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IMPLEMENTING THE CONVENTION ON THE RIGHTS OF THE CHILD

Resource Mobilization in Low-Income Countries

Edited by
James R. Himes

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he case of the economic resource of *information*, for example, the quality of the information used for cific purposes clearly depends on the knowledge and experience (both human resources) available be organized and applied, and on the actual process of thinking.

an approach to securing adequate resources for social development, '20/20' was introduced in 1992 nited Nations Children's Fund, 1992c), drawing on ideas contained in the United Nations Develop-nt Programme, *Human Development Report 1991*. See also Parker and Jespersen, 1992; and United tions Development Programme et al., 1994.

enzel, 1991.

arman, 1992.

another way, as the value of such 'non-traditional' human and organizational resources is enhanced recognized through their mobilization for a purpose, either their initial motivation declines, or there movement towards their becoming 'economic' resources for which a market price must be paid. us, community health workers seek to be paid higher wages or to join the formal service sector in vernment employment.

e *gramadana* workers, originally volunteers, have been paid increasing amounts, in the form of pense allowances and incentives, to reduce attrition. They support the efforts of village-level workers o carry out the pre-school programme and other local development actions.

rvodaya Shramadana Movement, 1988.

hde, 1993; Sepúlveda, 1994.

ntifying and relieving such constraints forms the basis of a number of economic planning techniques. cost-benefit analysis, for example, the enhanced value of critical foreign exchange inputs is counted for by assigning 'shadow prices' to goods that must be purchased internationally. In this ocess, a weight is given that reflects a value higher than nominal or market prices, accounting for real rcity value.

orld Bank, 1993.

orld Health Organization, 1991.

sgupta, 1993.

Realizing rights through national programmes of action for children

Robert J. Ledogar

1. Introduction

Now that the Convention on the Rights of the Child (CRC) has been ratified by so many countries (170 by March 1995), the greatest challenge is that of implementation.

'Implementation', in the context of the CRC, is a rather weak word for assuring that children get what the CRC says they should get and not have happen to them, or be deprived of, what it says should not. As this is a legal instrument, one should really be talking about 'enforcement';[1] but how does a State enforce a child's right to health, education and an adequate standard of living when it does not have the resources to do so? Because of this difficulty, Article 4 of the CRC says that "in regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation". This could become an escape clause for poor countries. The issue is how to avoid the escape, via this clause, of too many and too much. How to make States Parties accountable for dedicating their available resources, and the aid they receive from international sources, to the implementation of child rights "to the maximum extent"?

One way to make States Parties to the CRC accountable is for the States themselves to set time-bound objectives, with corresponding strategies, programmes, budgets and measurement mechanisms for assuring a minimum set of children's rights. It is difficult to conceive of an instrument with greater potential for this purpose than the National Programme of Action (NPA) for Children, adopted by countries as part of the commitments they made at the

The World Summit for Children

vill work to promote earliest possible ratification and implementation of onvention on the Rights of the Child", said the Heads of State in the l Declaration on the Survival, Protection and Development of Children, ıdeed the speed with which ratification of the CRC has occurred is due small measure to the momentum generated at the highest levels by the l Summit for Children. The Plan of Action for implementing this World ration called on all governments to prepare NPAs to implement the ıitments undertaken at the Summit, including a set of goals for the year which correspond to many of the rights in the CRC (see Table 3.1). rticle 34 of the Plan of Action spells out in some detail what these NPAs) contain:

Each country is encouraged to re-examine its national plans, programmes and policies to see how it might accord higher priority to programmes for children and for meeting the major goals;

Each country is urged to re-examine its current national budget "to ensure that programmes aimed at the achievement of goals for the survival, protection and development of children will have priority when resources are allocated. Every effort should be made to ensure that such programmes are protected in times of economic austerity and structural adjustments";

"Families, communities, local governments, NGOs, social, cultural, religious, business and other institutions, including the mass media, are encouraged to play an active role" in this process;

"Each country should establish appropriate monitoring mechanisms for the regular and timely collection, analysis and publication of data required to monitor relevant social indicators relating to the well-being of children ...";

and

Governments, industry and academic institutions are requested to increase their efforts in both basic and operational research in areas related to child welfare, including more effective social mobilization, better delivery of existing social services, early child development, basic education, hygiene and sanitation and "in coping with the trauma facing children who are uprooted from their families and face other particularly difficult circumstances".

NPAs are the chief instrument for assuring that the commitments made at World Summit will be kept and followed up. And it may be argued that are potentially powerful instruments for social policy and strategic social ning in the 1990s.

ome 85 countries have finalized NPAs to date, 30 or so have drafts in cirion and another 30 are in some state of the preparation process. Some s are rather broad general statements of goals, policies and strategies, but

Table 3.1 - **Correspondence between major goals endorsed by the World Summit for Children and provisions of the Convention on the Rights of the Child**

Major WSC goals	Right	CRC reference
1. Infant and child mortality reduction	Right to life	6
	Right to health	24
2. Maternal mortality reduction	Right to health	24.2.d
		24.2.f
3. Reduction of malnutrition	Right to health	24.2.c
	Right to standard of living	27
4. Universal access to clean water and sanitation	Right to health and environmental sanitation	24.2.c, e
5. Universal access to basic education and completion of primary education	Right to education	28, 29, 32
6. Reduction of adult illiteracy	Right to education	24.2e, f
		28
7. Improved protection of children in especially difficult circumstances	Right to protection from:	
	- violence, abuse, neglect	19
	- economic exploitation	32
	- drug abuse	33
	- sexual abuse	34
	- traffic, sale, abduction	35
	- all other exploitation	36
	- torture, death penalty, life imprisonment	37
	Right to special protection if:	
	- refugee or asylum-seeker	22
	- disabled	23
	- affected by war	38
	Right to special protection and assistance if deprived of family environment	20, 21
	Right to periodic review if placed for care, protection or treatment	25
	Right to recovery and reintegration if victim of abuse or exploitation	39
	Right to be treated with dignity and worth if in conflict with the law	40

where national development planning is taken seriously, the NPA is typically incorporated into, or otherwise harmonized with, that Plan.

■ 3. The NPA: An Instrument for Implementing Child Rights

The typical NPA follows the guidelines of the Plan of Action's Article 34: it sets goals for the decade, outlines the principal strategies and programmes for achieving them, defines institutional responsibilities, examines the costs of individual programmes and ways of financing them, and establishes indicators

. GOALS

tting concrete goals to be achieved by the end of the 1990s and, in many intermediate goals for the middle of the decade, NPAs define, as it their own 'minimum obligations' towards those portions of the CRC which they might claim an inability to comply for lack of resources. Of e, this does not close the escape hatch provided by Article 4. Most NPAs veloping countries assume that external aid will be available to achieve goals. If that aid is not forthcoming, they may legitimately claim inability ch the specific target. However, NPAs that contain cost estimates for ving the goals — some 60 so far — usually indicate the resources ted to be available nationally in order to identify the amounts needed external sources. In addition to laying an early 'claim' for child rights ties on whatever external resources do become available, the very fact ntifying the gap makes it possible to identify how far the country could pected to advance towards that minimum in the absence of all or part external support. Even where specific costing is absent or incomplete, ct that goals are set provides advocacy groups with a point of reference lding the authorities to their promises.

he goals of individual countries may not be exactly those endorsed by orld Summit for Children. The global goals are, in the words of the Plan tion, "to be adapted to the specific realities of each country in terms of ng, priorities, standards and availability of resources". The national goals fied in the NPAs vary considerably from the global targets in a number ntries. In higher-income developing countries such as Argentina, Thai- nd Tunisia, the goals are often more ambitious. In the Least Developed tries such as Mali, Niger and Rwanda, on the other hand, the goals are standably less so. The targets for coverage of clean water supply and tion are less than 100 per cent in most NPAs, even in some of the better- untries. But the global goals are useful for prodding countries that could nably aim higher to do so, and as a tool for stimulating competition g States to show progress when 'league tables' for each of the goals are shed and disseminated.

nce weakness in human rights fulfilment so often goes hand in hand poverty, and since Article 27 of the CRC stipulates the rights of every to an adequate standard of living, it is of interest how often the NPAs the focus of their 'social goals' to encompass specific poverty reduction ures. Burkina Faso, Mauritania, Tunisia, Egypt, Costa Rica, Bolivia, and Colombia are among the countries in this category. Nepal's NPA les credit schemes and income-generating projects. Fifty per cent of pro- resources for Panama's NPA are earmarked for community develop- and income-generation projects in identified poor areas. Increased agri- al production is included by Cuba and Paraguay, and household food tv by a number of countries including, for example, Botswana. Many

poverty reduction activities are part of these, as in Bangladesh where skills development, credit schemes and other income-generating activities are part of the package.

Child rights supporters may regret that all of the 'protection rights' of the CRC are subsumed at the global level under the very vague goal of "improved protection of children in especially difficult circumstances", but individual NPAs are often more specific about their protection targets. China has set the objective of ensuring that by 1995 all provinces, regions and prefectures formulate their own legal codes in accordance with the national law for juvenile protection and the principles of the CRC. Thailand plans for coverage of family welfare services to reach 25 per cent of low-income families by 1996 and 50 per cent by the year 2000. Jordan's NPA calls for increases in the coverage of services for disabled children by specific percentages for each category of disability. Similarly, Cameroon plans to increase functional education for disabled children from the current 30 per cent to 100 per cent by the year 2000.

Colombia has set a goal of eliminating the phenomenon of children living on the streets by the year 2000, with an intermediary goal of reducing its prevalence by 40 per cent by 1994. Guatemala has set a similar goal. The Philippines plans by the end of the decade to place 70 per cent of abandoned children legally free for adoption. Swaziland intends to increase the number of foster families by 50 per cent before the end of 1995 and 100 per cent by the year 2000. Vietnam's goals in this area are that 70 per cent of orphans without foster care will be taken care of by their relatives or adoptive parents, or at special centres providing the basic facilities of family life, by 1995; and that 70 per cent of disabled children will have access to medical check-ups, treatment and physical therapy by the year 2000. Cuba's goal for the year 2000 is that 100 per cent of children with behavioural problems will receive corrective and special educational services. Nepal has a target of setting up special centres for vocational and job-oriented skill training for working children in each of the 14 Zones of the country. The Republic of Korea plans to build 3,240 new cost-free day-care facilities for under-five children of low-income families by 1995. Portugal plans to add to its criminal code new and heavier penalties for sexual exploitation and abuse of children.

Of 105 NPAs reviewed in April 1993, 47 have programmes to deal with child abuse, 26 with child neglect, 21 with exploitation, 18 with prostitution and/or trafficking. Belize will set up a child abuse/neglect hot line, whereas Australia plans special measures to protect institutionalized aboriginal children at risk of abuse. The NPA of Laos includes a programme to deal with the exploitation of children in border regions where many are sold into prostitution. Improved conditions in institutions are also included in the NPAs of at least 19 countries. Ghana and Equatorial Guinea plan specific programmes against female genital mutilation. Legislation reforms are part of many NPAs. These have to do with child labour (20 countries); child abuse, neglect and

2. STRATEGIES

As might best be looked upon as exercises in strategic planning. Strategic ning is a tool of modern management, first developed in the profit-making or but increasingly used in the social sphere, which can be of considerable ortance for the implementation of child rights. Strategic planning has e it legitimate to talk of a leader's and an organization's 'vision', a force points beyond classical planning's elaboration of how to get from here to e with the means at hand. More comfortable than classic planning with s that are unlikely to be achieved in a business-as-usual scenario, strategic ning takes a longer-range perspective and includes the consideration of s to obtain the means that may be missing at the start. It pays more atten- to the surrounding environment and looks for ways to shift the forces constrain the realization of the vision and limit access to resources, iden- ng all those forces that might have a 'stake' in the realization of its goals ways to enlist those 'stakeholders' into the effort to achieve them. Stra- planning is a political as well as a technical instrument.[2]

The NPAs of Costa Rica and Honduras are among those that include egies for the mobilization of resources for social programmes. Compo- s of these strategies include reallocation of existing resources within the l sectors themselves and between sectors, an increased share of the gov- ent budget for social programmes, privatization of some government tutions, debt-relief initiatives and a more effective and improved targeting cial programmes. The longest chapter in the NPA of Bangladesh con- s a communication strategy. One of the three main objectives of this strat- s to implement the CRC and programmes protecting children in difficult mstances. The strategy details the various agents and partners to be ted in the cause, how communication will be monitored and the commu- ion strategies for each of the major sectors. Nepal's NPA strategies de mobilizing partnerships for children, decentralization, multisectoral ges, competence in implementation and management, growth with equity poverty alleviation, social stability and the democratization of society.

3. ORGANIZATIONAL MECHANISMS AND RESPONSIBILITIES

As bring important organizational resources to bear on the implementation ild rights. They assign responsibilities for getting the job done and estab- (or confirm where they already exist) mechanisms for coordination, with- which the job usually cannot get done. Djibouti's NPA includes the text law instituting an interministerial follow-up committee to the World mit for Children under the presidency of the Prime Minister. Among the fic responsibilities of this committee is the implementation of the CRC. r examples of new mechanisms are a National Council for Child Welfare tly under the Head of State in the Sudan; an NPA Standing Committee amibia, with representation from all the ministries involved in preparing

tion problems; a new unit for global social policy within the Planning Ministry of Bolivia; a Child Rights Ombudsman in Belgium and Djibouti; a policy-making body for the NPA in the Dominican Republic consisting of representatives of 13 governmental institutions together with representatives of NGOs and the churches; and in Uganda, a National Council for Children, with representatives from government, local and international NGOs, religious institutions, donors and involved members of the community charged with monitoring implementation of the NPA and supporting district plans of action. In Chile, a number of organizations including the National Support Group for the Convention on the Right of the Child assumed responsibility for disseminating knowledge of the NPA.

Burkina Faso's NPA is the first plan to be drafted by the collaborative effort of all government departments, international organizations and NGOs. Equatorial Guinea's is the country's first complete effort to define a comprehensive social development strategy. In Guatemala and Uruguay, the NPA provides the occasion for strengthening the concept of a 'Social Cabinet' in which the heads of ministries in the social sector meet regularly with the head of the planning and budgeting apparatus for the purposes of coordinating strategies and monitoring systems. In India, Egypt and several other countries, NPAs provided the occasion for incorporating a special chapter on children into the country's National Development Plan.

□ 3.4. COSTS AND FINANCING

While not all NPAs have attempted to estimate the costs of achieving their goals and objectives, some 60 of them have done so, and some plan to do so at a later stage. Costing has several advantages. One, as already mentioned, is that it makes evident what the country can do even in the absence of all hoped-for foreign assistance. Another is that good cost analysis makes it possible to review how resources are currently being spent, and to make such a review public. Costing is an index of the plan's seriousness; it confronts hope and ambition with the reality of available and expected resources, introducing considerations of efficiency and equity into the revisions that become necessary.

Cost estimation is the first step towards planning how the NPA will be financed. Once total costs are estimated and annualized, it is possible to compare them with the amount of resources existing or expected to become available. The difference remaining is the resource gap. Ways of filling the gap can then be considered.

Budget reallocations to increase the proportion devoted to the social sectors is the most important of these ways. Bhutan's NPA projects increases from 8.3 to 11.2 per cent of the budget for education, and from 4.3 to 6.7 per cent for health, during the period 1991-1997. Chile has earmarked $700 million, in addition to its current annual social-sector budget of $6 billion, for financing the NPA during the period 1993-2000. Senegal plans to increase the health sec-

Egypt plans to increase social-sector investment from 23 per cent in the
s to 30 per cent in the first half of the 1990s and has assigned 7.5 per cent
e government-sector budget for 1992-1997 to NPA activities. Guate-
's NPA planned to increase spending in education, health, social services
ıutrition from 2.7 per cent of gross national product (GNP) and 23.6 per
of the national budget in 1990 to 4.5 and 33.5 per cent respectively by
, and corresponding increases have taken place in that country's 1992
1993 budgets. Reductions in expenditure on armaments are specifically
ioned in the NPAs of Namibia and Zimbabwe. (Benin's NPA also dis-
:s the role of the military, but opts for involving the army more in national
opment rather than reducing its size.)
Mexico has made the NPA a centre-piece of its reinvestment in the social
r after the steep decline during the period of adjustment in the 1980s.
ı a low of 8 per cent of gross domestic product (GDP) in 1989, social-
r investment increased to nearly 10 per cent in 1993. Social expenditure
hild nearly doubled during this period, the fastest-growing sector being
ne called 'children in especially difficult circumstances', comprising pro-
mes for street children, working children, children with disabilities,
ed and substance-abusing children, and children in conflict with the law.
ome NPAs discuss ways to increase domestic revenues such as increas-
he tax base (Kenya), social taxes on luxury imports (Nepal), 'sin' taxes
bacco and alcohol (Benin), a special levy on tourists (Maldives), tax ben-
to private enterprise in exchange for support to public schools (Uru-
), a national lottery (Barbados), and proceeds from privatization (Vene-
, Pakistan). Algeria created a 10 per cent tax on water connections for
n water purification and waste disposal schemes aimed at reducing diar-
a in accordance with that country's NPA. A number of countries that
rwent structural adjustment in the 1980s, especially in Latin America,
ed special social investment funds as a means of providing safety nets for
ıost vulnerable. Such funds are identified as resources for partial financing
PAs in Mexico, Bolivia and Uruguay, for example. Guatemala has estab-
d five different funds for 'social compensation': a land fund, a housing fund,
ɔular credit fund, a peace fund and a social investment fund, with financial
ing from the World Bank.
A number of NPAs identify cost-recovery mechanisms involving various
s of user charges as a way of breaching the resource gap. From a human
s perspective these can be seen as potentially exclusionary, and it is not
in all cases that they are not. In aggregate terms, people are probably
ng less for essential drugs, clean water, education, and so on, under intel-
tly organized and run cost-recovery schemes than they were before such
mes were organized. Some of the most vulnerable, however, can be
ıded by such schemes if special measures are not taken to include them.
s are weakest in analysing what their cost implications might be for
eholds and communities. With the notable exception of Uganda, few

demand of households and communities. This is an area in which it would be especially beneficial for groups concerned with human rights to participate in the NPA process.

The resource gap is frequently calculated after including current levels of external aid as 'existing'. This means that the portion of the resource gap that is to be financed externally represents an increase over current aid levels. In the present economic and political climate of the industrialized nations, large increases in official development assistance (ODA) seem more and more unlikely as economic recession leaves little room for other than domestic claims on the peace dividend. A restructuring of ODA is therefore the best hope for filling the external portion of the resource gap. The percentage of ODA allocated to basic human needs (nutrition, water, sanitation, primary health care, primary education and family planning) has been the subject of intensive scrutiny since the World Summit for Children. UNDP's *Human Development Report 1992* and UNICEF's *State of the World's Children 1993* have published figures indicating that less than 10 per cent of bilateral aid is allocated to such purposes. There are, however, many problems of definition and international comparability associated with these estimates. UNICEF and UNDP have submitted to bilateral donors a framework for improved reporting on social-sector aid flows. Meetings among agencies interested in aid reporting continue. UNDP and UNICEF are urging that the percentage of aid for basic human needs be increased to 20 per cent and that developing-country governments' budget allocations to these same sectors reach a similar percentage. If ODA and national budgetary allocations were restructured to meet this 20/20 formula, the major portion of the additional financial resources needed to reach the goals of the NPAs would be guaranteed. This advocacy effort is one in which the human rights community has a real stake.

Worth noting in this connection are reports from Scandinavian countries on follow-up to the World Summit for Children indicating that the promotion of the CRC will be an important criterion in decisions concerning allocations of aid to developing countries. The Netherlands reports that 'children in especially difficult circumstances' became a special budget item in Dutch development cooperation beginning in 1993.

□ 3.5. MONITORING

One of the most hoped-for dividends of the NPA process is the improvement in national systems and capacities for monitoring progress towards child survival, development and protection goals. Measuring progress is necessary for good strategic management of the programmes themselves, but the production of reliable and timely data, properly disaggregated to reveal regional, ethnic, gender, age and other disparities, can, if appropriately packaged and disseminated, become a powerful tool for mobilizing political and public opinion

e the nature and extent of the problems of children in especially difficult umstances are among the first steps planned.

In Indonesia, the Ministry for People's Welfare, responsible for coordinat- the NPA, is developing a composite Child Welfare Indicator aimed at ıtifying disparities among regions of the country. Thailand's Basic Mini- n Needs Surveys are being expanded to be more inclusive of the NPA ls. Morocco plans to move from monitoring of individual projects towards ntralized national monitoring system which, while not superseding exist- monitoring systems within ministries, will pull together and synthesize ı on progress in the situation of children. In Tunisia, the monitoring mech- ms to be set up at national, regional and local levels will be supervised by tisectoral commissions involving some prominent independent figures. A -effective survey methodology known as Sentinel Community Surveil- :e is mentioned as a measurement approach in the NPAs of Rwanda and ıbabwe. Kenya plans to link national monitoring systems with community- :d approaches. Tanzania's national monitoring system will draw data from onal household surveys as well as administrative sources while improving hodologies used by the latter.

There are, of course, certain rights in the CRC that will be more difficult ı others to monitor. Among these are freedom from all forms of sexual loitation, protection against abduction and trafficking, freedom from tor- and deprivation of liberty and exemption from military service below the of 15 years. Since NPAs are official documents, it is likely that the moni- ıg on these subjects will tend to be weakest in those countries where the ɔlems are greatest. Nevertheless, the NPAs reviewed thus far show a will- ıess to tackle some of the most difficult areas of child protection and, to degree that these areas are included in the NPA, monitoring of them is, rinciple, officially sanctioned.

. Are NPAs Affordable?

n absolute sense, considering what the nations of the world — and even developing countries themselves — spend on armaments, there is no ques- that NPAs are affordable. One must ask this question, however, within context of the political and social realities likely to prevail during the cur- decade. NPAs come with a wide variety of price tags. Some indeed read shopping lists, and there is no doubt that obtaining more foreign aid is of the motivations behind their preparation. But it is appropriate for most eloping countries to include a proportion of external support in their plan- ; and budgeting processes. The important question is: How realistic are ?

As noted earlier, some 60 NPAs contain estimates of their total costs. As nt be expected, not all countries use exactly the same methods of cost esti- on. For the most part, the estimates given are for costs that are additional

limitations must be kept in mind, some observations concerning orders of magnitude are still valid. When analysed in terms of either costs per capita or total costs as a percentage of GNP, the cost estimates of the NPAs appear quite reasonable.

The per capita weighted average of the estimated costs for these 60 NPAs is $15. This is the same per capita cost as the Organization of African Unity and UNICEF estimated, using a process independent of the NPAs themselves, as required for reaching the goals in all of Africa.

As for percentage of GNP, UNDP's *Human Development Report 1991* analysed human expenditure for 25 countries, covering 74 per cent of the developing world and found their human expenditure ratio to be slightly less than 3 per cent of GNP. That report argues that "the human expenditure ratio may need to be around 5 per cent if a country wishes to do well in human development". Thus, an additional 2 per cent of GNP is a reasonable amount to expect countries to devote to basic education, primary health care, water, sanitation, nutrition and family planning. The average annual cost of the 60 NPAs analysed is 2 per cent of their weighted average GNP.

The largest proportion of estimated costs in NPAs is for education (39 per cent), followed by health (23 per cent) and water and sanitation (17 per cent). Because nutrition is included in the health sector of many NPAs, separate nutrition programmes account for only 3 per cent of total costing, whereas the category of 'children in especially difficult circumstances' receives 7 per cent. The remaining 11 per cent is for costs of programmes that do not fit into any of the previous sectors.

■ 5. The Degree of National Commitment to NPAs

The promises of politicians classically compel little faith, but in the era of easily retrievable video and newspaper clips, politicians are becoming somewhat more careful about what they promise. Clearly the degree of national commitment among the 71 heads of state who signed the World Summit Declaration was variable from the start, and any assessment of it is further complicated by changes in regimes as the decade progresses. Many factors enter into a determination on this issue, such as the nature of the regime and the political character of the country, the degree of commitment of the current head of state and other key leaders of the country, the extent to which the country as a society was involved in the preparation of the NPA and participates in its implementation, the degree to which the NPA is integrated into national planning and budgeting processes, and so on.

Where NPA preparation and/or implementation has been a highly public and broadly participatory process involving many sectors of society, the likelihood of enduring national commitment to it is obviously strongest. The commission responsible for NPA implementation in the Dominican Republic has representation from 125 NGOs. In Tanzania, specially convened 'summits' of

rove the bases on which the NPA was drafted. Costa Rica's NPA was roved by the country's Legislative Assembly. In the Republic of Korea, a ional Council on Children and Youth, composed of government and NGO esentatives, has been established to monitor implementation of the NPA. number of Latin American countries, the Catholic Church is a specific ner in the NPA implementation and monitoring process. In Brazil, the t for Children' brings together both the legislative and executive branches overnment, the National Council of Brazilian Bishops, the Governors of 27 States and the most important organizations of civil society. The lvement of NGOs in preparation and implementation is made explicit in NPAs of such diverse countries as Botswana, El Salvador, Malawi, rocco and Uganda.

The personal commitment of heads of state or government is an important or in assuring that the NPA receives the attention it deserves from the ous sectors within a country. In Mexico, President Salinas de Gortari, one ne six conveners of the World Summit for Children, has participated fully ne NPA process, holding periodic meetings in the Presidential Palace to ew progress towards the NPA goals. At the third such meeting, in Octo- 1992, he received detailed reports on progress in each sector and commit- his country to the preparation of programmes of action for the country's t important cities. The Office of the President or Prime Minister has med overall responsibility for both preparation and implementation of the A in a number of countries. First Ladies have been personally involved in ral Latin American and Caribbean countries.

National preparations for the World Summit for Children took place in al during the transition from monarchy to multi-party democracy. Gov- nent, NGOs, professional associations, popular groups and the private or were all deeply involved. Issues such as health, education and water ly became symbolic of the Government's responsibility to the people. It this atmosphere that the NPA was prepared and the CRC was ratified. broad participation of national society has not, of course, been the case l countries, but the potential for broadening the base of support for NPAs exists even where the original document was mainly prepared by techno- s.

Some generalizations can be made about national commitment by catego- of countries. Developing countries as a group have taken the commitment repare NPAs more seriously than have the Western industrialized democ- s. The latter, with some notable exceptions — namely Canada and the ed States, which both have specific goals for their own children by the 2000 — have tended to submit reports on what they are currently doing hildren, both domestically and in their foreign aid programmes, rather programmes of action for achieving certain goals by the end of the decade. t is in the area of child rights, however, that the industrialized countries been most specific and forward-looking. Canada's NPA includes pro-

munities. Finland has set goals of extending day-care places to all children under school age by 1995, providing housing at reasonable prices for families with children, and establishing special measures to ensure children's rights in family break-up situations. Germany's document mentions programmes for the integration of young settlers and refugees and a draft bill "for improvement in the presently inadequate legal protection of foreign children against abuse by sex tourists". The Netherlands describes current problems and programmes to deal with the special problems of minority children, child abuse, trafficking in children, child prostitution and child pornography. Norway looks forward to new conciliation procedures in connection with divorces and improved welfare services for children from various cultural backgrounds. Spain's still-to-be-completed NPA is being preceded by special studies on child abuse, day care, family relations and the effect of mass media on children. The United Kingdom identifies reduction of drug abuse by parents and programmes for children with special educational needs among areas for further progress. The NPA of the United States, made public at the very end of the Bush administration, which refused to sign the CRC, has a very detailed set of goals which includes, for example, "reverse to less than 25.2 per 1,000 children the rising incidence of maltreatment of children younger than age 18 (baseline 25.2 per 1,000 in 1986)".

It is in the developing countries, however, that the implementation of children's rights has the farthest distance to cover. Some indicators for judging the seriousness of national commitment to the process are:

- *the degree to which the top leadership of the country is publicly identified with the process*. Mexico's President Salinas de Gortari, as already mentioned, presides personally over the periodic review of his country's NPA implementation. In the Dominican Republic, there is a 'Summit Office' ('Summit' referring to the World Summit for Children) located within the office of the Vice-President;
- *the decentralization of the process to provincial and local levels*. The governors of 24 Brazilian States committed themselves to prepare state plans of action and to implement systems to monitor the situation of the child. In a recent ceremony, these same governors presented their plans to the President for incorporation into Brazil's NPA. Other countries, especially in Latin America, are well advanced in the decentralization process. Municipalities such as the Federal District of Mexico and the cities of Khulna and Rajshahi in Bangladesh have also prepared their own action plans;
- *the involvement of NGOs and other elements of civil society in the process*. Several examples of NGO involvement have already been mentioned; and
- *the incorporation of the NPA into national development planning and its translation into the regular national budgeting process through annual or biennial action plans*. This is especially a key issue where such planning is politically and economically important, such as in Indonesia, India and China.

NPAs can survive changes in regime — and some, as in the case of Ecuador, li, Peru and Turkey, have already done so. In 1993, the Government of Trin- d revised the NPA it adopted in 1992 in response to a new analysis of the ation of children in the country.

The countries of Central and Eastern Europe and the former Soviet ion form another special category. Rapid political and economic transitions re tended to put commitments made at the World Summit for Children ly low on their lists of priorities, even for countries that were represented re by their current heads of state. But the argument can be made, and is eed being made by UNICEF at least, that it is especially necessary during kind of transition that these countries are undergoing to make provision the survival, development and protection of children, and the NPA could an excellent instrument for doing so.

In all these cases, there is a need to build and maintain public pressure for preparation, completion and implementation of NPAs. The NPA is a proc- rather than a document. It can start well and falter later on. It can start orly, but take on new life as circumstances change. But such changes are simply matters of chance. Where all sectors of society are involved in the ocess, as both participants and watchdogs, the process is more likely to con- oute to the achievement of a minimum core of children's rights by the end this century or soon thereafter.

Support for this process from the human rights community around the rld will be very important, and in some cases crucial.

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Portions of this chapter draw upon research done by Kekelwa Nyawa Dall, consultant, and data analysis carried out by Gweneth Edward-Jenkins of UNICEF. On the concept of enforcement of economic, social and cultural rights, see Himes, 1993.

Bryson, 1988; Bryson and Einsweiler, 1988; Ginter and Duncan, 1990; Kemp, 1992; Wilson, 1992.

Children's right to survival and healthy development

David Parker and Claudio Sepúlveda

1. Health as a Right

'Health', defined in the World Health Organization (WHO) constitution as "a state of complete physical, mental and social well-being", has over time become strongly associated with medical perspectives and interventions. There is, however, general awareness that, perhaps especially in the developing world, rights to health must be addressed through a broad range of actions for health knowledge, health promotion and services.

1.1. THE HEALTH PROVISIONS OF THE CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

Article 24 of the CRC is devoted to the health rights of children. The key provisions of the article reflect a broad-based definition of health, establishing the overall goal of reducing infant and child mortality through "the enjoyment of the highest attainable standard of health" (see Appendix One). A range of specific actions are identified for health promotion and the prevention and treatment of illness, which are to be implemented both through the health care system and through related actions in nutrition, water supply and environmental protection, explicitly according to the principles of primary health care (PHC). The role of information and education is also highlighted; States Parties should ensure that "parents and children ... are informed, have access to education and are supported in the use of basic knowledge of child health ..." (para. 2.e). Knowledge about how to obtain and keep good health, herefore, is an essential part of the right, along with the right of access to