



## PUTTING CHILDREN'S RIGHT TO PARTICIPATE INTO PRACTICE IN GOVERNMENT BUDGETING

### A Plan International Inc. contribution on the theme "Towards a better investment in the rights of the child."

3<sup>rd</sup> October 2014.

#### I. Introduction

1. Plan International has developed this paper to inform the forthcoming report by the Office of the High Commissioner for Human Rights (OHCHR) on "Towards Better Investment in the Rights of the Child" (pursuant to the HRC resolution A/HRC/25/L.10). It presents Plan's experiences involving children in government budgeting and expenditure monitoring, and builds upon two recent Plan papers on children's and young people's participation in accountability initiatives.<sup>1</sup>

#### II. Children's Rights and Government Budgeting

2. Art. 4 of the Convention of the Rights of the Child (CRC) stipulates that "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention." The Committee on the Right of the Child (CRC Committee) has emphasized States' obligations to implement economic, social and cultural rights "to the maximum extent of their available resources," which requires "adequate budgetary analysis"<sup>2</sup> considering that economic policies are never neutral in their effect on children's rights<sup>3</sup> and that the lack of resources can hamper their full implementation. The CRC Committee has also noted that no State can tell whether it is fulfilling children's economic, social and cultural rights to the maximum extent of available resources unless "it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly."<sup>4</sup>
3. Budget plans and expenditures provide tangible indications on whether governments have given due priority to the realization of children's rights. These actions directly impact children,<sup>5</sup> and link directly to the ability of governments to effectively implement national policies and programs. This requires inclusive and sustainable budgeting, as well as financial and economic policies that are effectively implemented and monitored. Effective coordination between government departments and institutions is required to ensure that efforts to realize children's rights and interests are adequately reflected in all relevant department policies, national action plans, budget plans and expenditures.
4. Governments need to make appropriate budgetary provisions to support the realisation of *all* human rights of *all* people within their jurisdiction, without discrimination. With regard to

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1 Conrad, S. et al, *Participatory Monitoring for Accountability: Principles for involving Children and Young People*, Plan International (2014), and, Davis, A. et al, *The role of young people in strengthening accountability for the post-2015 agenda*, Overseas Development Institute and Plan International, in collaboration with the UN Secretary General's Envoy on Youth (2014).

2 Hodgkin, R. and Newell, P., *Implementation Handbook of the Convention on the Right of the Child*, UNICEF (2007), p. 61 - 63

3 Committee on the Right of the Child (CRC Committee), General Comment No. 5 on General Measures of implementation of the Convention of the Rights of the Child, (2003), para. 52.

4 CRC Committee, General Comment No. 5 on General Measures of implementation of the Convention of the Rights of the Child, (2003), para. 51.

5 CRC Committee, General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) (2013), para 17 – 24.

children, governments should take into account the best interests of the child,<sup>6</sup> paying particular attention to marginalized and disadvantaged groups,<sup>7</sup> bearing in mind the interests of future generations.

5. All human rights are indivisible and interrelated. The enjoyment of economic, social and cultural rights is inextricably intertwined with the enjoyment of civil and political rights.<sup>8</sup> This requires that budget planning, setting, spending and monitoring be crucial administrative processes during which children's views are heard and their opinions given due weight, in accordance with Article 12 CRC.<sup>9</sup> Children should be involved in the entire budget setting and planning process, including by actively monitoring and tracking them to ensure that governments are seeking to meet their international human rights commitments.
6. **General recommendation:** Governments should make **appropriate budgetary provisions** to support the **realisation of all human rights of all people** within their jurisdiction, without discrimination. The enjoyment of economic, social and cultural rights should be guaranteed **to the maximum extent of available resources, taking into account the best interest of the child and of future generations** as primary consideration. This requires children's inclusive engagement in budgetary planning, monitoring and spending.

### III. Child participatory budget setting, spending and monitoring

7. Plan suggests the following interconnected and interrelated criteria as important considerations when assessing the quality of child-sensitive participatory budget setting and monitoring processes: they should be meaningful, inclusive, collaborative and enabling.
8. **Criteria No. 1–Meaningful: Children and young people can actively and effectively participate in decisions that affect them. They are consulted and informed in the entire budget process and their voices are heard and taken into account equally to those of adults.**<sup>10</sup>
9. Children's and young people's engagement in developing and monitoring budgets is of intrinsic value; it helps put their civil rights into practice. It is also of instrumental and practical value and can help make budgets more equitable and responsive to their and their families' rights and needs. Children and young people's participation will help ensure their interests are a primary consideration, which is a right that "extends also to the approval of budgets, the preparation and development of which require the adoption of a best-interests-of-the-child perspective for it to be child-rights sensitive."<sup>11</sup>
10. Children can also make significant contributions to monitoring the way in which budgets are spent and thus to the adoption of more transparent and efficient administrative practices. In order for this to happen, the entire budgeting process must be open, transparent and accountable. It must provide child-friendly opportunities for children to participate in all aspects and steps of the cycle, with an understanding of when and how they can best participate, according to their evolving capacities.<sup>12</sup>

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6CRC Committee, General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) (2013), para 35.

7 CRC Committee, General Comment No. 5 on General Measures of implementation of the Convention of the Rights of the Child, (2003), para 8 and 51.

8 CRC Committee, General Comment No. 5 on General Measures of implementation of the Convention of the Rights of the Child, (2003), para 6.

9 UN Convention on the Right of the Child, Article 12. CRC General Comment No. 5 on General Measures of implementation of the Convention of the Rights of the Child, (2003), para 57.

10 UN Convention on the Right of the Child, Article 12.

11CRC Committee, General comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1) (2013), para. 31.

12Children Parliaments, municipal child and youth councils, student councils and similar public accountability mechanisms represent important investments taken by state parties to facilitate children's participation and should be assessed as possible mechanisms for engaging children in budgeting processes.

11. Meaningful participation of children in budgeting processes, and in the monitoring and evaluation of achievements afterwards, should be formalised at all levels, from the national down to the community level. Effective participation in budgeting requires that children are able to develop citizenship skills, including knowledge about democratic, political and governmental processes and the ability to understand, analyse and act upon information provided by government. This is a longer-term process that requires skilled facilitation.
12. It is also dependent on the fulfilment of the right to education. Governments should verify that the aims of education<sup>13</sup> are met, ensuring education provides a broad range of life skills and learning processes that enable children to develop their personalities, talents and abilities. It should allow them to live a full and satisfying life within society and prepare them to develop their full potential as responsible and active citizens. This includes ensuring that learning environments are safe and supportive, and that human rights are promoting through national curricula that include relevant civic education programmes and financial literacy.
13. Already established mechanisms like student councils or children's parliaments provide platforms through which governments can engage children in the budgeting process. However, a study by Plan International in West Africa<sup>14</sup> found that children's parliaments, which existed in most countries in the region, were largely under-used. The study found they needed more help to increase their understanding of democratic and governance processes, needed to be provided with concrete opportunities to interact productively with public officials at different levels.
14. The use of Information and Communication Technology (ICT) and mobile phones can also be catalyst for involving children in budgeting processes. ICTs and mobile technology can increase accessibility, provide them with practical skills, and produce tangible information that can be discussed with decision-makers. In Cameroon,<sup>15</sup> for example, Plan supported children in several municipalities to digitally map issues affecting them and use their maps successfully to discuss better resource allocation with municipal decision-makers.
15. **Recommendation 1:** Governments should ensure that **budgets are open, transparent, and easily accessible to children. Children and young people should be able to meaningfully participate in the entire budget cycle**, including in monitoring and evaluation of expenditure and the impact of the budget on younger populations, in accordance with their evolving capacities. States should contribute to the development of their **citizenship skills, including through civic education and financial literacy programmes.**
16. **Criteria No.2 - Inclusive: All children, including the most vulnerable and excluded, are able to participate in budget setting and monitoring processes, without discrimination.**<sup>16</sup>
17. Budget setting and monitoring processes need to take into account the views of particularly vulnerable children to ensure that public spending also benefits those who have specific needs. This not only increases the likelihood that budgets will target those most in need, but will also strengthen accountability and ensure that budgets are allocated more effectively. Governments should actively identify marginalized children and take proactive measures to ensure that their interests are reflected in budgets and public expenditure.
18. Governments should proactively assess and respond to the financial, social, linguistic, physical and other barriers that prevent children and young people from engaging in participatory budget setting and monitoring. For example, marginalized and excluded children might not have had the opportunity to develop the necessary skills for budget work, compared to the more privileged.

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13CRC General Comment No 1, Article 29(1): The Aims of Education, (2001).

14Antonowicz, L., *Child Participation in West Africa – Learning from the Child Parliaments' Experience*. Plan WARO based on a regional evaluation carried out by Partners for Democratic Change– Senegal (2011).

15Raftree, L. and Nkie, J., *Digital mapping: a silver bullet for enhancing youth participation in governance?*, Plan Cameroon (2014).

16 UN Convention on the Right of the Child, Article 2.

Addressing this might require a long road of investing in the development of their capacities and adapting participatory budget methodologies to meet their needs.

19. Taking these challenges into account, Plan Ghana<sup>17</sup> supported children to increase their knowledge of equitable budgeting and to carry out participatory surveys to assess the situation of children and particularly vulnerable groups in their communities. They then analyzed district budget plans against the survey results and negotiated better budget allocation with municipal decision-makers. Approaches like these can offer first steps for achieving higher levels of inclusion in the budgeting process.
20. **Recommendation 2: Information on the budget and budget processes and expenditures** should be produced in an accessible way to all children and young people, making provision for children with different needs. Governments should **ensure inclusive participation of all children**, especially those belonging to the most vulnerable and marginalized groups.
21. **Criteria 3 - Collaborative: Governance bodies, institutions and processes encourage informed, organised, consultative and collaborative interaction and consensus building between duty bearers and rights holders.**
22. A collaborative approach – where duty-bearers and other stakeholders<sup>18</sup> work actively with children and young people and other civil society actors –can be particularly effective for supporting state institutions in planning and exercising their own budgetary monitoring function. Initiatives by civil society organisations, such as children’s clubs,<sup>19</sup> can provide useful platforms to involve children in budgeting processes.
23. For example, Plan’s work in Bolivia, Benin, Malawi, Uganda, Ghana and Cameroon<sup>20</sup> shows that children and young people’s contributions to accountability initiatives helped to produce relevant information government officials at municipal level could use to inform their budget decisions and improve services.
24. **Recommendation 3:** Governments should **establish partnerships with civil society organisations** (including, *inter alia*, human rights NGOs, child- and youth-led organizations and youth groups, parent and family groups, faith groups, academic institutions and professional associations) **to develop consultative platforms** that can contribute to budgeting and expenditure monitoring processes and enable the voices of children and young people.
25. **Criteria No. 4 -Enabling: Governments provide the necessary enabling conditions for child sensitive budgets and children’s participation in the budget cycle. They are responsive to children’s and young people’s input and concerns.**<sup>21</sup>
26. Adequate budget planning and equal allocation **requires adequate data and information** and support systems. Inadequate national civil registration and vital statistics systems, for example, impede effective **planning and allocation of budgets. Public financial management systems need to allow for making information on planned and spent budget on children and excluded groups visible, easily extractable and interpretable.**
27. Many challenges to efficient, effective or transparent planning and use of budget have their origins beyond the limits of the community. Malfunctioning cash flow and administrative systems

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17 Conrad, S. et al, *Participatory Monitoring for Accountability: Principles for involving Children and Young People*, Plan International (2014)

18 Many of the barriers to including children in collaborative participatory approaches lie at the household or community level, meaning that adults and parents may need to be included from the beginning.

19 They also often aim to develop children’s capacities and to reach groups of out-of school and marginalized children.

20 Conrad, S. et al, *Participatory Monitoring for Accountability: Principles for involving Children and Young People*, Plan International (2014)

21 Adapted from, Davis, A et al. *Young people’s engagement in strengthening accountability for the post-2015 agenda*. Plan International and Overseas Development Institute (2014).

often hamper public spending at a decentralised level. Therefore, child-sensitive participatory budget initiatives can benefit from linking children and young people with adult governance structures and public budget accountability mechanisms across all levels, creating networks between and within citizens, civil, economic and political society actors.

28. State parties are under strict obligation to undertake appropriate measures to fully implement the right to be heard for all children<sup>22</sup>. Evaluations of Plan's accountability work revealed as a major challenge to effective participation of children the inadequate legal protection of their civil rights. The creation of an enabling environment requires protecting children's civil rights including those to expression of opinion, participation in public decision-making, identity, freedom of association, access to information, and access to legal justice, and ensuring that measures to support the implementation of these rights are taken and that adequate resources to do so are included in the budget.
29. Evidence from Plan International's research and programme work suggests that building on existing transparency and accountability initiatives, as well as engaging the support of individual public officials for children's involvement in budget and expenditure-monitoring processes can be critical to their success.<sup>23</sup> Participants from different Plan projects also found that the support of adult intermediaries to ensure that public officials are responsive to children's views was important. Child ombudspersons, community leaders or designated district officials, among others, can play this role of mediator.
30. In Kenya<sup>24</sup>, for example, Plan mobilised the support of a Member of Parliament and Minister for conducting a social audit exercise in which children, young people and adult citizens evaluated the transparent and efficient use of a decentralised government fund. The existing efforts of government and public officials for greater transparency provided the necessary enabling conditions for the audit and the discussion of its results which revealed a number of inconsistencies and non-transparent spending patterns.
31. Ongoing fiscal reform processes provide important opportunities for the participation of children and civil society, who can help ensure that they maximise fiscal outcomes in children's best interest and improve fiscal processes to their benefit.
32. **Recommendation No. 4:** Governments should establish an adequate **enabling** environment by **improving legal protection of children's participation at all levels, improving inter-ministerial and departmental coordination** for child-sensitive budgets, and promote a positive view of children as active citizens. Governments should **put into place comprehensive disaggregated data on children from civil registration and vital statistics** and other relevant sources that inform planning.<sup>25</sup> They should improve budget and public accounting systems by **making information on vulnerable groups visible,<sup>26</sup> accessible, identifiable and extractable in all budget plans and expenditures.**

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22 CRC Committee, General Comment No. on The Right of the Child to be heard, (2009), para 19.

23 Conrad, S. et al, *Participatory Monitoring for Accountability: Principles for involving Children and Young People*, Plan International(2014).

24 Conrad, S. et al, *Participatory Monitoring for Accountability: Principles for involving Children and Young People*, Plan International (2014)

25 CRC Committee, General Comment No. 5 on General Measures of implementation of the Convention of the Rights of the Child, (2003), para 48.

26Visible" refers to budget and expenditure information that makes information on planned and spent budgets in children's best interest easily extractable and interpretable".