



Save The Children staff meeting
November 5, 2014
Sarajevo, Bosnia and Herzegovina

Child Rights – Turning Concept Into Reality

Conference on National Human Rights Institutions (NHRIs) for Children

EXECUTIVE SUMMARY

After attending a two-day conference on National Human Rights Institutions (hereinafter NHRIs) for Children in Sarajevo where they interacted with various stakeholders from around the world, Save the Children staff members held one day meeting to discuss various experiences in working with NHRIs and lessons learnt in this process. As thirty people coming from Africa, South America, Europe and Asia sat down facing each other in a semi-circle formation, it was evident from the beginning that there is much to share, discuss and further built on.

To an observant it might have appeared for a moment that such diverse group will have little in common considering huge difference among countries they came from, yet discussion quickly revealed that some may be hundreds of miles apart while facing same situation.

There was no disagreement among SC staff at the meeting when it comes to the importance of cooperating with **National Human Rights Institutions** for children in their respective countries, acknowledging that such institution can be a **driving force in setting up adequate system for promotion and protection of child right**. Empowered and independent NHRI – regardless whether it is a specialized ombudsman for children or division integrated in other institution - can map out stakeholders, ensure quality in spending, be a link between governments and children, review policies, ensure harmonisation of laws, child participation, investment in children, placing child rights on top of agenda in a respective country. Save The Children can cooperate with such institution through **facilitation, advising, capacity building, advocacy and funding**. Any such cooperation requires clear action plan and understanding that SC provides support to NHRI, not overtaking ownership in a



process, imposing on its own agenda or prioritizing its needs. It was suggested that such cooperation, as well as cooperation with civil society, would greatly benefit from SC global guidelines at some stage.

As for forms of cooperation, SC recognized numerous **opportunities**, from supporting establishing of an NHRI for children where it does not exist to facilitating learning process, ensuring minimum standards are in place, etc.

There are also equal number of **challenges** not only in terms of this cooperation, but also overall objectives in respective countries. In many cases, key issue is lack of **funds** and capacities as NHRIs are struggling with very limited funding, not receiving funds in timely manner and/or having donors imposing on their priorities. Money is closely linked to ensuring institutions' **independence**, as sometimes it is used as control mechanism because of which institutions are either unable to act or simply avoid sensitive issues. In addition to funds, some NHRIs are also lacking experts, knowledge and experience in various fields, which is why many were of the view that capacity building is important part of the cooperation. Other ways to overcome this is **regional cooperation**, using existing or establishing new platforms to enable experience sharing among stakeholders in different countries.

Establishing the NHRI and ensuring it is adequately equipped money and human resource wise is not an end to the story, as they have to ensuring being **accessible** and **visible**, but also able to **influence decision makers**. SC has decades of experiences in **advocating**, **lobbying** and **child participation**, thus it can offer significant assistance in this field.

In working with NHRIs, it is also important to monitor broader situation in a respective country and the region, as changing political and economic circumstance can greatly influence the work of SC. In Sierra Leone, for instance, outbreak of Ebola completely influenced the way the country currently operates as all schools remain closed and many health services denied. In countries like Russia or Ethiopia, governments imposed on laws that significantly changed modus operandi for entire civil society. In Somalia, armed conflict limited NHRI's operation to limited relatively peaceful area. All these examples identified a need to be ready to quickly adapt to changing realities.



MEETING INTRODUCTION

Director of the Child Rights Governance global initiative (CRGI) **Lene Steffen** opened a meeting giving a brief overview of the current situation, opportunities, challenges and questions relevant to the cooperation between SC and NHRIs. She summed up that in some countries SC role is to help those institutions started, whereas in other cases when they are already up and running Save the Children is only one of a number of stakeholders. In



a situation in which SC assist in a process of establishing an independent NHRI, it frequently funds some parts of it raising questions on duration of such involvement and expected outcomes. When an exit is planned, there should also be indicators based on which a decision to step down can be made without a danger of interrupting on-going processes and set-backs.

Ensuring an NHRI is a proactive mechanism in child rights protection and promotion is another important objective to keep in mind, and in this context Lene underlined that it is important to address issues of funding and independency of an institution. She has also reminded all that NHRIs are also a type of accountability mechanisms for the states and their governments, making it essential that such an institution acts at the state level whether as an independent or an integrated part of another institution. She ended on a note that there is a challenge of shrinking spaces for civil society sector in a number of countries worldwide, asking how could SC contribute to mitigating such trend.

Lene's presentation was followed by a feedback from a majority of participants who then briefly described circumstances of their working environment and most pressing issues.

Ombudsman for Children in **Norway** is the world oldest such institution, yet – as SC CRG Advisor in Oslo, *Hadi Strømmen Lile* argued – it also has problems such as inability of processing individual complaints. In another developed society such as **Denmark**, Lene added, years long efforts to establish a special ombudsman for children have been fruitless and the country still maintains an office within a general ombudsman institution. A supporter of a specialized ombudsman institution for children wherever feasible, *Ahmed Plan* from SC **North West Balkans** argued that general ombudsman are often swamped with other human rights cases.

For **Uganda** it has taken some time to ensure that an existing human rights commission in this country starts dealing with child rights, in which process funding and a lack of capacities were key challenges. *Timothy Balikenga* explained SC believes that the Commission should now be doing more in terms of report writing, considering also how to ensure that those reports reach and influence legislations. Lack of capacities and financial resources is a key problem for the NHRI-like institution in **Malawi**, *Donnex Bengo* noted that SC has only recently launched

CRG in Malawi, making a support to the institution a priority. In **Albania**, SC office is involved very much with capacity building and system strengthening that is often, as *Iva Korumi* and *Edlira Ngjeci* explained, challenged by long bureaucratic procedures.

Rebeka Quena praised laws which have been adopted in **Kosovo**, but pointed out that their implementation is a big challenge. Domestic NHRI has been very cooperative and understanding in terms of SC objectives, while Save the Children is seeking ways to use institution's findings, especially those that come directly from children, in the best possible way. **Guatemala** has elaborate NHRI mechanisms in place, with independent ombudsmen for many issues, including child rights, with good monitoring systems. Yet, *Diani Cabrera* noted, information is not reaching children or decision makers.

In **Russia**, Ombudsman for Children operates under the Presidential decree without a special legislation that would regulate its work. *Igor Kurakin* and *Maria Kondrashova* told about the ways SC cooperates with this institutions, which includes sharing materials such as leaflets and attending meetings on various topics.

Shrinking space for CSOs, restrictive laws, lack of structures and conflict are key challenges **Somalia's** SC is facing, due to which its operations in the CRG thematic area are mainly focused at the relatively peaceful Somaliland. *Dargie Teshome Abera* said the office is focusing on the legislations, national action plan for children, developments



of various child-focused policies and national guidelines for child participation. Population of this country is largely unaware of the conventions and various protocols on child rights. As SC plans to get more involved with the national human rights commissioner and advocating in favour of establishing a dedicated child rights section or desk, it is facing an issue of lack of capacities and requirements for ensuring the office is accessible to children.

Ethiopia is also challenging environment for the operation of an NHRI for children, as country has imposed on restrictive laws. *Eshetu Bekele* noted staff dedication to aggressively continue with their

work externally, while also addressing the internal SC issue as to how incorporate CRG in other thematic areas.

Silvia Pina from **Sierra Leone's** SC explained CRG is rather new in the country, human resources and financial limitations being main challenges. SC is supporting the desk for women and children within the national Human Rights Commission established in 2004 which is struggling to meet its objectives as they do not receive funds on time, which is sometimes used by authorities as control tool. On the other hand, country has many uncoordinated donors whose assistance to the HRC is sometimes driven by donors own rather than country's priorities. Silvia argued that while children rights in Sierra Leona are violated at every single level, support to the Commission is crucial as it is the institution that can be a driving force in setting up a functional system.

A fear of authorities using finances as control mechanism is present in the case of NHRI for children in **Nicaragua**, said *Pedro Hurtado Vega*, which he believes is why the institution often opts for soft approach towards politicians. System is in place, as the specialized ombudsman for children has been established, it achieves results and maintains good cooperation with CSOs. Big problem, however, is an issue of implementation of its recommendations.

SC in **Nepal** has recognized a big opportunity in ensuring a functional NHRI for children as the country is undergoing a constitutional reform. *Dilli Guragai* told that the Office is involved in a process as stakeholders are considering whether to establish an independent ombudsman for children or having a dedicated commissioner within the existing Human Rights Commission. In **Mozambique**, focus of the work should be on ensuring investment in children, *Judas Xavier Massingue* noted.

Lebanon has no NHRI for children established, while child rights are dealt by at the parliamentary level through commission. *Rana Kharrat* informed other participants that owing to the contacts established in the conference with ombudsmen, she will be discussing ways to cooperate with stakeholders in Palestine to use their experience and adapt some of it to the Lebanon's landscape.

John Njoka from the **East Africa** Regional Office said that at the regional level the office has been working with the African Committee of Experts on the Rights and Welfare of the Child, whereas the plan is to continue supporting organisations on the regional level and establish cooperation with some other regions, such as **Middle East and North Africa**.



It is no coincidence that the meeting was taking place in the **Balkans**, said *Linda Bukasen* from SC Norway, as the SC team in the region achieved some incredible results with limited resources. She also praised efforts of the SC Russia team which is finding ways to do much “in silence”. There is also much potential in MENA region to do more, commending initial talks between Lebanon and Palestine on potential cooperation. *Marie Dahl* from SC **Middle East and Europe Regional Office** expressed an interest in ideas on how to support initiatives from regional perspective.

SESSION: ROLE OF SC IN COOPERATION WITH NHRI

Moderator: Ahmed Pjano, SC North-West Balkans

Save the Children North-West Balkans office has had one big advantage throughout these years, Ahmed explained at a beginning of the session, and that is to work with various models of the NHRIs for children and witnessing first-hand what does and does not work in given circumstance. As child focused organisation, he added, SC should never be fully satisfied with an NHRI, but continuously challenge it to use every single opportunity to ensure child rights governance system that would not depend on who is on top and staff changes. He ended the introduction underlining that part of these efforts is for SC staff is to challenge themselves and consider next steps.

Participants were then split into three groups and asked to discuss different roles SC could and should have in cooperation with NHRIs and challenges for that cooperation. After 20 minutes, groups came back together, presenting identified roles and challenges. It was stressed that it is important to have a clear picture SC can have in various countries, while keeping in mind that circumstances may change and that some adaptation may be required, as for instance it was the case in Russia where the office managed to remain relevant.

Group 1

Roles:

- support establishment of an NHRI where it does not exist;
- facilitate process of growth with special focus on investment in children;
- address identified gaps
- facilitate minimum standards are in place for an NHRI operation, to monitor and review implementation;
- facilitate learning between institutions

Challenges:

- legal framework;
- agreement on common values;
- geographical (in)accessibility;

- financial and human resources, and capacities;
- mechanism to overcome possible threats to an institution's independence and avoid political influencing;
- coordination at the global level in supporting each other and create guidelines on how to support NHRIs.

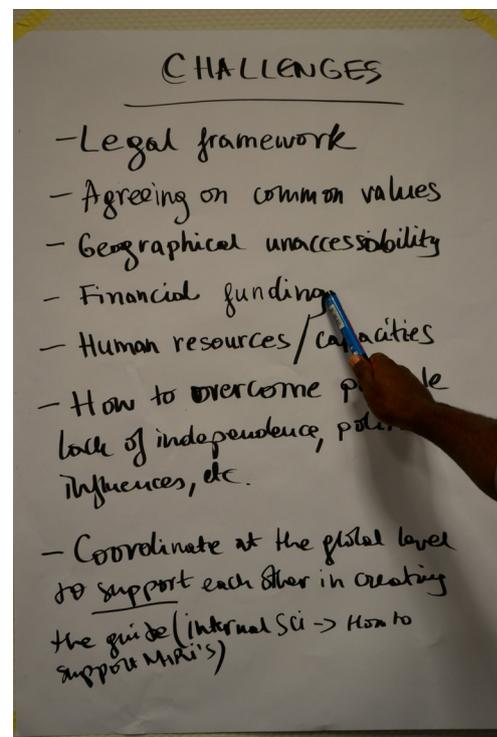
Group 2

Roles:

- involvement in research, situation analysis, mapping out of country's features, context, stakeholders, processes,...
- funding research;
- regional coordination, as one of tools for both institutions and governments to be encouraged to achieve better results;
- advocating and lobbying, as SC has decades of experience in the field and knows how to involve various stakeholders;
- ensure child participation

Challenges:

- funding: if SC is not providing or halts funding, will authorities take over?
- changes in structures sometimes force starting from a beginning;
- lack of human resources;
- lack of understanding of an NHRI for children concept in some countries, even within organisations working with children;
- overlaps between various stakeholders, which SC could help prevent or overcome by facilitating coordination between ombudsmen and other national officers working with children.



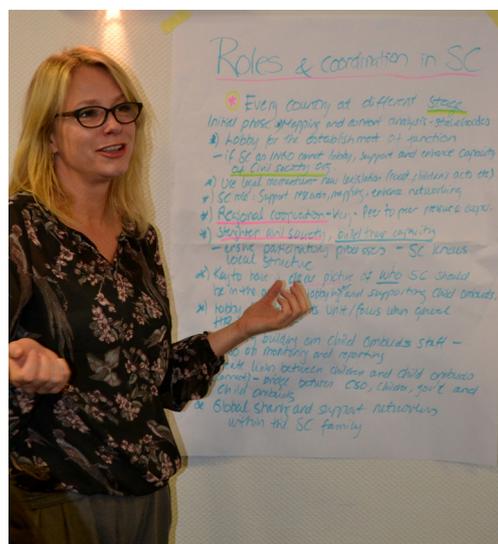
Group 3

Roles:

- funding, with clear phase-out strategy;
- involvement in managing resources, with decisions depending on a level of institution's maturity;
- advising and capacity building, without insisting for an institution to follow SC agenda;
- assisting an institution to be independent. One way to achieve this is to ensure that the funding for the institution comes from a parliament, not a government;

Challenges:

- continuously challenging institution towards success;
- clarity in terms of expectation and common objectives;
- SC guidelines for cooperation with an NHRI for children.



Conclusions

In terms of momentum for cooperation with the NHRIs, Ahmed referred to the Paris principles, sometimes rather ambiguous but still very important milestone in terms of establishing special ombudsman or division for children within general ombudsman office, and CRC General Comment no2 on role of the NHRIs in promotion and protection of the rights of the child.

Summing up group presentations, he noted that regardless of an NHRI status in respective countries, common thing is that CRG first needs to position itself within the SC and then conduct a stakeholder analysis, who-is-who in the country to be able to identify chief allies especially since all groups agreed that SC should not act alone, but partner with others. He continued by saying that that an analysis of an existing legal

framework is required, to be able to win battles with sound arguments rather than educated guesses. Capacity building is an important part of the SC work, with Ahmed noting that it could also be referred to as credibility building in which context it is important to think about positioning of the institution.

As for challenges mentioned, he noted that while approach may differ, it is important that any action on SC part is comprehensive to ensure that the NHRI is really doing its job and winning the trust of children. Lene commented that the SC is going a long way to work and influence governments to do what the organisation believes they should be doing. In other cases, SC cannot even be seen to collaborate with the authorities. So, she concluded, is SC is to develop such guidelines, there has to be an agreement on what is a bottom line and minimum. Another participant added that in some cases, even when an NHRI has sufficient funding it is still choosing to deal with less sensitive topics, which Ahmed commented is a reason for SC to also act as the watch dog and challenge NHRI when things do not work.

SESSION: WHY IS NHRI FOR CHILDREN IMPORTANT?

Moderator: John Njoka, SCI / EARO

Introducing the next session, John asked colleagues to reflect on the issue from a perspective of what they want to see an NHRI doing for children in respective countries. In this context, he asked all to consider the following:

- too many challenges for child rights;
- too much money expected, yet too little impact;
- mandate of NHRIs in a context of the UNCRC General Comment no2.

After dividing everyone into groups of three, John stressed an importance of having a clear understanding as to why it is important for SC to cooperate with NHRIs especially since there is lack of this sometimes in the Save the Children.

Following individual discussions, groups returned for a joined discussion and presented the following findings.

Role of NHRI relevant for SC work:

- mapping stakeholders;
- quality in spending – to ensure quality of interventions and higher impact. When there is budget, these institutions should ensure that the money is spent the best possible way;
- the voice – link between governments and children, ensuring children have a platform to be heard by decisions makers;
- act as watchdog in context of promotion and protection of child rights;
- follow up on UPRs and CRC’s recommendations– in many countries, questions are raised when report is released, but there is no subsequent action;
- policy review and ensuring that policies are child friendly;
- harmonization of legislation with CRC;
- ensuring child participation in various forms;
- ensuring budget allocation for children, i.e. investment in children, through engagement with governments and in public discourse
- preparing annual reports on the CRC implementation;
- ensuring focus on children from minority groups;
- insisting on a respect for a rule of law;
- ensuring child rights are priority and on top of the authorities agenda.

Participation also discussed to which extent NHRIs should be involved in impact assessments of various policies, considering that it is the Government’s role. It was pointed out that one has to be very careful in this regard, as there is a real danger for governments to switch over a responsibility for this over to NHRIs.

In a conclusion, John noted that there are traditionalists who fear venturing to work with NHRIs, yet their importance is unquestionable. He reminded of the UNCRC General Comment no2 and the CRC Article 4 which

underline importance of the NHRIs for children. Its key role is promotion and protection of child rights, which should be mainstreamed, to efficiently overcome a situation in which children are vulnerable, without vote, with their opinions often ignored and limited access to support organizations.

As for form and functions, it was concluded:

- broad based NHRI should include within its structure either an identifiable commissioner specifically responsible for child rights or specific section or division;
- institution ought to be able, independent and effective;
- institution ought to be embedded in constitution with powers to receive complaints, investigate and support remedies including legal aid to all violated children
- other specific activities in line with the General Comment no 2.

SESSION: WHY SHOULD SC TAKE AN INTEREST IN NHRI

Moderator Pedro Hurtado Vega, SC Nicaragua

Last session of the SC meeting was dedicated to summing up many of points on the session topic already expressed during the previous discussions. Noting that numerous argument on why should SC work with NHRIs were presented throughout the day, Pedro asked participants to focus on cooperation areas between the SC offices and NHRIs in respective countries.

Five key cooperation areas were identified:

- **Funding** – as it is common for NHRIs to struggle with limited funding, SC may consider providing some funding, but it is important to have strategic approach in this process. A clear phase out plan has to be laid out, as well as precise plan of such involvement in terms of type and form of support, i.e. direct funding, staff seconding, etc.
- **Advising** – in assuming advisory role, SC should keep in mind that it is not also playing a main role in the process by having understanding for NHRI's needs and developing a sense of ownership within the institution for plan or programme they are about to kick off. Advisory role can assume sharing of experiences, good examples and practices of NHRIs elsewhere were applicable, bringing in experts in certain fields and providing trainings. In case of establishing a new NHRI, SC should support the process.
- **Capacity building** – to build NHRIs capacities for awareness and understanding of child rights. Prior to this, an assessment of gaps and needs of the institution to ensure that training is prioritized given limited resources. In a process, there has to be a consideration of advantages of continuous capacity building vs. ad hoc training to ensure that a system is in place regardless of staff overturn.
- **Facilitation** - another area in which SC could be of help, as it can facilitate a process in which an NHRI would secure its status preferably within the constitution of respective country. Furthermore, it could facilitate cooperation between ombudsmen and civil society organizations, enable NHRIs interaction with other stakeholders, including children, access to update information, etc.
- **Advocacy** – SC may provide support by issuing statements and organizing trainings to ensure certain degree of standards rare in place for media; support and disseminate information on good practices; conduct risk assessment and similar.

Lene Steffen on CRGI

Following presentation on cooperation areas, Lene presented on-going discussion at the SC on global level regarding the new strategy which requires from the organisation to focus more, as there are many who think that SC has spread out too much. In a future there will no longer be breakthroughs for specific five thematic areas, but three big organisational breakthroughs as follows:

- Children survival
- Learning
- Safety

Two models are currently being considered, one of which defines that CRG – together with child poverty - has



foundational nature as it is addressing root causes which affect everything else. The second model envisages that all five thematic areas are interlinked and influencing each other. Regardless of outcome, Lene concluded that in a future, CRG staff will be asked to explain how cooperation with NHRIs fits into three organisational breakthroughs.

Conclusions

In a conclusion of the meeting, participants considered where to go from that point and what to do next. Three areas were identified as potential follow ups:

1. Global guidelines: majority agreed with cooperation with NHRIs for children would benefit from organisation guidelines, whereas participants believe that this process requires involvement from SC international level. It was also clarified that this document would be about SC positioning and engagement not only with NHRIs, but also CSOs. In order to be useful, document also has to be widely acceptable.

2. Support group on NHRI for children: there has been a proposal, to be discussed further, on establishing ad support group to work on proposed guidelines that would involve SC Norway CRG and country officers with experiences. The support groups shall consist of a group of the most competent and experienced SC-staff on work related to NHRI for children. Ahmed Pjano, Pedro Hurtado Vega, Cairo Arafat and Dilli Guragai were suggested as participants in the support group. The support group should also work on drafting global guidelines on NHRI-work.

3. Regional approach: all participants agreed that there is much benefit from regional conferences and seminars, due to opportunities for sharing experiences and best practices, wherever feasible. John expressed an interested in working towards organising regional conference for East Africa but also noting that it is good idea to consider Pan African conference, while Silvia will put effort to do same for West Africa. Rhanna will follow up on possibility to organise regional conference or seminar for MENA region. Ahmed argued that regional gatherings are important especially for those offices that are at the beginning of their cooperation with NHRIs. Participants also agreed that conference should be dynamic and based on workshops as much as possible. Godwin Kudzotsa

expressed some concern that it was not realistic to organise such regional conferences because there was no funding for it. Others emphasised that if it is seen as important and needed from the country offices, with some efforts funds could be secured.

4. Learning trips: where feasible, study trips to be organised with an objective of learning.



LIST OF PARTICIPANTS

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