



## CASE STUDY

# Albania Promoting Child Participation

### Concluding Observations Follow-up Case Studies:

To promote a cyclical approach to engaging in the reporting process of the Committee on the Rights of the Child (the Committee) and encourage NGOs to use the Committee's recommendations to the fullest in their advocacy work, Child Rights Connect has put together a series of case studies on follow-up activities conducted by NGOs and National Human Rights Institutions. For more examples of follow-up activities, please visit [www.childrightsconnect.org](http://www.childrightsconnect.org)

### ORGANISATION:

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United for Child Care and Protection Coalition - Bashkë për Kujdesin Tërësor të Fëmijëve (BKTF)

### ABSTRACT:

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BKTF involves children in its work with the aim to empower them to influence the design and implementation of studies, programmes, advocacy and policies on issues that affect them. Discussion forums and focus groups have been used to consult with children on a regular basis. Participating children produced their own report for the Committee on the Rights of the Child (the Committee) and created a Youth Advocacy Group that, amongst other activities, advises BKTF. Through these activities BKTF members are empowering children to participate in decisions that affect them. A methodology guide was produced in 2013 to increase child participation in advocacy efforts on children's rights.

### OBJECTIVE:

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To empower children and promote child participation in advocacy towards government, civil society, parents, teachers and communities regarding decisions that affect them.

### TIMELINE:

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2008 – On-going

### PROCESS:

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#### PHASE 1 – DISCUSSION FORUMS AND FOCUS GROUPS

*Goal: To obtain applicable feedback from children by organising discussion forums and focus groups with representatives from civil society, state institutions, teachers, parents and children on child protection issues and awareness-raising campaigns.*

- Request BKTF members working directly with children to organise consultations with children on several topics related to child protection.
- Obtain feedback from children.
- Apply input from children in advocacy work.

→ **TIP:** Organisations working directly with children can develop a process locally to involve interested children and moderate the discussions. Children should select who represents them, not the adults.

## **PHASE 2 – CHILDREN’S REPORT**

*Goal: To support children to bring their concerns to an international monitoring body.*

- Inform children about the Convention on the Rights of the Child reporting process.
- Organise focus groups with children at regional level within the country.
- Lead discussions to determine which issues should be included in regional reports and how children feel about these issues.
- Facilitate coordination of regional reports at national level to highlight common issues.
- Assist children to select a limited number of national priorities.
- Provide support to children to draft a report for the Committee.
- Circulate the draft and assist children to revise it based on comments and feedback.
- Assist children to select representatives from different regions of the country to participate in the pre-sessional working group (pre-session) of the Committee.
- Accompany children to the pre-session and children’s meeting.

→ **TIP:** Ensure that children from different areas of the country are represented as their priority issues may vary. Conferences on Skype can save time and money, but face-to-face meetings may be more productive and efficient.

## **PHASE 3 – AWARENESS RAISING**

*Goal: To increase awareness amongst decision-makers and politicians about child participation.*

- Produce fact sheets for Parliamentarians on the situation of children.
- Produce postcards made by children that ask politicians if they have considered listening to children.
- Meet with staff from major political parties to persuade them to prioritise child protection issues in their political programmes.
- Distribute fact sheets and postcards.

## **PHASE 4 – CHILD PARTICIPATION METHODOLOGY**

*Goal: To produce guidelines for non-profit and public institutions working directly with children to ensure that processes are participatory and increase children’s advocacy efforts on their rights.*

- Conduct a literature review to obtain an overview of the strategies and programmes used to promote child participation.
- Document best practices of BKTF members.
- Interview key government officials dealing with policies and programmes affecting children.

- Facilitate a consultation process amongst children.
- Draft guidelines.
- Revise document based on feedback from children.

→ **TIP:** When you organise an activity with children, you must follow-up with them and explain the outcome. Electronic means (Skype, Facebook, etc.) can be used to stay in touch with the children.

## **PHASE 5: WHAT KEEPS CHILDREN SAFE STUDY**

*Goal: To conduct a study that identifies the children's perspective on security and risks which impact children's wellbeing in different contexts.*

- Conduct focus groups/interviews with children.
- Explore resources and support systems where children might turn to for assistance.
- Identify gaps and provide recommendations based on input from children.
- Draft study.
- Share study with stakeholders and decision-makers.

### **OUTCOME:**

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BKTF published a child participation methodology guide that documents the process of working with children and a study on child safety.

Establishment of a Youth Advocacy Group by children.

### **IMPACT:**

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Children were empowered to understand their rights and advocate for them.

### **CHALLENGES:**

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#### **FEELING THREATENED**

Parents, schools and institutions still feel threatened by child participation. Children are not asked to be part of decision-making processes, as many adults do not think that children have anything to contribute.

#### **LACK OF GOVERNEMENT RESPONSE**

Government has not yet responded concretely to the Committee's recommendations.

### **RECOMMENDATIONS FOR FURTHER STEPS:**

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#### **POLITICAL FOLLOW-UP**

After the general elections, they requested that political parties follow-up on promises made during the campaign. They also produced a summary of the child participation methodology guide for parliamentarians.



## CASE STUDY

### Australia

# Establishment of a National Children's Commissioner

#### Concluding Observations Follow-up Case Studies:

To promote a cyclical approach to engaging in the reporting process of the Committee on the Rights of the Child (the Committee) and encourage NGOs to use the Committee's recommendations the fullest in their advocacy work, Child Rights Connect has put together a series of case studies on follow-up activities conducted by NGOs and National Human Rights Institutions. For more examples of follow-up activities, please visit [www.childrightsconnect.org](http://www.childrightsconnect.org).

#### ORGANISATION:

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Australian Child Rights Taskforce (ACRTF)

#### ABSTRACT:

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The need for a National Children's Commissioner was one of the key recommendations from the NGO report, compiled by the ACRTF in preparation for the review of Australia's fourth periodic report by the Committee. In order to conduct advocacy around this recommendation, agreement on the role, functions and powers of the National Children's Commissioner was reached amongst the NGO community. This allowed the NGOs to speak with a unified voice while conducting awareness raising and political lobbying activities.

#### OBJECTIVE:

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To undertake a strategic advocacy campaign for the appointment of an Australian National Children's Commissioner who would advocate for all children and young people at the federal level.

#### TIMELINE:

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2010-2012

#### PROCESS:

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#### PHASE 1 - RESEARCH

*Goal: To research and draft an overview of Australia's performance in relation to the Convention on the Rights of the Child (CRC).*

- Prepare a strategic plan for advocacy, funding and activities regarding periodic reporting.
- Conduct a situational review.
- Consult with children and young adults through surveys and interviews.
- Hold a workshop with child rights practitioners to establish strategic themes and prepare a framework for the report.
- Draft report (*Listen to Children*).
- Highlight the need to create and maintain provisions for a National Children's Commissioner as a key recommendation.
- Launch report nationally to media and Parliament.

→ **TIP:** Use the media attention focused around the reporting process to highlight the need for a National Children's Commissioner.

## **PHASE 2: STRATEGIC DEVELOPMENT AND CONSENSUS BUILDING**

*Goal: To achieve consensus amongst the NGO community on key principles for the powers, roles and functions of a National Children's Commissioner.*

- Hold a roundtable with children's and youth organisations.
- Send targeted invitations to ensure that all key voices (including vulnerable groups), are represented.
- Use an independent professional facilitator, if necessary, to moderate the discussions.
- Find the minimum standard that all organisations can endorse, even if agreement cannot be reached on all issues.
- Develop a position paper that can be used when speaking with the media and members of Parliament.

→ **TIP:** It is important to reach agreement amongst civil society before approaching the political process. A coalition-based strategy then becomes more effective than lobbying as individual organisations.

## **PHASE 3 – PUBLIC AWARENESS**

*Goal: To use the media and public forums to raise awareness of the need for a National Children's Commissioner.*

- Provide key message training for those individuals speaking to the media.
- Have a central body organising media releases to ensure that the message is consistent.
- Host a series of events and public forums around the country.
- Feature the call for a National Children's Commissioner at every media opportunity.
- Lobby for its inclusion in the list of issues and the concluding observations issued by the Committee.

→ **TIP:** Having a common statement can give organisations the confidence and capacity to speak about the need for a National Children's Commissioner. This is a great issue to capture national attention, as it would benefit all children no matter where they live or what their situation.

## PHASE 4 – POLITICAL LOBBYING

*Goal: To lobby the government to establish the position of a National Children’s Commissioner.*

- Participate in government discussions on the issue (government roundtable).
- Submit position paper.
- Develop relationships with Parliamentarians from different political parties, including minority parties and other relevant bodies (for example, the UNICEF Parliamentary Association has representatives from all political parties).

→ **TIP:** Identify political opportunities, such as the momentum from the reporting process, to determine when the time is right to put forward legislation.

## PHASE 5 – CONSULTATIONS WITH CHILDREN AND YOUNG ADULTS

*Goal: To ensure that children and young adults are involved in the recruitment process.*

- Facilitate an on-line survey with children and young adults about the key qualities of the National Children’s Commissioner.
- Work with the government to develop terms of reference for the recruitment of the National Children’s Commissioner.

→ **TIP:** Build support for children to be included in the recruitment process.

## OUTCOME:

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Both Houses of Parliament passed legislation in June 2012 that established the office of the National Children’s Commissioner in the Australian Human Rights Commission. The first National Children’s Commissioner was appointed in February 2013 for a term of five years.

## IMPACT:

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By speaking with a unified voice, the ACRTF achieved their long-term objective of creating a National Children’s Commissioner within a year. As a result of the successful coalition approach used for this objective, this method will be applied to other goals such as the ratification by the Australian government of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

## CHALLENGES:

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### PLANNING

Although the need for a National Children’s Commissioner had been expressed in the past, no organisation had the time or resources to take it on as a specific advocacy point. Rather than having a specific advocacy campaign, it became part of the reporting process. It would have been more effective to set out strategy and objective in advance in order to lobby for a well-defined independent commissioner.

### LACK OF STRATEGY

Conflicting priorities and perspectives within the NGO sector initially prevented progress on the issue as each organisation raised the need for a Commissioner as it benefited their particular constituency. The roundtable allowed for discussion amongst civil society as to what the Commissioner’s position

would look like in terms of role, powers and functions. Once a common statement was elaborated and endorsed by key stakeholders, it had a powerful impact as it provided both agreement and substance.

### **CHANGES IN LEADERSHIP**

Frequent changes in political leadership led to the overnight loss of relationships in the frontbench and cabinet, which greatly hindered the process. On the other hand, a long-term relationship with the Attorney General, which began prior to her appointment as the Attorney General, helped to ensure that the bill was pushed efficiently through Parliament.

### **RECOMMENDATIONS FOR FURTHER STEPS:**

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#### **VIDEO CONFERENCE**

A national video conference will be held with the National Children's Commissioner so that she can report to the ACRTF on the findings of her national listening tour with children and young adults as well as outline her established priorities.

#### **ONLINE REPORT CARD**

An Online Report Card is being developed where NGOs can input key media stories, parliamentary statements, statistics, or reports on each of the concluding observations. This will provide an informal means to follow up on the Committee's concluding observations and feed information to the National Children's Commissioner.

### **CONTACT INFORMATION:**

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## CASE STUDY

### Namibia

## Focused Advocacy: Extension of Maternity Leave

#### Concluding Observations Follow-up Case Studies:

To promote a cyclical approach to engaging in the reporting process of the Committee on the Rights of the Child (the Committee) and encourage NGOs to use the Committee's recommendations to the fullest in their advocacy work, Child Rights Connect has put together a series of case studies on follow-up activities conducted by NGOs and National Human Rights Institutions. For more examples of follow-up activities, please visit [www.childrightsconnect.org](http://www.childrightsconnect.org)

#### ORGANISATION:

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Legal Assistance Centre (LAC)

#### ABSTRACT:

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The LAC is lobbying to extend maternity leave from three to six months. A reference in the NGO report led to a clear recommendation by the Committee, which was subsequently used by the LAC as a lobbying tool at national level.

#### OBJECTIVE:

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To raise awareness about the health and economic value of extending maternity leave from three to six months with a view of placing it on the government's agenda.

#### TIMELINE:

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2011 – On-going

#### PROCESS:

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##### PHASE 1 – MEDIA CAMPAIGN

*Goal: To bring the issue to the attention of the national media.*

- Have a clear and concise message.
- Prepare a simple lobbying document (10 Reasons to Extend Maternity Leave).
- Issue a press release in conjunction with an international observance (World Breastfeeding Week).

- Link the issue to statements already included in national agendas and national and international guidelines.

- Mention the issue when relevant and appropriate, making links to other issues (such as malnutrition).

→ **TIP:** Link a controversial issue with other issues that are already on the agenda. In this case, the extension of maternity leave was linked to the high under-five malnutrition rate, early childhood development and breastfeeding – issues which are on the political agenda in Namibia.

## PHASE 2 - NGO REPORT

*Goal: To garner international attention in order for the issue to be taken more seriously nationally.*

- Use already-available governmental data on one issue (the low incidence of breastfeeding in Namibia) and link it to another issue (women and working – a push factor to stop breastfeeding early).

- Highlight the issue in a report to the Committee.

- Make a clear recommendation as to what the government could do to improve the situation.

→ **TIP:** A succinct and concise recommendation from the Committee adds weight to lobbying at national level.

## PHASE 3 - LOBBY GOVERNEMENT

*Goal: To draw the attention of relevant government bodies to the recommendation of the Committee.*

- Write letters to relevant government and related bodies (such as the Social Security Commission, Ministry of Education and Ministry of Health and Social Services) informing them about the recommendation made by the Committee.

- Highlight the issue during open forums with government and directly with governmental ministries.

→ **TIP:** Try to work in partnership with the government to follow-up on the concluding observations.

## OUTCOME:

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The recommendation from the Committee to extend maternity leave to six months is currently being used to draw the government's attention to the issue.

## IMPACT:

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The clear concluding observation and references in the media have made it possible to begin discussions on extending maternity leave, even if concrete progress has yet to be made.

## CHALLENGES:

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### PUBLIC AWARENESS

Exclusive breastfeeding for six months is uncommon in Namibia and the lack of public awareness about its advantages needs to be addressed. In addition, maternity leave is still controversial and undervalued in Namibia, especially as the small population makes it more difficult for employers to replace someone who goes on leave.

## **GOVERNEMENT AGENDA**

The government is not currently envisaging extending maternity leave, which would require an amendment to the Labour Act, Social Security Act and associated regulations. It is instead interested in raising the financial reimbursement threshold for the current duration of maternity leave.

## **LACK OF FOLLOW-UP**

The government has not yet officially released or disseminated the concluding observations to relevant governmental stakeholders. This makes it difficult for civil society to move forward in order not to pre-empt the government.

## **RECOMMENDATIONS FOR FURTHER STEPS:**

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### **AWARENESS RAISING**

There is a need to work on changing the attitudes of the general public, employers and government. This is a long-term process that should be done incrementally to change perceptions and understanding. Dwelling on an issue without making progress often lessens the importance in the public eye, it is therefore, strategic to wait for the right moments to highlight the issue rather than to conduct prolonged lobbying.

### **OUTRECH TO EMPLOYERS**

Conduct an outreach programme with the Namibian Employer's Federation and the Namibian Chamber of Commerce, amongst others, to get employers involved in advocating for the extension of maternity leave.

### **RESEARCH**

Conduct research, making the link between breastfeeding and the employment of women (for example that women take less time off work when a child has been exclusively breastfed for six months and that women are less likely to drop out of the workforce if they feel that maternity leave benefits meet their needs), to show that there is legitimate health reasons for extending maternity leave.

## **CONTACT INFORMATION:**

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## CASE STUDY

### Nepal

## Thematic Study on Child Participation

#### Concluding Observations Follow-up Case Studies:

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#### ORGANISATION:

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CRC Committee Human Rights Treaty Monitoring Coordination Centre (HRTMCC), Coordinated by: Child Nepal (CN)

#### ABSTRACT:

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CN coordinated a thematic study on the meaningful participation of Nepali children in the reporting process of the Convention on the Rights of the Child (CRC) and the Optional Protocols (OPs). Although there have been a number of studies done on child participation, this was the first study to look at child participation in the reporting process.

#### OBJECTIVE:

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To conduct a study to measure Nepali children's level of understanding and access to information on the CRC, the OPs and the reporting process and to determine whether children have participated in the preparation of State and civil society reports on the CRC and the OPs.

#### TIMELINE:

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June – December 2012

#### PROCESS:

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##### PHASE 1 – CONSULTATION WITH CHILDREN

*Goal: To bring together children at district level to brainstorm on child participation in the CRC reporting process.*

- Coordinate with district level NGOs working with children, such as children's clubs.
- Invite children who are members of children's clubs to participate in a consultation.

- Interact with children through group discussions led by children’s club facilitators.
- Share objectives of the study and consultation with children.
- Conduct a group discussion and brainstorming on child participation in CRC reporting.
- Have children present the results of discussions and brainstorming.

→ **TIP:** Be prepared to provide general information about the CRC and the OPs as not all children may be aware of these treaties and their provisions. The Child Rights Connect Pocket Guide to CRC Reporting was a great resource during the consultation.

## PHASE 2 – INTERACTIVE TOOLS

*Goal: To provide information, in the form of a quiz, to children on the CRC, the OPs and the reporting process.*

- Prepare a series of questions about the CRC, the OPs, and the reporting process.
- Test the quiz with a small group of children and revise based on feedback.
- Carry out quiz in groups.

→ **TIP:** Child-friendly tools, such as quizzes, are an interesting way for children to participate and can be an effective way to measure their level of understanding. Children receive information and feel empowered at the same time.

## PHASE 3 - QUESTIONNAIRE

*Goal: To determine the level of knowledge and understanding that children have on the CRC, the OPs and the reporting process.*

- Prepare a questionnaire for children.
- Administer questionnaire on an individual basis.

→ **TIP:** A questionnaire can be used to obtain information on confidential issues that children do not feel comfortable sharing in a group.

## PHASE 4 - STUDY

*Goal: To publish and disseminate the results of the study.*

- Conduct an analysis of information obtained from consultations.
- Draft report.
- Disseminate report in both hard copy and online so that it is available to all beneficiaries.
- Present report during a formal meeting with government, media, civil society and children.

## OUTCOME:

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The thematic study on the meaningful participation of Nepali children in the CRC reporting process showed that although a majority of children had heard of the CRC, only a small percentage were aware of its provisions. Most children were not aware of the reporting process and very few had participated in consultation workshops organised by the State or civil society.

## IMPACT:

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The study filled a research gap and created interest in developing a strategy to ensure that children participate in the civil society reporting process for the upcoming consideration of the integrated periodic report of Nepal.

## CHALLENGES:

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### LACK OF KNOWLEDGE

Most children did not have basic knowledge about the CRC and the OPs as many children's clubs had not discussed the CRC. Without this knowledge, it will be difficult for children to participate in a meaningful way by responding and generating ideas. Civil society also lacks information about the CRC reporting process, which has made it difficult for them to support child participation in the reporting process.

### TIME CONSTRAINT

The consultation was too short (half a day). A full day consultation would have allowed time for a detailed presentation of the CRC, the OPs and the reporting process.

### LACK OF DOCUMENTATION

This was the first study that focused on child participation in the CRC reporting process. A literature review revealed that only a limited number of organisations have participated in CRC reporting in Nepal and that very few provisions exist in domestic law. This meant that there was very little formal documentation to feed into the study.

## RECOMMENDATIONS FOR FURTHER STEPS:

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### NGO REPORT

An NGO report is being prepared by civil society for the upcoming consideration of the consolidated periodic report of Nepal. Consultations with children will be organised at regional and national levels in order to incorporate their views into the report.

### AWARENESS RAISING

Information on the CRC, the OPs and the reporting process will be shared amongst members of the child clubs. The latter will then organise a meeting amongst the children in their community and share the information that they have received.

### AUDIO-VISUAL TOOL

An audio-visual tool about the CRC provisions is currently under development. This will be an effective tool for future consultations.

## CONTACT INFORMATION:

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## CASE STUDY

### Sierra Leone

# Campaign to Develop and Adopt Legislation on Child Sexual Exploitation

#### CONCLUDING OBSERVATIONS FOLLOW-UP CASE STUDIES:

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#### ORGANISATION:

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Child Rights Coalition Sierra Leone (CRC-SL)

#### ABSTRACT:

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The high prevalence of child sexual exploitation and abuse and the lack of a comprehensive legislative framework led CRC-SL to campaign for legislative reform. CRC-SL submitted reports to the Committee, conducted an awareness raising campaign and lobbied government officials and parliamentarians. They also provided technical expertise for the development of the initial drafts of the legislation and held consultations with different stakeholders.

#### OBJECTIVE:

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To campaign for the development and adoption of legislation on child sexual exploitation and abuse.

#### TIMELINE:

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2007 – On-going

#### PROCESS:

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##### PHASE 1: PERIODIC REPORTING

*Goal: To highlight a child protection issue that requires considerable legislative reform*

- Focus on gaps in current legislation (Child Rights Act 2007 and Prevention of Cruelty to Children Act 1960).

- Choose an issue where there is agreement within the coalition and on which members are already working.
- Request input from members based on their individual projects and research.
- Highlight the issue in report to the Committee.
- Make a recommendation for legislative reform in the report.
- Highlight the issue during the pre-sessional working group meeting (pre-session).

→ **TIP:** If possible, request to meet individually with the country rapporteur and any other interested Committee members to reinforce important issues.

## **PHASE 2: ADVOCACY CAMPAIGN**

*Goal: To advocate, as a coalition, for legislative reform.*

- Conduct an analysis of the Committee's concluding observations.
- Prepare a strategic plan using the concluding observations as an entry point.
- Conduct specific activities as individual organisations; such as capacity building, training, awareness raising and research at district level.
- Feed information from these activities into the coalition's advocacy campaign.
- Lobby relevant national bodies (National Child Protection Committee and the National Committee on Gender-Based Violence) under the Ministry of Social Welfare, Gender and Children Affairs using the concluding observations and information obtained from individual coalition members.

→ **TIP:** It is easier for a coalition to work together and speak with one voice when there is broad agreement on an issue.

## **PHASE 3: TECHNICAL COMMITTEE**

*Goal: To establish a space for NGOs and government to jointly contribute to a discussion on policy.*

- Lobby for the establishment of a technical committee at the Ministry of Social Welfare, Gender and Children's Affairs composed of governmental representatives, members of the CRC-SL and UNICEF.
- Prepare draft legislation.
- Hold consultations at district, national and international levels including with village chiefs, children and medical practitioners
- Revise draft based on feedback.
- Send draft to the Law Officers Department at the Ministry of Justice.

→ **TIP:** Working on an issue where members have on-going activities and experience means that technical expertise is readily available within a coalition. Use the different strengths of the various members.

## **PHASE 4: REPORTING UNDER THE OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

*Goal: To emphasise the need to speed up the process of developing the legislation.*

- Prepare and submit a report to the Committee that includes an update on legislative reform.
- Highlight the need to speed up the process while including input from relevant stakeholders.

- Lobby Committee members during the pre-session and prior to the State review.

→ **TIP:** Lobby the Committee to include a question in its list of issues requesting an update on recent legislative developments, as it will require the government to respond in writing.

## **PHASE 5: LOBBY GOVERNMENT AND PARLIAMENTARIANS**

*Goal: To lobby government to develop legislation and parliamentarians to adopt it.*

- Prepare press releases, hold press conferences and participate in radio discussions.
- Invite staff of the Law Officers Department to a meeting with the coalition to discuss progress and how they can be supported in the development of legislation.
- Lobby for the submission of legislation to Parliament.
- Lobby parliamentarians to pass legislation prior to elections.

→ **TIP:** Having a Minister prioritise the Bill helped to speed up its development and adoption and added value to the process. An election deadline can also be beneficial.

### **OUTCOME:**

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The adoption of a Sexual Offences Act in August 2012, which criminalises various categories of sexual offences, including those against children, and introduces minimum sentences for offenders and compensation for victims.

### **IMPACT:**

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A major piece of legislation on a common and widespread issue (sexual exploitation and abuse) was adopted. The CRC-SL proved to be a credible and serious partner for government due to its consistent message and expertise in the subject.

### **CHALLENGES:**

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#### **CULTURE AND TRADITION**

Following the war, there were a number of institutional, legislative and policy reforms, but gaps remained. This made it difficult to decide what to prioritise, as the government did not have the capacity to deal with all the issues simultaneously. In addition, although initially proposed as a sexual offenses bill that focused only on children, it became a broader instrument, which may have slowed down its development and adoption.

#### **PARLIAMENTARY PROCESS**

A mechanism needed to be created in the legislation that organised the relationship between village Chiefs and the police (traditional and formal justice systems) so that they could work together and not undermine one another

### **RECOMMENDATIONS FOR FURTHER STEPS:**

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#### **IMPLEMENTATION**

Lobby government to allocate the necessary funds to ensure that services provided for in the legislation, such as free medical care for victims of sexual offenses and compensation for victims, become a reality.

#### **STRENGTHEN CHILD PROTECTION SYSTEMS**

Efforts need to be made to strengthen child protection systems from the community level up to the national level.

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## CASE STUDY

### Sudan

## Harmonizing National Legislation

#### Concluding Observations Follow-up Case Studies:

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#### ORGANISATION:

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Child Rights Institute (CRI)

#### ABSTRACT:

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CRI developed a campaign with Save the Children Sweden and other actors to improve knowledge of children's rights and harmonise Sudanese legislation with the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC), which led to the endorsement of the National Child Act in 2010.

#### OBJECTIVE:

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Develop an advocacy campaign to identify gaps in the 2004 Child Act and propose new provisions to bring Sudanese legislation in line with the CRC and the ACRWC.

#### TIMELINE:

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2004 – On-going

#### PROCESS:

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##### PHASE 1 – RESEARCH STUDY

*Goal: To identify gaps in the Child Act of 2004 and make recommendations.*

- Refer to the recommendations of the Committee regarding the need to harmonise national legislation.
- Conduct a study to identify gaps in existing legislation.

- Make recommendations for new provisions to strengthen the Child Act of 2004 and ensure harmonisation with the CRC and the ACRWC in line with the 2005 Interim National Constitution.

## **PHASE 2 - CONSULTATIVE WORKSHOPS**

*Goal: To discuss the need for law reform and propose amendments to the Child Act of 2004.*

- Consult with government, civil society and the media.
- Discuss strengths and weaknesses of the 2004 Act.
- Make proposals for amendments to ensure harmonisation with the CRC and the ACRWC

→ **TIP:** Good coordination and networking between the government, the National Council of Child Welfare, and the Child Rights Forum (civil society) was essential in endorsing the need for a new Child Act.

## **PHASE 3 – MEDIA CAMPAIGN**

*Goal: To raise awareness about children’s rights and the need to amend the 2004 Child Act.*

- Target specific areas of children’s rights.
- Train journalists and editors on how to report on children’s issues.
- Use all areas of media: live programmes, newspapers, radio and television.
- Show that children’s rights are not contrary to Islamic culture.
- Highlight international commitments made by the government as part of the National Constitution.

→ **TIP:** The media campaign should ultimately target the general public and community leaders. It is also important to bring influential religious leaders on board. It takes time to change attitudes.

## **PHASE 4 – DRAFTING OF CHILD ACT**

*Goal: To draft a new Child Act.*

- Establish a committee to draft the new Act that includes the National Council of Child Welfare, the Ministry of Justice and civil society.
- Provide feedback on drafts.
- Advocate for the adoption of the draft law once introduced in Parliament.

→ **TIP:** Strive to achieve consensus. Focus first on issues where it is easier to achieve agreement and address the more controversial issues later.

## **OUTCOME:**

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The adoption of the National Child Act in 2010 that more adequately represented the CRC than that of 2004.

## **IMPACT:**

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A collaborative and positive dialogue between civil society and government led to a better understanding of children’s rights in Sudan and improved legislation in many areas.

## **CHALLENGES:**

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### **NEGATIVE PERCEPTIONS**

Misconceptions regarding Islam and the implementation of the CRC, such as early marriage and the age of criminal responsibility.

### **CULTURAL VALUES**

Long-held cultural values and traditions led to resistance to certain issues, such as corporal punishment and female genital mutilation (FGM). Some of these issues, such as prohibiting FGM, did not end up being included in the final version of the Child Act.

## **RECOMMENDATIONS FOR FURTHER STEPS:**

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### **IMPLEMENTATION**

In order to better implement the Child Act, more financial and human resources need to be allocated. Criminal law and other implementing legislation should be harmonised with the Child Act.

### **ADDITIONAL AMENDMENTS**

Although the Child Act brings Sudanese legislation closer to following the provisions of the CRC, gaps remain, and FGM still needs to be addressed.

## **CONTACT INFORMATION:**

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## CASE STUDY

### Swaziland

## Developed and Enacted a Children's Act

#### Concluding Observations Follow-up Case Studies:

To promote a cyclical approach to engaging in the reporting process of the Committee on the Rights of the Child (the Committee) and encourage NGOs to use the Committee's recommendations the fullest in their advocacy work, Child Rights Connect has put together a series of case studies on follow-up activities conducted by NGOs and National Human Rights Institutions. For more examples of follow-up activities, please visit [www.childrightsconnect.org](http://www.childrightsconnect.org).

#### ORGANISATION:

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Save the Children Swaziland

#### ABSTRACT:

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Save the Children Swaziland, UNICEF, government ministries and other partners advocated for the development and enactment of a comprehensive Children's Act. A review of existing child-related legislation was conducted and a discussion paper on the need for a comprehensive law was produced. Consultations with various stakeholders over a two-year period guided the drafting of a Bill. Close cooperation with Parliamentarians led to its adoption in 2012.

#### OBJECTIVE:

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To develop and enact comprehensive legislation that would improve the legal protection of children in Swaziland.

#### TIMELINE:

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2003 – On-going

#### PROCESS:

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##### PHASE 1 – LEGISLATIVE REVIEW

*Goal: To conduct a review of existing legislation to identify gaps.*

- Prepare a compilation of existing legislation.
- Conduct research to look for gaps
- Prepare a discussion paper to highlight issues of concern.

- Refer to the Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child and the 2005 Constitution (which contains specific provisions on children's rights).

→ **TIP:** A comprehensive children's act can simultaneously improve legislation in a number of different areas.

## **PHASE 2 – VISIT OF A COMMITTEE MEMBER**

*Goal: To present the Committee's concluding observations and discuss implementation.*

- Invite country rapporteur from the Committee to present the concluding observations, highlight areas of concern and make recommendations for future action.
- Organize meetings with government, civil society and UNICEF to discuss follow-up.

→ **TIP:** A visit from a Committee member can help to quickly raise awareness and focus attention on what needs to be done. The recommendations of the Committee can be used as a basis to push the government to work on gaps.

## **PHASE 3 - CONSULTATIONS**

*Goal: To consult with relevant government and non-governmental stakeholders, including children.*

- Use discussion paper and Committee concluding observations to conduct consultations
- Engage with the government office responsible for children's issues, namely the National Children's Coordinating Unit (NCCU) within the Deputy Prime Minister's Office.
- Consult with the law society, traditional women's regiments (Lutsango IwakaNgwane), Chiefs, key government ministers, children and civil society over a two year period through weekend retreats, group work and district workshops.

→ **TIP:** Take the time needed to get everybody on board. Refer to the Committee's concluding observations during consultations.

## **PHASE 4 – PLEDGE FOR CHILDREN**

*Goal: To increase political commitment to improve children's rights.*

- Ask Parliamentarians running for office to pledge their commitment to enact policies and legislation in order to improve the protection and welfare of children.
- Call on those who signed to honour their pledge.

→ **TIP:** Strategically target Parliamentarians who can provide valuable support through the enactment process.

## **PHASE 5 – DRAFT AND ENACT BILL**

*Goal: To draft a Bill for submission to Parliament and lobby for its enactment.*

- Present position paper to stakeholders.
- Work with a legal consultant from NCCU to develop a comprehensive issue paper to be formally presented to the Attorney General's Office (AG).
- Establish a technical working group consisting of the AG, NCCU and civil society to support the drafting of the Bill.
- Discretely provide input and comments on the draft Bill.

- Lobby the Portfolio Committee for the Deputy Prime Minister's Office to table the Bill in Parliament.
- Lobby Parliamentarians for the adoption of the Bill.

→ **TIP:** Even when working together, civil society needs to monitor the process to ensure that the government is making progress and the legislation is moving forward.

#### **OUTCOME:**

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The enactment of the Child Protection and Welfare Act in November 2012

#### **IMPACT:**

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Advocacy conducted by Save the Children Swaziland and other partners led to the adoption of comprehensive legal protection for children in Swaziland.

#### **CHALLENGES:**

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##### **CULTURE AND TRADITION**

Age is traditionally not used to determine the level of maturity in Swaziland so issues such as the age of majority and marriage were contentious. Eventually the age of 18 prevailed for both. The age of criminal responsibility was also an area of debate with the age finally being set at 12. Abolishment of corporal punishment is still not clearly addressed by the Act.

##### **PARLIAMENTARY PROCESS**

Chiefs have a lot of power in areas involving law and culture such as marriage, age of majority and adoption. It was very important to take time to listen to and educate the traditional structures.

#### **RECOMMENDATIONS FOR FURTHER STEPS:**

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##### **IMPLEMENTATION PLAN**

A roadmap to set up the necessary structures within government agencies to implement the Children's Act and train government staff is under development. An analysis of the cost implications of the legislation will be conducted.

##### **AWARENESS RAISING**

There is still a need to disseminate the Act and raise awareness about the legislation within government structures and among the general public.

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