development research** is dominating child development and much of child rights practice (Boyden 2015). According to the science of human development, investing in disadvantaged children advances social justice and realizes their developmental potential. Neoliberal economic theory has instrumentalized this perspective through the **human capital framework**, which underscores the importance of investing in early childhood and education to raise adult productivity and secure national economic growth. According to Boyden, international policy is shaped by the human capital framework and by children's rights. Both emphasize an idealized normative vision of children, who are seen as vulnerable and in need of adult protection and investments in their development (e.g., CRC, Education for All, MDGs, SDGs, etc.).

The **new social studies of childhood** grew out of a critique of the biological determinism of universalist linear models of childhood. These social studies showed childhood to be a social and historical construct that varies across time, context and socioeconomic group; highlighting children's role as social agents rather than as passive victims; and by emphasizing children as citizens with rights, who are making important contributions to their communities. "Agency is the capacity of individuals to act independently. The idea that children can be seen as independent social actors is core to the development of the new paradigm for the study of children and young people that emerged in the social sciences during the 1970s" (James and James 2012). The new social studies of childhood are empirically grounded and share much ideologically and methodologically with the child rights movement.

Human development research offers a compelling early childhood narrative that has captured the global policy imagination and is delivering real benefits for children (Boyden 2015). **Social studies of childhood**, on the other hand, have enormous potential to influence the child rights agenda but have an ambivalent relationship with the policy discourse on child rights. Moreover, they have had limited engagement with human development theory and have failed to generate an effective alternative to the human capital framework, thereby allowing major policy shortcomings to go unchallenged. Social research has been weak on the political economy of childhood, focusing on

culture rather than class, calling for changes in culture rather than redistribution to achieve justice for children, and endorsing attention to the private sphere and the attitudes and behaviors of individuals and families. The suffering of children is seen as a moral failing of societies and cultures, leading Boyden (2015) to ask "does this make social research complicit in social justice failings?"

Recent years have seen a steady stream of **criticism of the social studies of childhood**, the limits of social constructionism and the dominance of western concepts of children's agency (Prout 2014). In her article on AIDS orphans, Nicola Ansell (2016) shows that the concept of children as social actors has failed to shed light on children who do not embody agency. This oversight has supported interventions that fail to address the structural causes of widespread child poverty. Such research inadvertently advances a neoliberal agenda, locating poverty in the individual. Ansell calls for refocusing on childhood poverty through a social justice lens. Cheney (2017) argues that for women's studies, a focus on social justice has made policymakers take notice of women, girls, and broader gender issues. She proposes that a similar rooting of childhood studies in a more critical, activist social justice stance may help impact social policy. Cheney calls for decolonizing childhood studies to help reduce the childism (Young-Breuhl 2012) that pervades scholarship, policy, and practice. Decolonized research can provide an evidence base for more effective and inclusive interventions to reach across silos of research, policy, and practice and a basis for collaboration to address patriarchy and prejudice (Cheney 2017).

The terms **childism** or adultism have been proposed to represent the systemic marginalization of children in society. Young-Breuhl (2012) defines childism as "a prejudice against children on the ground of a belief that they are property and can (or even should) be controlled, enslaved, or removed to serve adult needs." Young-Breuhl identifies three basic forms of prejudices: people want to get rid of the members of a group; manipulate them into being servants; or erase their identities. "Adultism [or childism] is understood as the oppression experienced by children and young people at the hands of adults and adult-produced systems. It relates to the socio-political status differentials and power relations endemic to adult-child relations. Adultism may include experiences of individual prejudice, discrimination, violence and abuse as well as systemic oppression. At an individual level, it is characterized by adult authoritarianism toward social control of children and adult-centric perspectives in

interacting with children and in understanding children's experiences. Systemic adultism is characterized by adult-centric legislation, policies, rules, and practices that are embedded within social structures and institutions which impact negatively on children's daily lives and result in disadvantage and oppressive."[19]

Young-Breuhl writes (2012): "Without a synthesizing concept, you do not see that child poverty and child abuse are both rooted in and rationalized by prejudice against children." The theory of childism provides an analysis of the power differences between children and adults that lie at the root of children's marginalization and abuse. The critical social science discourse on childism has the potential to advance theories of childhood that **challenge the dominant human capital framework and promote a social justice approach to children's rights**. However, the theory of childism and its critique of the systemic oppression of children by adults remains marginal to the policies and practice of child rights and development. Child development agencies focus mainly on technical solutions to child survival, development, and protection rather than on the transformation of power relations between children and adults. Child rights and development research, policy, and practice have largely failed to advance generation-sensitive perspectives and approaches beyond child-specific agencies and programs. This failure stands in sharp contrast to gender theory, which not only drives programming for the rights of women and girls but has also been mainstreamed across the development field, including economics, infrastructure development, and climate change. In comparison, children's rights and development have not made significant inroads into the development arena dealing with "adult issues."

There is one obvious reason why the social studies of childhood and of childism have not had the same impact on the child rights and development field(s) as gender studies and feminist theory have had on women's rights and empowerment. Gender studies and feminist theory are largely led by women and gender-non-conforming people as a direct act of participation in their emancipation and resistance to patriarchy while childhood studies are almost always undertaken by adults (Mark Canavera, personal communication).

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19 LeFrancois, Brenda A (2013) *Adultism*. Springer-Verlag Berlin, Heidelberg
    http://www.springerreference.com/index/chapterdbid/304657

5. Children's rights and women's rights

While adults drive the child rights agenda, women speak on their own behalf. At the same time, both women's and children's issues are often governed by customary and religious family laws rather than by formal statutory laws.

There are some **tensions between children's and women's rights.** Women's rights find it difficult to see themselves in children's rights since child rights, for the most part, are not gendered. The global women's movement addresses different dimensions of the oppression of women and girls while a technical and depoliticized child survival, development, and protection agenda is seen as a threat to the political women's empowerment agenda. The protectionist stance of violence against children initiatives is seen as undermining the empowerment framework of violence against women and girls, making it difficult to reconcile these two positions. Another complaint is that child survival, development, and protection views women as mothers and as perpetrators of violence, abuse, and exploitation of children, rather than recognizing women as victims of oppression. According to Emma Fulu, the influx of INGOs and consulting firms into the violence against women arena risks depoliticizing the feminist roots of violence against women (statement at SVRI Forum 2017). During the SDG negotiations, the women's movement rejected the target of "ending violence against children" as being unrealistic and therefore not conducive to the goals and agenda of the women's movement.[20] From the perspective of children's rights, women's rights advocates ignore issues of generation and the power imbalance between children and adults; overlook the role of women as perpetrators of child rights violations; ignore boys and men as victims; and sideline children's rights whenever women's rights organizations take charge of an agenda.

Children's rights and women's rights: On the other hand, there is much that children's rights could gain and learn from the women's rights field. Women's rights bring social justice concerns together in a comprehensive way and regard collective action as one of the most important solutions. According to feminist gender analysis, violence against women is underpinned by multiple forms of oppression that governments are part of and are reluctant to transform. Women's rights activists have a clear

understanding that violence against women and girls, the denial of land rights, abortion rights, discrimination in the work place, and lack of political representation are all connected and underpinned by the oppression of women by men. This connection across different manifestations of gender discrimination and violence against women and girls is one of the strengths of the women's movement. The women's movement is connected with social justice movements on a bigger scale. What can children's rights gain from this? How can the promotion of children's rights and the transformation of power relations between children and adults be linked to broader social justice agendas?

6. Implications for children's rights

To summarize, here are some of the main implications of the challenges and gaps for children's rights.

Accountability: Child development, survival, and protection agencies tend to rely on technical approaches to realize specific children's rights rather than using more political means to hold duty bearers to account. This approach frustrates child rights activists who would like child development agencies to take a more principled stand for children's rights. For the most part, adults speak on behalf of children to promote their rights and development whereas women tend to speak for themselves.

Synergies: The child rights architecture sets norms and monitors children's rights. It depends to a large degree on international and national child development and rights organizations to implement programs for children, follow up the Concluding Observations with national governments, and generate data on children's survival, development, and protection. This symbiotic relationship creates tensions between the following dyads: a holistic approach to child rights and narrow technical interventions for child development, survival, and protection; promoting international human rights norms and working with customary laws and social norms that may be violate children's rights; aiming to reach the most marginalized children and impacting the lives of the largest number of children.

Unifying framework: Child development organizations have operationalized children's rights selectively. The child rights and development field lacks a unifying theoretical framework that could bridge the gaps between universal children's rights norms, social justice, and child development programs. While the theory of childism and the social studies of childhood have made some important theoretical contributions, they have not

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20   See the COFEM papers for an articulation of feminist perspectives on addressing violence against women and girls http://raisingvoices.org/whats-new-at-raising-voices/

achieved widespread recognition across child rights and development, comparable to what gender and feminist theory have done for women's rights and empowerment. There is no common transformational agenda or theory of children's oppression that underpins all programming related to child survival, development, and protection and that challenges the dominant human capital framework.

Mainstreaming: The CRC is the most widely ratified human rights convention, and child development agencies attract considerable funding for the survival, development, and protection of children. However, children's rights have not been mainstreamed across "adult" rights and development fields similar to the way gender has been mainstreamed.

PART II: NEW DIRECTIONS IN CHILDREN'S RIGHTS

D. THEMES

As the previous analysis has shown, to greatly increase results for children's rights, business as usual is not an option. Child rights and development agencies have to find more transformational ways of working for children's rights to survival, development, protection, and participation, and link the promotion of children's rights with broader social justice agendas. Below are a few directions that could be explored further. They address the previously-identified challenges and gaps. In many cases, strengthening connections and building synergies are keys to achieving greater results. For some challenges, however, tensions and trade-offs may be difficult to address and overcome.

Strengthen accountability for children's rights: Strengthen formal accountability institutions and mechanisms for children's rights: CRC Committee; UN treaty bodies; human rights mechanisms; African human rights institutions; and national human rights and governance infrastructures. Mainstream children's rights across human rights mechanisms. Strengthen informal accountability, capacities, and ecosystems at country level: strengthen capacities of activists and civil society to mobilize and campaign for children's rights; and improve the social and political environment for child rights activism and children's agency.

Community-based family strengthening for children's rights: Develop effective approaches to strengthen families at the community level so they are better able to contribute to the fulfilment of the rights of their children to survival, development, protection, and participation. Integrate approaches to social norm change, working with customary laws, children's agency, and community work and develop and promote innovative approaches for the promotion of children's rights and scaled-up social and behavior change.

Partnerships and leadership to end violence against children: Harness the opportunities created by the SDGs to end violence against children to: support and nurture a broad-based movement for an end to violence against children; strengthen leadership and cohesion of a global movement to end violence against children; use the prevention of violence against children as an example and opportunity to bring children's rights and women's rights closer together; and support the development of effective interventions to end violence against children.

Which thematic issues should be prioritized?

There is no shortage of pressing issues for child rights and protection activists and workers. Sexual exploitation and abuse, trafficking, and the recruitment and enslavement of children rank highly on the list of horrors inflicted on children. Child marriage, child labor and migration, children in institutions, and children in conflict with the law have been the focus of child protection for many years. In addition, harmful practices include FGM/C, witchcraft accusations, violence against people with albinism, breast ironing, ritual infanticide, and many more. Here are some considerations that could be taken into account as various groups (funders, programmers, policymakers) try to identify priority thematic issues:

➤ Number of children affected
➤ Emotive issue that generates moral outrage (important for campaigns and advocacy)
➤ Level of complexity (i.e., number of factors involved – social norms, poverty, criminal activity, etc.)
➤ Degree of resistance to abandoning or addressing the issue

➤ Chance of reaching large scale

➤ Opportunities for partnerships, leveraging and supportive constituencies

➤ Multi-sectoral approaches and adding new capacities to children's rights and protection

➤ Level of establishment, codification, and systematization of the field; level of flexibility of main actors

➤ Opportunities for supporting networks and strengthening partnerships

Some observations on different issues and their potential for achieving large-scale impact on children:

➤ Efforts to address **trafficking, slavery, and sexual exploitation** of children have had mixed results, but continue to receive support from the USAID (USG TIP report), DFID, UNODC, and NGOs. These are highly complex issues that keep shifting as a result of technological, economic, and demographic changes. They require a high degree of coordination between different departments, organizations, and countries. ECPAT's network has recently expanded its work to cover online exploitation. There is room for the use of technology and of innovative legislation. Sweden, for example, made it legal to sell, but not to buy sex. This legal approach discouraged men from buying sex and led to a collapse in trafficking for sexual exploitation to Sweden. It is doubtful whether such a law would have the same effect in countries with weaker commitment to women's rights and gender equality. Ultimately, anti-trafficking requires greater international pressure and stronger systems, which take a long time to establish. The WeProtect initiative on child online exploitation is promising but also shows many challenges that have to be overcome.

➤ **Child marriage** is currently receiving much attention and funding. The research in India on drivers of change related to child marriage is promising as it identifies opportunities for large-scale interventions – beyond, or in addition to, community-based interventions. However, child marriage has many context-specific causes, and approaches have to be contextualized. Moreover, many African countries lack the public resources and government structures that India is able to mobilize.

➤ **Child labor** continues to be a serious issue for children, especially in sub-Saharan Africa and South Asia. This used to be a child rights signature issue, but is now considered a "legacy issue." ILO's International Program on the Elimination of Child Labor (IPEC) has lost much of its funding, and UNICEF has all but dropped the issue at global level, though some countries continue child labor programs. Innovative partnerships and approaches can be found in the corporate social responsibility (CSR) work of private sector foundations, industry associations, and consumer pressure groups.

➤ **Child migration** has jumped to the top of the global child protection agenda as a result of the spike in migrant and refugee flows from Africa and the Middle East to Europe (UNICEF 2016). After years of limited work on migration as a child protection risk, migration as a development opportunity, and research on children on the move, which challenged the conflation of child migration and trafficking (in West Africa initially but then beyond), research, programming, policy work, advocacy, and partnerships to address child migration have become pressing.

➤ Currently, one of the biggest opportunities is the End Violence against Children agenda as part of the SDGs.

1. Accountability for children's rights

Strengthen formal accountability institutions and mechanisms for children's rights. Strengthening the effectiveness of the human rights architecture could make significant contributions to the fulfilment of children's rights. Here are some proposals and recent developments:

■ **Influence the composition of the CRC Committee** by campaigning to ensure strong candidates are elected as members of the Committee. Similarly, influence the selection of SRSGs.

■ **Promote the use of the Communications Procedure (Optional Protocol 3).** The CRC complaints mechanism is only beginning to examine its first complaints. There is a need to raise awareness among child rights NGOs on the procedures required and to strengthen their understanding of legal rights and legal advocacy.

■ **Strengthen regional human rights mechanisms.** Further strengthen the ACERWC, the InterAmerican Commission and Court, the European Court of Human Rights and other regional mechanisms to reinforce commitments to children's human rights.

Some ideas for achieving larger-scale change for children's rights:

➤ Situate children's rights in the broader development arena and highlight how children's rights contribute to health and education.

➤ Prevent child abuse and exploitation by using existing large-scale social and economic investments in: education, social protection, health, ECD, economic development, infrastructure, climate change, etc.

➤ Mobilize powerful and well-connected constituencies for children's rights, e.g. women's movements, religious leaders and faith-based organizations, judiciary and lawyers, etc.

➤ Analyze larger drivers of social change and harness and amplify them to protect children from exploitation and abuse.

➤ Harness the private sector and corporate social responsibility to protect children from exploitation and abuse.

➤ Transcend government transitions and institutionalize investments in and commitments to children's rights so they are protected from government transitions. Influence election campaigns and lobby for children's rights on political platforms.

While children's rights need to achieve larger results, some things can be scaled (mainly by governments), while others cannot. Child rights principles and the quality of interventions should not be compromised for the sake of achieving results at scale.

Mainstream children's rights in human rights mechanisms and UN treaty bodies: Children's rights violations should be addressed with the same consistency and rigor as the violations of the rights of adults. CRIN has identified blind spots in the questioning by three UN committees on children's rights.[21] This analysis of children's rights in the work of all UN human rights mechanisms looks at the most frequently raised violations as well as those that are rarely addressed. The aim is to encourage UN mechanisms to take a holistic approach to addressing children's rights and to make sure all rights are covered and eventually fulfilled. The analysis aims to encourage advocates to press for the permanent presence of children's rights in the full range of UN human rights mechanisms.[22] One option for mainstreaming children's rights could be to lobby for the creation of a section within the Office of the United Nations High Commissioner for Human Rights (OHCHR) that ensures children's rights are mainstreamed across the United Nations.

Women's rights could be another promising area for advancing children's rights (e.g. Commission on the Status of Women[23] and other platforms). The following example shows how children's rights to health can be promoted as part of broader UN initiatives. A new High-Level Working Group of Health and Human Rights of Women, Children, and Adolescents has been established.[24] The working group has a year-long mandate to generate high-level political support, at both national and international levels, for the implementation of the human rights-related measures called for under the Global Strategy on Women's, Children's, and Adolescents' Health (2016-2030). The Global Strategy is a roadmap for ending the preventable deaths of women, children, and adolescents, and ensuring that they can reach their full potential and transform their own futures and those of their communities.

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21 Human Rights Committee, Committee on Economic, Social and Cultural Rights, and Committee on the Rights of Persons with Disabilities.

22 https://www.crin.org/en/home/what-we-do/research/childrens-rights-and-un-analysis

23 http://www.unwomen.org/en/csw

24 http://www.who.int/reproductivehealth/news/human-rights-women-children-adolescents/en/

What should governments do to better fulfill the rights of children? (HRW 2014)

Governments should take several key steps to fulfill their international obligations to children:

➤ **Review national legislation** to ensure that it conforms with the convention—for example, by ensuring that child labor, child marriage, female genital mutilation, and all forms of violence against children are strictly prohibited;

➤ **Ensure accountability** for violations of children's rights by establishing complaint procedures and investigation mechanisms and ensuring that abusers—whether parents, teachers, employers, police, or other officials—are fairly held responsible;

➤ **Expand practices** with proven track records for increasing school enrollment and improving children's health—for example, programs that provide direct assistance to the poorest families;

➤ **Identify marginalized** and vulnerable children who are being excluded from school, health, and other services or need special protection—including girls, children with disabilities, children from ethnic and racial minorities, migrant children, and those living in conflict areas—and adopt concrete and specialized plans and policies to ensure that these children have access to schooling and other services, and are protected from the effects of armed conflict and other violence; and

➤ **Abandon policies and practices that are proven ineffective** and damaging to children, including the overuse of detention and institutionalization, and make a commitment to use community- and family-based care models that are both cheaper and more effective.

Strengthen informal accountability, capacities, and ecosystems. Equally as important as strengthening formal accountability mechanisms is the strengthening of civil society, including children and adolescents, to hold duty bearers to account for children's rights. As the examples in the achievement section have shown, much of the success of child rights campaigns depends on the political space and the capacities and opportunities that child rights activists and civil society have. Given the serious constraints under which many activists are working, it is critical to develop innovative ways to strengthen their capacities and strengthening the political, social, and communication environment for child rights activism. Following are some examples of how civil society can be strengthened for children's rights.

■ Support **civil society mobilization and activism** to influence elites and to hold them to account. Broaden the space for civil society and grassroots organizations – including child-led organizations – to press international and national political authorities to address children's rights.

■ Strengthen the **capacities of civil society and civil rights activists** to mobilize and to campaign. Michael Edwards (2014) writes about the "absolute necessity of building, sustaining, and revitalizing the infrastructure of citizen action at the grassroots level, without which civil society cannot function." Strengthen capacities for campaigning and activism as part of global or national campaigns or movements, rather than as stand-alone initiatives.

■ Support **policy windows** and political moments when global conditions align favorably for children's rights, presenting opportunities for advocates to influence decision makers.

2. Community-based family strengthening for children's rights

Family relationships and community connections are the bedrock of all human communities and societies. Until the industrial revolution, they provided the vast majority of education, care, and support for family and community members. Even the richest countries rely to a significant extent on unpaid family care for raising children and taking care of those who are sick, families with disabilities, and older family members. In low- and middle-income countries, kinship and community connections provide the majority of care, social protection, and old-age support. In many African and Asian countries, traditional and customary laws govern community relations, and especially issues related to women and children. Community conflict and dispute resolution methods remain strong and are not about to be replaced by the formal criminal and administrative justice systems, which are generally under-resourced and underpowered and often biased against poor people. On the other hand, family- and kinship-based social protection, customary justice, and traditional child protection practices are often not equitable or in line with the norms and principles of the CRC.

Even the least developed countries have some capacities to deliver health and education services although service coverage and quality may remain inadequate. In most low- and middle-income countries, formal social protection and child protection systems are embryonic, have limited coverage, and fail to reach most children at the community level. Investments in child protection systems often focus narrowly on formal statutory child protection services, case management, and social workforce strengthening – at the expense of strengthening community-based child and family welfare grounded in existing positive community values, structures, and assets. The three challenges of the child protection systems work are: application of a mechanistic, blueprint-driven approach; limited recognition and inclusion of local context; and inadequate focus on and inappropriate conceptualization of the role of families, communities, and children (Cook et al. 2016).

There is a need for greater investments in family strengthening and community connections for children's rights. This work should promote human rights more broadly and avoid undermining the crucial work of caring for children that families and communities already do. Currently, much of the community-based work is fragmented. There is a need to take a more holistic approach to help communities evolve new understandings of children's dignity and rights. This work should bring together and build on traditional forms of social and community protection, positive social norms, and customary justice practices, local understandings of child rights, and link to formal child and social protection systems, where they exist. This work should build on positive community practices and start with the strengths of families and communities, rather than with their failings and deficits. Life course approaches are needed that move beyond artificial programmatic divisions, where children and families, rather than technical fields, are at the center.

Any discussion of family relationships and community connections, child rights, protection, and care have to start with an **in-depth understanding of what exists**. Too often, well-meaning outsiders approach communities and families from a deficit model. There is a need to understand what families and communities are doing to raise their children and care for the elderly, and how concepts of the rights and dignity of children are locally understood, and may be evolving as social change occurs. Much can be learned from the research by Mike Wessells and others. A **respectful, community-led approach** should promote belonging and shared responsibility and build trust and a commitment to children's human rights. Inter-agency learning initiatives on community-based development for children's rights require greater investments in order to have lasting effects on the promotion of children's rights at the community level.

It would be useful to develop this approach in different contexts, such as: in rural communities related to the cluster of issues concerning community-based child protection, social norm change, and early childhood development; in conflict-affected areas, where the state and formal child protection systems cease to function and where local patterns of survival, protection, and resilience need to be strengthened; and in urban areas related to the safety, security, and protection of children, adolescents, and women. By 2030, half of Africans are projected to live in urban areas, the vast majority in slums. There is a need for community development and child rights and protection actors to build up capacities to work in urban slum areas. This need requires both a participatory approach with slum dwellers and an engagement with municipal authorities to ensure urban planning takes into consideration the needs and rights of people living in slums.

3. Partnerships and leadership to end violence against children

The agenda to end violence against children could be an opportunity to explore and promote new approaches to children's rights, which are multi-sectoral, seek out broader partnerships, including with women's rights, and mobilize activists and large networks. Including violence against children and other child rights issues in the SDGs has been a significant achievement. However, the hard part will be to deliver results for children. The child rights and child protection communities are not well-prepared to make full use of this unique opportunity. The End Violence: Global Partnership to End Violence against Children offers an approach that is different from traditional, child protection-centric approaches. The agenda to end violence against children is multi-sectoral, data driven, and evidence-based. Traditional child protection actors are playing a relatively small part in the broader ecosystem to end violence against children. Public health, education, and communication agencies are major players in violence prevention while child protection looks to be increasingly dedicated to response interventions, working together with the health care sector.

Challenges and opportunities: As currently conceived, the prevention of violence against children is dominated by a public health approach that promotes technical

solutions based on narrowly-defined quantitative evidence. Violence response is rooted in protectionist thinking and promotes systems and services that respond to the needs of children who are victims of violence. The women's rights and empowerment movement (as well as the concept of childism[25]) pushes back against depoliticized technical approaches to the prevention of and response to violence against women and girls. It sees violence as just one manifestation of the systematic oppression of women and girls and calls for responses that challenge and transform existing power relations, address root causes, and promote political action for social justice for women and girls. The agenda to end violence against children offers an opportunity to forge new partnerships and push the boundaries of existing approaches to the prevention and response to violence against children by creating stronger connections between technical and political approaches and by bringing women's rights and children's rights closer together.

Movement and political leadership

Support and nurture a broad-based movement for an end to violence against children: The current work to end violence against children has focused on data, evidence, global mobilization of key actors, and relatively small-scale interventions in schools and communities. Some countries have developed National Action Plans that aim for national coverage of interventions to end violence against children, but they have yet to be implemented.[26] The SDG on ending violence against children is unlikely to be achieved through technical interventions in schools, health facilities, and communities alone. There is a need for a broad-based movement for an end to violence against children, which challenges the power, generational, and gender imbalances that lie at the roots of violence against children. Much more needs to be done to cultivate a broad-based movement, to learn from broader child rights and women's rights campaigns, and to identify organizations, companies, and individuals that could help shape the agenda.

Strengthen leadership and cohesion of a global movement to end violence against children. As Alexander Butchart's analysis shows (see table below), global efforts to realize the SDG target on ending violence against children are facing a number of challenges. There is a need to support the overall leadership, vision, and global governance structure for the movement to end violence against children. Leadership is defined as "the presence of individuals capable of uniting the policy community and acknowledged as particularly strong champions for the cause." There is also a need to strengthen the coherence and linkages between different components of the agenda to end violence against children.

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25 "The field of Child Abuse and Neglect was, from its inception in the 1960s, set up in such a way, that it could not hear the experiences of abused and neglected children. It was focused on the types of acts they suffered—physical abuse, neglect, sexual abuse, and emotional abuse—and children were classified by these types of acts. Treatment and prevention strategies are organized around these types of acts to this day. This has been very harmful for children" (Young-Breuhl 2012).

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26 Some countries, including Tanzania, have developed an integrated National Action Plan to address violence against children and women.

Applying the Shiffman and Smith framework to violence against children (Alexander Butchart, WHO, 2016)

Category/description	Factors shaping political priority	Violence against children
Actor power The strength of the individuals and organizations concerned with the issue	1. Policy community cohesion: the degree of coalescence among the network of individuals and organizations that are centrally involved with the issue at the global level	Growing with End Violence now in place
	2. Leadership: the presence of individuals capable of uniting the policy community and acknowledged as particularly strong champions for the cause	Gap in sustained top-level leadership
	3. Guiding institutions: the effectiveness of organizations or coordinating mechanisms with a mandate to lead the initiative	No strong coordinating mechanism
	4. Civil society mobilization: the extent to which grassroots organizations have mobilized to press international and national political authorities to address the issue at the global level	Lacking: may be some local examples
Ideas The ways in which those involved with the issue understand and portray it	5. Internal frame: the degree to which the policy community agrees on the definition of, causes of, and solutions to the problem	Contradictory lenses
	6. External frame: public portrayals of the issue in ways that resonate with external audiences, especially the political leaders who control resources	Problem-focused, sensationalist
Political contexts The environments in which actors operate	7. Policy windows: political moments when global conditions align favorably for an issue, presenting opportunities for advocates to influence decision makers	Several significant ones, including SDGs
	8. Global governance structure: the degree to which norms and institutions operating in a sector provide a platform for effective collective action	Not ideal for collective action
Issue characteristics Features of the problem	9. Credible indicators: clear measures that show the severity of the problem and that can be used to monitor progress	Lacking: violence against children best measured through surveys
	10. Severity: the size of the burden relative to other problems, as indicated by objective measures such as mortality levels	Substantial immediate and long-term consequences
	11. Effective interventions: the extent to which proposed means of addressing the problem are clearly explained, cost-effective, backed by scientific evidence, simple to implement, and inexpensive	Exist, but many not simple or low-cost

Partnerships with public health and women's rights to prevent violence against children

Public health agencies have taken the lead in building the evidence on what works for preventing violence against children and women. To realize the SDG on ending violence against children requires data, measurement, monitoring, evidence, and scale. Traditional child rights and child protection agencies lack expertise in these areas. Public health has the potential and capacities to deliver the measurement, evidence, and large-scale programs needed for the prevention of violence against children. Public health is also well-positioned to develop

and deliver effective programs to bring about social and behavior change at scale in relation to a wide range of areas, including: child marriage, FGM/C, violence, sexual exploitation, reproductive rights, gender, and the empowerment of adolescent girls. Public health networks are well-established in many low- and middle-income countries, with strong links to ministries of health and the women's movement. However, working closer with public health actors has its challenges for child rights actors. Public health tends to be closer to women's rights than to children's rights and works less with formal human rights accountability processes. What are the implications of public health driving the prevention agenda? What are the trade-offs from a child rights perspective?

Women's rights and children's rights: As elaborated in the section on challenges above, there is a need to work through the differences between women's and children's rights with the aim to build a coalition to reduce violence against children and women, and to strike a balance between political and technical approaches. The emerging discourse and the ongoing studies on violence against children (VAC) and violence against women (VAW) are important for identifying ways to overcome the disconnects, tensions, and contradictions between the child rights and women's rights discourses and approaches related to violence, power, gender, and generation.

Guedes and colleagues (2016) have already identified some entry points where violence against children and women are closely related: "We identify and review evidence for six intersections: 1) VAC and VAW have many shared risk factors. 2) Social norms often support VAW and VAC and discourage help-seeking. 3) Child maltreatment and partner violence often co-occur within the same household. 4) Both VAC and VAW can produce intergenerational effects. 5) Many forms of VAC and VAW have common and compounding consequences across the lifespan. 6) VAC and VAW intersect during adolescence, a time of heightened vulnerability to certain kinds of violence. Evidence of common correlates suggests that consolidating efforts to address shared risk factors may help prevent both forms of violence. Common consequences and intergenerational effects suggest a need for more integrated early intervention. Adolescence falls between and within traditional domains of both fields and deserves greater attention. Opportunities for greater collaboration include preparing service providers to address multiple forms of violence, better coordination between services for women and for children, school-based strategies, parenting programs, and programming for adolescent health and development. There is also a need for more coordination among researchers working on VAC and VAW as countries prepare to measure progress towards 2030 Sustainable Development Goals."

Evidence of effective interventions: Shiffman and Smith (2007) define effective solutions as**:** "the extent to which proposed means of addressing the problem are clearly explained, cost effective, backed by scientific evidence, simple to implement, and inexpensive." An impressive body of evidence has been accumulated on effective ways to prevent and respond to violence against children (e.g., KNOW Violence, What Works, WHO, INSPIRE, etc.). However, from a programming perspective, this evidence base is just the beginning. Simply replicating proven interventions risks stifling innovations. This is still a new field. We know what works but not why it works or how it works. We need to be open to failure in the short term to be successful in the long term (Emma Fulu at SVRI Forum 2017). Practitioners need to know which of the interventions that have been evaluated are most effective and most affordable. This type of evidence requires extensive experimentation and rigorous evaluations.

Inclusive evidence: As Emma Fulu points out, there is a need to find more inclusive ways to build rigorous evidence. While much has been done to improve the VAC data situation, this has made little difference for local NGOs and grassroots organizations to monitor and analyze violence against children. Communities, schools, grassroots, and civil society organizations need simple and effective ways to measure violence against children. This need for data is not being addressed by current efforts that focus overwhelmingly on national household surveys, epidemiological studies of violence, and RCTs. Quantitative evidence is stifling innovation and is disempowering for grassroots organizations. Emma Fulu states: "We value quantitative over qualitative methods; numbers over stories; evidence from the global north over the global south. We value only one type of rigorous evidence. This has to change. We have to find other, more inclusive, ways to build rigorous evidence" (SVRI Forum 2017).

E. ACTORS

A number of different types of actors help shape and define the child rights field. This final section of the report takes a brief look at the contributions that different actors could make.

Recommendations, questions and organizations

Recommendations and questions	Organizations
1. Accountability for children's rights	
Strengthen formal accountability institutions and mechanisms for children's rights ■ How can children's rights systematically be addressed by other human rights mechanisms and UN treaty bodies?	■ OHCHR, UNICEF, UN Women ■ UN treaty bodies and human rights mechanisms ■ Bilateral donors ■ Human rights funders ■ Human rights NGOs ■ International Service for Human Rights ■ Commission on the Status of Women
Strengthen informal accountability, capacities, and ecosystems ■ How can civil society and civil rights activists be strengthened for mobilizing and campaigning? ■ How can political environments be improved for civil society movements and activism? ■ How can children and child-led organizations be supported to demand their rights?	■ Child rights NGOs ■ Human rights activists ■ Child-led organizations and networks ■ Women's rights organizations ■ Child and women's rights donors ■ Mobilization Lab – https://mobilisationlab.org/
2. Community-based family strengthening for children's rights	
■ How can community-based work on social norms, customary laws, child protection, children's agency, and parenting be brought together? ■ What alternatives exist to community-based human rights approaches? ■ What are alternative communication approaches for social and behavior change? Could community-based work be complemented by the use of edutainment, social media or a combination of these? What are innovations in the field, and what conditions are needed for their effective use?	■ Research institutes and learning initiatives: LINEA, CPC Learning Network ■ Child protection organizations ■ Bilateral donors ■ Private sector: communication and media companies: BBC Media Action http://www.bbc.co.uk/mediaaction/where-we-work/asia/india ■ Johns Hopkins Center for Communication Programs – https://ccp.jhu.edu/social-behavior-change-communication/
3. Partnerships and leadership to end violence against children	
Support a broad-based movement to end violence against children ■ What can we learn from successful movements and campaigns for a movement to end VAC? ■ What can we learn from other successful global movements; e.g.: SUN Initiative (nutrition); women's movement, etc.? **Expand partnerships with women's rights and public health to prevent violence against children** ■ How can VAC and VAW be brought together?	■ Global Partnership to End Violence against Children ■ Global Initiative to End All Corporal Punishment ■ Women's rights and empowerment organizations ■ UN Women, UNFPA ■ Together for Girls ■ HRW ■ Human rights donors ■ Child rights NGOs ■ Move to End Violence – http://www.movetoendviolence.org/ ■ Stop Violence Against Women – http://www.stopvaw.org/ ■ End Violence Against Women – http://www.endviolenceagainstwomen.org.uk/ ■ V Day – https://www.vday.org/ ■ Men Engage
Strengthen leadership and cohesion of a global movement to end violence against children ■ How can convincing leadership, vision, and global governance structure be developed for a VAC movement? ■ How can the coherence and linkages between different components of the VAC agenda be strengthened?	■ Global Partnership to End Violence against Children ■ Bilateral donors ■ Small human rights funders ■ UNICEF ■ Child rights NGOs ■ Academic institutions ■ SUN movement history – http://scalingupnutrition.org/about-sun/the-history-of-the-sun-movement/

F. CONCLUSION

"There will be no development without equality, no progress without freedom, no peace without justice, no sustainability without human rights." Navanethem Pillay on the SDGs[27]

Some significant achievements have been made in relation to children's rights to health and education. Rates of child labor have also come down in Asia and Latin America but not yet in Africa. Many of these achievements have been due to large-scale social policy investments in health, education, and social protection. However, the role of child rights actors in these efforts has been limited.

Many child protection concerns are rooted, at least in part, in poverty, including child labor, exploitation, trafficking, migration, institutionalization of children, and child marriage. Large-scale investments in social protection and education have been shown to be effective in reducing many of these child protection concerns, especially when combined with investments in social and behavior change and in child protective services. Social protection and education are the domains of governments, the private sector, and multi-lateral agencies. The space for significant contributions from smaller child rights and development actors is limited.

Mainstreaming children's rights across international human rights mechanisms appears to be a promising strategy. Greater efforts are also required to strengthen regional and national child rights structures and to support national child rights activists and advocates.

Currently, the SDGs offer the biggest opportunity for the advancement of children's rights. Of all the child rights issues included in the SDGs, ending violence against children offers the greatest promise of achieving significant results by 2030. However, much must be done to deliver concrete results towards ending violence against children. Much can be learned from the women's rights and empowerment movement and from efforts to reduce violence against women and girls, and more should be done to promote linkages between children's rights and women's rights. Violence against girls and boys is about power, gender discrimination, and generational inequalities. Moving away from a rights discourse and focusing on technical solutions may yield some results in the short term but will fail to bring about transformational changes in the position of children in society in the long run.

The CRC provides a unifying framework and a political commitment for the realization of all rights of all children. The increasing professional specialization and fragmentation of the child development and protection field privileges technical fixes and is leading away from a more political agenda that challenges the power inequalities that lie at the roots of the violations of children's rights. As the mainstream development agenda continues to be driven by the human capital framework and is moving towards depoliticized, large-scale, blueprint-driven programs, the role of human rights funders promoting broader approaches to social justice and in challenging orthodoxies and existing power structures is becoming ever more important.

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27   http://www.cjwalsh.ie/tag/no-development-without-equality/

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ANNEXES

1. HISTORICAL CALENDAR

(highlights only)

Decade	Human rights conventions, resolutions and declarations	Conferences and commitments	Studies and publications
1940s	**1948** Universal Declaration of Human Rights **1949** Geneva Conventions		
1960s	**1965** Convention on the Elimination of all Forms of Racial Discrimination **1966** Covenant on Civil and Political Rights **1966** Covenant on Economic, Social and Cultural Rights		
1970s	**1973** Minimum Age of Child Labour Convention 138, ILO **1979** Convention on the Elimination of all Forms of Discrimination Against Women		
1980s	**1984** Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment **1986** Declaration on the Right to Development **1989** Convention on the Rights of the Child		
1990s	**1990** African Charter on the Rights and Welfare of the Child **1993** Vienna Conference on Human Rights: human rights and development belong together **1999** Worst Forms of Child Labour Convention 182, ILO	**1995** Copenhagen Social Summit **1996** World Congress against commercial sexual exploitation of children, Stockholm, Sweden **1997** International Conference on Child Labour, Oslo, Norway **1997** UN Reform: rights-based development **1998** Rights-Based Programming and Child Rights Programming	**1990s** New social studies of childhood publications **1992** Roger Hart: Children's Participation: from Tokenism to Citizenship, UNICEF **1993** Foundation of Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health **1996** Study on Impact of Armed Conflict on Children **1999** Amartya Sen: Development as Freedom
2000s	**2000** Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children **2002** Optional Protocol on the involvement of children in armed conflict **2002** Optional Protocol on the sale of children, child prostitution and child pornography **2003** Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families **2005** Security Council Resolution 1612 on Children and Armed Conflict **2006** Convention on the Rights of Persons with Disabilities	**2000** Millennium Development Goals	**2000** Human Development Report: Human Rights and Human Development, UNDP **2006** Study on Violence against Children
2010s	**2014** Optional Protocol on a communications procedure	**2015** Sustainable Development Goals **2012** Child Protection Systems Conference, Delhi, India **2014** Girl Summit, London, UK **2015** WePROTECT summit: online child sexual exploitation, London, UK	

2. GENERAL COMMENTS OF THE COMMITTEE OF THE RIGHTS OF THE CHILD

No.	Year	Topic
1	2001	The aims of education
2	2002	The role of independent national human rights institutions in the protection and promotion of the rights of the child
3	2003	HIV/AIDS and the rights of the children
4	2003	Adolescent health and development in the context of the Convention on the Rights of the Child
5	2003	General measures of Implementation of the Convention on the Rights of the Child
6	2005	Treatment of unaccompanied and separated children outside their country of origin
7	2005	Implementing child rights in early childhood
8	2006	The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)
9	2006	The rights of children with disabilities
10	2007	Children's rights in juvenile justice
11	2009	Indigenous children and their rights under the Convention
12	2009	The right of the child to be heard
13	2022	The right of the child to freedom from all forms of violence
14	2013	The right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)
15	2013	The right of the child to the enjoyment of the highest attainable standard of health (art. 24)
16	2013	State obligations regarding the impact of the business sector on children's rights
17	2013	The right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)
18	2014	Harmful practices (and general recommendation No. 31, CEDAW)
19	2016	Public budgeting for the realization of children's rights (art. 4)
20	2016	The implementation of the rights of the child during adolescence
21	2018	The human rights of children in the context of international migration

3. THIRD OPTIONAL PROTOCOL: A COMMUNICATIONS PROCEDURE FOR THE CRC

(UNICEF 2014a)

The Optional Protocol to the Convention on the Rights of the Child on a communications procedure was adopted by the United Nations General Assembly on 19 December 2011. This third Optional Protocol is designed to ensure that children have access to legal remedies when they have been unable to obtain justice in their own countries, and establishes a complaints procedure under the Convention on the Rights of the Child that is similar to those previously established for other core human rights treaties.

Under the communications procedure, an individual child, groups of children or their representatives from any country that is a Party to the Optional Protocol can bring complaints directly to the Committee on the Rights of the Child concerning violations of their rights under the Convention or the other two Optional Protocols – after they have first exhausted domestic legal remedies, or where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief. The Optional Protocol allows the Committee to open an investigation of grave or systematic violations of children's rights by a State party upon receipt of reliable information. Participating States can also bring complaints against each other when they fail to live up to their child rights obligations under the Convention and its Optional Protocols, although the Office of the High Commissioner for Human Rights notes that inter-state complaints provisions of several human rights treaties have never been used.

The Optional Protocol recognizes that national governments have the primary responsibility for respecting and fulfilling child rights. This new instrument aims to reinforce and complement national and regional mechanisms that allow children to submit complaints for violations of their rights, and encourages States parties to develop child-sensitive procedures that enable children to access effective remedies at the domestic level. It strengthens the international system of accountability for human rights, and is a major step towards the full protection of children's rights and the participatory approach of the Convention.

4. CHILDREN'S RIGHTS AND THE UN

CRIN: https://www.crin.org/en/home/what-we-do/research/childrens-rights-and-un-analysis

This analysis of children's rights in the work of all UN human rights mechanisms looks at the most frequently raised violations as well as those that are rarely - if ever - addressed. The aim is to encourage UN mechanisms to take a holistic approach to addressing children's rights and to make sure all rights are covered - and eventually fulfilled. The analysis also aims to encourage advocates to press for the permanent presence of children's rights in the full range of UN human rights mechanisms.

In this context, in 2011, **CRIN launched the Children's Rights Wiki** (the Wiki), an online tool which brings together all information about children's rights country by country, as part of our efforts to draw attention to all violations of children's rights globally. The Wiki includes extracts of recommendations issued by UN human rights mechanisms, such as UN special procedures and treaty bodies, including the Human Rights Committee, highlighting violations of children's rights.

The aim is to draw a clear picture of persistent violations of children's rights in a given country, as raised by the UN human rights mechanisms, with the eventual goal of matching them with avenues of redress. Equally, the extracts reveal gaps in reporting on certain violations of children's rights by civil society. This analysis of children's rights in the concluding observations and general comments of the Committee looks at how the Covenant is interpreted for children by the Committee, focusing on the most frequently raised violations as well as those that are rarely - if ever - addressed. The aim is twofold: we hope to encourage the Committee to address all children's rights and to help advocates strengthen their reporting on children's rights issues.

Children's rights and the Human Rights Committee: While civil and political rights are recognised specifically for children in the CRC, the review by the Human Rights Committee (the Committee) of State obligations under the International Covenant on Civil and Political Rights (ICCPR) provides a strong platform to further elaborate

children's civil and political rights. Indeed, given the mandate of the Committee to clarify and interpret the content of civil and political rights, this treaty body offers a complementary and essential perspective on the scope and meaning of those rights for certain categories of individuals, particularly children.

Children's rights and the Committee On Economic, Social And Cultural Rights: All human rights apply to children, but even with the advent of the Convention on the Rights of the Child (CRC) 25 years ago, which set out specific rights for children, violations of their economic, social and cultural rights continue unabated.

Extreme poverty affects children even in the richest countries; decisions around family and alternative care are not always made with the best interests of the child in mind; millions of children are denied access to quality, sometimes life saving, health care; and more than 75 million children are excluded from primary education, with children of all ages denied access to quality education that encourages their participation and critical thinking.

Additionally, article 2 of the International Covenant on Economic, Social and Cultural Rights (the Covenant) states that the fulfillment of economic, social and cultural rights can only be achieved over time, and therefore calls for the progressive realisation of these rights. This has sometimes made it difficult to link deprivations of rights to policy failures, limiting the avenues to hold governments accountable for violations of these rights.

While economic, social and cultural rights are recognised specifically for children in the CRC, the review by the Committee on Economic, Social and Cultural Rights (the Committee) of States' obligations under the Covenant provides a strong platform to further elaborate these rights for children.

Children's rights and the Committee on the Rights of Persons with Disabilities: The rights of children with disabilities are specifically recognised in article 23 of the CRC, but the Convention on the Rights of Persons with Disabilities (the Convention) and its Optional

Protocol establishing a complaints procedure expand these rights. These treaties were adopted on 13 December 2006 and entered into force on 3 May 2008. Together, they challenge the medicalisation of disability which locates the "problem" with the individual - a problem to be met with charity. Instead they focus on the human rights of persons with disabilities.

In other words, they recognise that it is not individuals' impairments that are disabling as such; but rather the attitudes and environment around them that are disabling and stop them from accessing society. This puts the onus on the State and others to guarantee their rights and provide avenues for redress where these are violated.

All the rights recognised in the Convention apply to children with disabilities, and in fact, the number of specific references to children in the Convention is second only to the CRC among the UN's core human rights conventions.

5. CHILDREN'S AGENCY

Claire O'Kane, personal communication

What are some of most promising and inspiring examples of children's agency you have come across?

Which of these could have larger significance for the promotion of children's rights and child protection?

Working children's associations and movements: as historically working children's associations and movements have shaped and influenced wider movements and civil society organisational efforts to support the participation, organisation, and empowerment of children in Africa, Latin America, and Asia. Working children's associations provide space for marginalised girls and boys to come together, to access information, to express their views, to reflect and analyse on power issues and child rights violations affecting them, to learn about and advocate for their rights, and to gain collective power that helps them defend their rights.

Working children's associations and movements (in Africa, Asia and Latin America) have contributed to the promotion and defence of children's rights. Through being members of working children's associations children have: negotiated with employers for improved wages, better working conditions and increased time off for studies and rest; they have complained about police harassment and abuse; and they have supported one another in designing and implementing a range of other initiatives to improve their lives and defend their rights. Through being organised it has also been easier for children to elect representatives to be part of policy and practice development processes affecting them at local, sub-national, national and regional levels. When children are meaningfully involved in policy and practice developments it can lead to more relevant and effective policies and practices and improved protection outcomes. Though there have been inadequate efforts by adult duty bearers at global levels to support platforms and processes for working children's views to be heard and taken seriously in international policies and practices that affect them.

Children's participation in inclusive groups or clubs which are clearly linked to functioning community based child protection mechanisms and/or local governance structures: There are many examples of children being supported to form and be part of community based child clubs or groups in diverse contexts in Asia, Africa, Latin America and the Middle East. There are promising and inspiring when: there is a clear focus on enabling the most marginalised children to be included in community based clubs; when children have regular meetings, dialogue and action planning on issues affecting them; and when the clubs/ groups are clearly linked to adult allies and adults structures such as community based child protection mechanisms or local governance structures so that children can work in partnership with adults and take their concerns to concerned adult duty bearers at the local level. Networking and experience sharing among child groups/ clubs at different levels can also strengthen them and support wider movements of children's rights.

Children's participation in inclusive groups/ clubs which are clearly linked to functioning community based child protection mechanisms and/or local governance structures also have much larger significance for the promotion of children's rights and protection. Through inclusive child groups which are linked to adult governance structures such as CBCPMs or other local governance structures, processes and platforms are provided for adults and children to work in partnership with one another to promote and defend children's rights, especially children's rights to protection. Children can be more aware who to report protection concerns to and they are more able to hold duty bearers accountable. Children can help raise awareness on child rights and protection among their peers, they can help prevent violence and discrimination, and they can report concerns to adults in CBCPMs. Organised children can elect peers to represent them in local governance processes, and through children's participation and representation in local governance they can influence budgeting, planning and monitoring of local development processes that concern them. Through community based child groups with links to supportive adults, children have prevented child marriage, physical and humiliating punishment, discrimination based

on gender/ ethnicity (and other factors), and they have enabled children to contribute to community based disaster and risk reduction initiative. Children have been able to contribute to emergency preparedness, relief, reconstruction and peace building processes. Children's participation in school governance is also importance to improve schools and learning environments that are inclusive, safe and provide quality teaching.

Children as researchers in participatory action research processes when supported with a focus on meaningful participation can empower children individually and collectively. It can lead to better information and analysis on issues affecting particular groups of children which can be used to inform practice and policy developments affecting them.

Children as researchers in participatory action research processes also have much larger significance for the promotion of children's rights and protection. For example, participatory research processes involving working children has enabled increased understanding of children's views and experiences, and the information has been used by working children to advocate and defend their rights at different levels. Participatory research involving children living in kinship care has been used to influence local community practices to increase support to informal caregivers and to reduce discrimination faced by children living in kinship care. Research findings have also been used to inform policy and practice developments. You will be very of other similar examples from your own direct work.

6. HOW TO REACH THE MISSING MILLIONS

Millions of children are still falling outside of the safety nets of health and education programs. Many of them are also invisible in national statistics based on household surveys. Invisible children include: children in institutional care (including boarding schools), children with disabilities, ethnic minorities, indigenous children, and migrant, separated and missing children. These children have the least access to health, education and social protection programs. They are also at greatest risk of abuse and exploitation. Existing social policies and social systems in low- and middle-income countries are reaching and including the missing millions. The India Exclusion Report has developed a framework to analyze key mechanisms thorough which exclusion occurs, namely: faulty design of law and policy; institutional bias in the implementation

of law and policy; active violence and discrimination by the state; and low and faulty budgetary allocations. The report makes extensive recommendations for the system, school and community level, in addition to more specific recommendations for highly excluded children.

Addressing social exclusion from a system, institutional and community level is compelling. Specialized organizations such as Survival International for indigenous children or Handicap International for children with disabilities can provide in-depth understanding of the causes of exclusion of specific groups of children. Activists and policy makers should consult specific UN conventions related to disability, indigenous peoples, migrants or child labor and collaborate with Special Representatives.

Recommendations for Children Excluded from School Education (India Exclusion Report 2013-14: 68-72)

At the Level of the System
➤ Awareness-Building Campaign
➤ Campaign Against Discrimination
➤ Training and Recruitment of Teachers
➤ Curricular and Pedagogical Reform
➤ Greater Need for Context-Specific Data Collection on Exclusion
➤ Creative Utilization of Funds and Budgetary Allocations
➤ Thoughtful Convergence Across Sectors and Departments
➤ Provide High Quality Ashram/Residential School Facilities
➤ Abide By and Deliver Under International Frameworks

At the Level of the School
➤ Foster a Secular Environment in Schools
➤ Inspire Confidence Among Adivasi, Muslim and Dalit Parents
➤ Recognize, Monitor and Address 'Within School' Discrimination
➤ Children with Disabilities
➤ Regulate and Monitor per cent Reservation in Private School

At the Level of the Community
➤ Organizing community support structures for dealing with instances of discrimination;
➤ Identifying key persons in the community who can be enlisted as 'champions' or 'icons' for promoting the education of marginalized children;
➤ Building a cadre of youth volunteers ('child defenders') to be part of the system of monitoring the participation of children from disadvantaged groups;
➤ Instituting a system of NGO accreditation to support government efforts in identifying, tracking, monitoring and supporting participation of disadvantaged groups;
➤ Involving community resource persons (musicians, street theatre groups, etc.) in awareness-generation campaigns;
➤ Involving community resource persons in providing academic support to children from disadvantaged backgrounds.

Special Recommendations for Highly Excluded Children
➤ Migrant Children
➤ Working Children
➤ Street Children
➤ Children Facing Stigma
➤ Children in Conflict Areas