

Protect my future

The links between child protection and **good governance**



In the post-2015 development agenda

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This paper was written by Ghazal Keshavarzian, an Independent Consultant, working for Family for Every Child. It is part of an inter-agency series on the links between child protection and major development goals. Other papers in the series address subjects including population dynamics, growth, equity and health.

Summary

The lack of adequate care and protection of children is a global crisis, with millions of girls and boys engaged in exploitative child labour or living on the streets, neglected or abused within families, or poorly cared for in institutions.¹ Governments are primarily responsible for addressing this crisis and need to provide the necessary leadership to ensure the effective care and protection of such vulnerable children. Yet governments are failing to fulfil these obligations, and this failure is closely linked to the extremely weak governance of the child protection sector. For example:

The rule of law: In many regions, child protection is not yet recognised as a distinct sector, and comprehensive, realistic legal and policy frameworks are often lacking. Where such laws do exist, they are frequently not enforced and regulated.

The delivery of public services: Child protection services include efforts to prevent, monitor, and respond to the abuse, neglect, and exploitation of children in and outside of homes. These services are amongst the least resourced public services, and are poorly regulated and coordinated. In many regions of the world there is no effective professional social work workforce to ensure adequate service delivery.

Accountability: Currently it is often very difficult to hold the state accountable for its responsibility to protect its children because crucial data, information, and budgeting are missing. There are limited oversight mechanisms in child protection systems, and policymakers are not hearing the voices of children who lack adequate care and protection.

This suggests that those working in the child protection and governance sectors urgently need to work jointly to improve governance within the child protection sector. In relation specifically to the post-MDG framework, the analysis above highlights the importance of goals and indicators for multiple elements of governance, and the need to ensure that such goals and indicators are being applied across all sectors, including the commonly neglected area of child protection. The indicators included below could be used to specifically assess the degree to which a good governance framework is being applied in the child protection sector:

Rule of law: Number of countries with comprehensive legal and policy frameworks (including enforcement mechanisms) aimed at reducing the exploitation, abuse and neglect of children.
Delivery of public services: Percentage of net budget allocated to child protection (and other sectors) service provision; number of professionally trained social workers per 10,000 of the population.

Accountability: Number of countries with child protection information management systems in place and publicly available; number of countries with child protection oversight bodies or mechanisms; number of civil society organisations active in child protection.

¹ Annually, between 500 million and 1.5 billion children experience violence (Pineiro 2006); 215 million children are involved in harmful work (ILO 2010); and worldwide it is estimated that there are approximately eight million children in institutional care (Pineiro 2006).

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Overall, the poor governance of the child protection sector is an indication of a lack of leadership commitment to this sector, which has been impacted by the absence of any goals, targets, or indicators on child protection in the current MDG framework. It is therefore proposed that any future framework also includes the following overall goal on child protection:

Ensure all children live a life free from all forms of violence, exploitation, abuse and neglect, and thrive in a safe family environment.

Introduction

“A new development agenda will depend on effective governance capacities at all levels (global, regional, national and sub-national) and commitment to the rule of law, including political commitment, leadership and the empowerment of people, especially those most excluded and vulnerable, to participate in global, national and local decision making.”

(Global Consultation on Governance and the Post-MDG Framework)²

The lack of adequate care and protection of children is a global crisis, with millions of girls and boys engaged in exploitative child labour or living on the streets, neglected or abused within families, or poorly cared for in institutions.³ Governments are primarily responsible for addressing this crisis and need to provide the necessary leadership to ensure the effective care and protection of such vulnerable children. In this paper, we suggest that governments are failing to fulfil these obligations and that this failure is closely linked to the extremely weak governance of the child protection sector. We explore this issue in relation to three key components of governance: establishing the rule of law; ensuring effective, equitable, and responsive service delivery; and public administration and civil society accountability. While we are unable to cover all elements of governance, these three components are included since they demonstrate strong linkages between child protection and good governance and are integral to effective child protection. We conclude by examining implications for the framework that will replace the current Millennium Development Goals (MDGs) when they come to an end in 2015. We argue that a focus on governance is an essential component of these goals, but that specific measures must be taken to ensure that any improvements in governance extend to the relatively neglected – but vital – area of child protection.

² Global Consultation on Governance and the Post-2015 Framework: Concept Note, available at <http://www.worldwewant2015.org/governance>. The global thematic consultation on governance and the post-2015 framework has been co-convened by UNDP and OHCHR, in partnership with the Government of Germany. It is an open forum for UN organisations, donors, government officials, policy makers, and civil society to discuss the scope and priorities of a post-2015 development agenda.

³ Annually, between 500 million and 1.5 billion children experience violence (Pinheiro 2006); 215 million children are involved in harmful work (ILO 2010); and worldwide it is estimated that there are approximately eight million children in institutional care (Pinheiro 2006).

Defining child protection and governance

What is child protection?

Child protection may be defined as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children (Save the Children 2010c). Child protection is closely linked to the better care of children, which involves ensuring that more children grow up in safe and caring families or, when this is not possible, have a range of high-quality alternative care choices open to them (UN General Assembly 2010). Child protection is an important component of the global rights agenda, but is also an essential contributor to the cognitive, social, and emotional development of children, and is accordingly supportive of poverty reduction efforts (Boothby et al. 2012).

Ensuring adequate care and protection of children requires coordinated, multi-sector policies, strategies, and actions to prevent and address a range of rights violations in emergency and non-emergency settings. **Child protection systems** aim to address child protection in this systemic way and include:

“The set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – to support prevention and response to protection-related risks.”⁴

Key components for a successful child protection system include the following: a legal framework; a national strategy and coordinating agency; local protection services; child-friendly justice; child participation; a supportive public; a trained workforce; adequate resources; standards and monitoring mechanisms and data collection systems (Save the Children 2011).

Effective child protection systems are essential as children, like all vulnerable and marginalised groups, need to be protected in order to achieve other rights and broader development goals, such as health, growth, and equity. (EveryChild et al. 2010; BCN et al. 2012a/b; Boothby et al. 2012). For example, children outside of parental care are far more likely to experience sexual abuse and early sexual activity, and, for girls, dangerous early pregnancies, impacting on the spread of HIV and maternal and infant mortality (BCN et al. 2012b).

What is governance?

There is no singular definition of governance as the dimensions and interpretations of governance vary across intergovernmental and donor organisations. However, governance is commonly defined as the traditions, mechanisms, and institutions by which authorities exercise and manage their affairs, resources, and policies in conjunction with the interests of their constituents. An important element across many definitions is that governance does not only encompass the responsibilities of government and state authorities but also the functions of private and social actors (UNDP 1997; World Bank 2013a; Save the Children et al. 2011; Kaufmann and Kraay, 2008). There are fundamental differences in models of government within and across regions globally, which includes how authority is structured and exercised, the ability of society and individuals to exercise their voices, the role of religion and traditions in defining how power is exercised, and the role of private interests. Accordingly, there are different models affecting how governments

⁴ UNICEF (2008b) Child Protection Strategy. United Nations, New York, para 12.

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develop legislation, manage or affect economic affairs, and allocate public resources.

Good governance, in turn, is defined in terms of the mechanisms and processes needed to promote effective governance and achieve the goals of development (World Bank, 2013b). Good governance rests on the following key characteristics: participation, accountability, transparency, responsiveness, effectiveness, efficiency, equity and inclusivity (Kaufmann and Kraay 2008; OECD 2013; World Bank 2013a; Save the Children et al. 2011). In order to have functioning governance systems and, accordingly, an equitable and functioning society, there is need for: the rule of law, effective and accountable public institutions, equitable services, adequate human and financial resources, political leadership, civic participation, and inclusion of strong civil society to mobilise citizens to hold governments accountable (Kaufmann and Kraay 2008; OECD 2013; World Bank 2013a; Save the Children et al. 2011; Save the Children 2010a).

Why good governance is essential for the protection of children and other vulnerable groups

Studies have shown that weak governance, which includes corruption, and ineffective institutions and regulatory frameworks, leads to poorer well-being outcomes for children, women, and other vulnerable groups (Save the Children et al. 2011). In the following sections we focus in particular on the linkages between poor governance and child protection outcomes, with a particular emphasis on three elements of governance: (1) establishing the rule of law; (2) ensuring effective, efficient, equitable and responsive service delivery; and (3) public administration and civil society accountability.

Establishing the rule of law

Rule of law is the ability of the government to develop and enforce quality, effective, and transparent laws, regulations, and policies (OECD 2013; Kaufman and Kraay 2008; United Nations High Commissioner for Human Rights 2007). For the purposes of this paper, we will be examining two components of rule of law associated with child protection: (1) the enactment of laws; and (2) the enforcement of the law.

Enactment of child protection legislative frameworks

One of the benchmarks of good governance is the existence of robust, appropriate and functioning legislative and regulatory frameworks. In order to deal with multiple risk factors leading to violence, abuse, and exploitation of children (see Box 1), governments need effective and well-coordinated legislative and policy interventions. However, in many regions, laws protecting children against violence, abuse, exploitation, and neglect are often poorly articulated, are not comprehensive, and do not reflect the real needs of children. In some countries, notably fragile states, child protection legislation continues to be virtually non-existent. Elsewhere, whilst such legislation exists, laws inadequately define key child protection concepts, such as child pornography, trafficking, abuse, and labour, and often do not act in children's best interests. An analysis of the legal systems in Arab countries found that the current legislation does not even

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recognise vulnerable groups of children, such as children with disabilities or certain categories of child labourers (Ali 2012a/b), and in South Asia there continues to be misunderstanding and lack of consensus around different forms of abuse, neglect, and exploitation (Save the Children 2010b). Inconsistent and overlapping definitions have also been noted in Sub-Saharan Africa (Goldman, forthcoming; Child Frontiers 2011). The misuse of definitions and concepts leads “to certain acts remaining unpunished, corruption, selective enforcement or, in extreme cases, a general culture of impunity”.⁵

Box 1: Multiple risk factors leading to child protection violations

Instances of abuse, violence, neglect, and exploitation of children are often the result of a multitude of factors. Endemic poverty, lack of health and education services, inequity, family breakdown, substance abuse, socio-economic transitions, political violence, or environmental factors can all lead to child protection risks. Therefore, there is need for capable, coordinated and inter-sectoral policy and service interventions to properly respond to the multiple causes of child protection violations.

Other common problems associated with child protection legislation include:⁶

- Weak child protection content and, at times, inadequate domestication of the United Nations Convention on the Rights of the Child (UNCRC) and other international and regional human rights instruments;
- Weak coordination by governments of legal and policy interventions which respond to violations of children and their causes;
- Poor harmonisation across and between legislation, including statutory and non-statutory laws; and
- Limited participation of children in the development of laws and policies.

In some countries, for example Kenya, child protection legislation also continues to over-emphasise the use of institutional care, despite the fact that it is commonly acknowledged as harmful to children (MoGCSD DCS and UNICEF 2008 and 2012).

Enforcement of child protection legislative frameworks

The establishment of the rule of law requires not only the existence of laws but also the capacity of duty bearers at different levels of government and society to implement and enforce them. To effectively implement the legislative framework, there is a need for: strong political leadership; budgetary allocations; effective, accountable institutions and services; capacity building; coordination and collaboration across sectors; civic participation; and advocacy and public awareness of the legal framework (Kaufmann, Kraay, and Mastruzzi 2010; Kaufmann and Kraay 2008; United Nations High Commissioner for Human Rights 2007). The enforcement of child protection legislation is specifically dependent on the existence of effective and responsive

⁵ UN 2011, para. 15.

⁶ Taken from: Goldman, forthcoming; Child Frontiers 2011; Pinheiro 2006; Save the Children et al. 2009; Better Way to Protect All Children: The Theory and Practice of Child Protection Systems Conference, 13-16 November 2012, India. The website has a number of conference papers analysing child protection systems globally. Conference materials and presentations available at: <http://www.cvent.com/events/a-better-way-to-protect-children-the-theory-and-practice-of-child-protection-systems/custom-17-bf4b049c971f4963b5c89d50a2a99d84.aspx>.

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child-friendly mechanisms, such as: children's courts; trained and specialised judges, lawyers, law enforcement and social workers; rehabilitative and psychosocial and legal support services for children and their families (UNICEF 2012; Volz 2010; Save the Children 2010b).

Analysis of child protection legislative frameworks, including juvenile justice laws, in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS),⁷ Asia and Sub-Saharan Africa has shown that even when there are child protection laws and policies in place, there is weak enforcement of the laws due to poor governance, which includes: weak or non-existent child-friendly institutions and services, lack of accountability and monitoring mechanisms, limited financial resources, and corruption (Save the Children 2010b; Goldman, forthcoming; Child Frontiers 2011; UNICEF 2012; Volz 2010; Davis 2006 and 2009). In the Philippines, for example, there is no separate budget to implement the Child Protection Law (Madrid 2009).

In much of Africa, there is a “lack of accountability and implementation of laws, policies and strategies”.⁸ Here, the technical capacity and systems necessary for monitoring the implementation of laws and policies are often inadequate or non-existent (Davis 2009), and an analysis of national responses to orphans and vulnerable children in Sub-Saharan Africa found that less than one-third of the countries that have passed child protection laws have the financial, human, or organisational resources to properly enforce these laws (UNICEF 2008a).

India does not have a national Children's Act but it does have a Child Labour Act (1986), a Juvenile Justice Act (2010), a National Charter for Children (2003), and other laws and policies related to child protection. Oversight mechanisms, such as the National Commission for Protection of Child Rights, have been established to ensure that laws, policies, and institutions are coordinated, harmonised, and implemented (HAQ 2009). However, despite this legal framework and these implementation structures, there continues to be weak accountability, corruption, and a lack of effective regulatory institutions, leading to poor realisation and enforcement of the laws (Faleiro 2012). For example, despite the Child Labour Act, India continues to have more child labourers under the age of 14 than any other country in the world; children rather than the perpetrators are criminalised leading to further child victimisation and exploitation; and traffickers and child rights violators are rarely brought to justice.⁹

One specific area where there are serious enactment and implementation gaps is in laws and policies pertaining to children living outside of family care. In Kenya, for example, there is an existing child rights legal framework which is often considered one of the models for the region. The Constitution of the Republic of Kenya (2010) describes the state's responsibility for ensuring parental responsibility and upholds the UNCRC and African Charter on the Rights and Welfare of the Child. The Children Act (2001) outlines alternative care options when parents are temporarily or permanently unable to carry out their duties. However, in practice, the alternative care system is anchored around unregulated institutional care. Family support and preventive services are

⁷ CEE/CIS region is a generic term referring to former communist states in Europe. Available at: http://en.wikipedia.org/wiki/Central_and_Eastern_Europe

⁸ Davis 2009, p. viii.

⁹ UNICEF estimates that in India 28 million children under the age of 14 are working, two-thirds of them in agriculture, and with large numbers continuing to work in mines. Washington Post, “India Proposes Ban on Child Labor,” August 29, 2012. See also HAQ 2009.

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virtually non-existent and family-based alternatives, such as foster care, are underutilised and under-resourced. As a result, over 40,000 children are currently placed in institutional care while the numbers of children in family-based care are minimal. Kenya is working to address the issues it faces by strengthening its national child protection system, amending the Children Act to place more emphasis on family-based care, and developing alternative care regulations and comprehensive National Guidelines on the Alternative Care for Children.¹⁰

The rule of law is also generally weak in relation to specific child protection violations, particularly in cases where laws contradict widely accepted traditional practices, such as female genital mutilation/cutting (FGM/C) and forced early marriage.¹¹ In respect of FGM/C, a number of countries have adopted national legislation regulating and banning this practice; however, analysis has shown that out of the 28 countries in the Middle East and Africa where FGM/C is practiced, prosecutions have been carried out in only four countries (Burkina Faso, Egypt, Ghana and Senegal) (UNICEF 2008c). In the majority of these countries, despite these legislative efforts, FGM/C is still widely practiced and law enforcement continues to be extremely weak, with numerous loopholes and tensions between national legislation and traditional practices and non-statutory law. In most of these countries, the development and enactment of the law was not the result of a participatory process, inclusive of the voices and rights of young girls and women, and was often due to international human rights pressures (UNICEF 2010; UNICEF 2008c).

Concerns about the fairness, transparency and efficiency of formal justice systems also mean that in many settings families prefer to rely on informal systems of justice, which include traditional legal framework and enforcement mechanisms.¹² For example, research in Sierra Leone shows how the vast majority of child abuse cases are dealt with either within families or in customary courts governed by customary and religious laws and traditional enforcement mechanisms (Inter-Agency Learning Initiative on Community-Based Child Protection Mechanisms 2012). The informal justice system can be effective in reducing the numbers of juveniles incarcerated and in addressing child protection violations directly, but it can also lead to further child protection violations since decisions are not based on the best interests of the child.¹³ Eliminating corruption,

¹⁰ This information is based on A Technical Assessment on the Legal Provisions and Practices of Guardianship, Foster Care and Adoption of Children in Kenya (Ministry of Gender, Children and Social Development Department of Children's Services (MoGCSD DCS) and UNICEF, 2008) and An Assessment of Guardianship, Foster Care, Adoption, Institutional Care and Tracing and Reintegration Practices in Kenya: Report to Inform the Development of National Guidelines on Alternative Care for Children and Proposed Amendments to the Children Act, 2001 (MoGCSD DCS and UNICEF, 2012). The 2008 assessment was commissioned by MoGCSD in order to inform the Government of the gaps that exist in alternative care, both in legal provisions and in practice, so that they could have a basis for strengthening alternative care. The 2012 assessment was commissioned in order to identify good practices to inform the development of the national guidelines.

¹¹ Approximately 70 million girls and women between 15-49 years across the Middle East and Africa undergo FGM/C. The practice violates the human rights of girls and can potentially lead to serious health risks (UNICEF 2009a, p. 11). One-third of young women between 20-24 years of age in developing countries have reported that were married by the age of 18. The highest numbers are found in South Asia (46 per cent) and Sub-Saharan Africa (39 per cent) (UNICEF 2009a p. 10).

¹² In many countries, states are governed by parallel, and at times conflicting, legal systems: a formal legal system (international and national laws); customary law (set of unwritten rules developed by traditional elders); and religious law (e.g. Islamic Shari'a Law). The customary law is enforced by traditional mechanisms such as clan or tribal mediation structures and customary courts. Source: Inter-Agency Learning Initiative on Community-Based Child Protection Mechanisms, 2012.

¹³ For example, rape victims are often forced to marry the perpetrators in order to protect peace and stability within

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understanding the relationships between the formal and informal systems, and building trust in the formal system, are therefore key components of ensuring the rule of law in relation to child protection.

This evidence suggests that, in general, the establishment of the rule of law in order to offer effective protection of children needs to be strengthened, both in the formulation and, in particular, the enforcement of laws and policies. This in turn relates to other elements of good governance, such as accountable and transparent institutions, adequate human and financial resources, inclusive and transparent decision making, the participation of civic society, and political will. These other elements of good governance are discussed in the remainder of this paper.

Ensuring effective, efficient, equitable and responsive service delivery

The ability of governments to efficiently and effectively ensure quality, equitable services is a key measure of good governance. Weak or non-existent services are widely recognised as the result of deficient or non-existent governance structures and processes (Mejia Acosta and Fanzo 2012; United Nations High Commissioner for Human Rights 2007; World Bank 2006, 2013a/b). Child protection service delivery includes services to prevent and respond to instances of violence, abuse, neglect, and exploitation of children. These child protection services, which can be provided by both public and private actors, commonly include: interventions to support vulnerable families; alternative care services; and measures to monitor and respond to instances of abuse, exploitation, and neglect in homes, institutions, and schools. In this section it is argued that many governments fail to ensure effective child protection service delivery due to: a lack of legislative, regulatory, administrative, monitoring, and oversight frameworks; ineffective and inefficient services which do not reflect the needs of citizens; and inadequate human and financial resources.

Weak regulatory framework, oversight and administration of service delivery

As part of their responsibility to deliver services that meet the needs and rights of citizens, states are responsible for oversight of service provision and for enabling the provision of quality services within a regulatory framework. In terms of child protection services, the regulation and oversight of services delivered by a wide range of public and private actors is extremely weak. This is due in part to the limited capacity of government actors. In many countries mandates for child welfare services are dispersed among different ministries, departments, and agencies. When new ministries or departments are established they are often given responsibilities and functions that overlap with other social welfare, justice, and protection departments and there is often limited vertical and horizontal coordination, leading to duplication of service delivery, misuse of scarce resources, and lack of effective monitoring and accountability within the system.¹⁴ In the Philippines, for example, there are no distinct child protection services and social welfare

the clans and the child rarely has a voice in the decision-making process, as illustrated in northern Somalia informal justice cases and traditional mediation mechanisms (Goldman, forthcoming).

¹⁴ This was a key finding from the Conference on Child Protection System Strengthening in Sub-Saharan Africa, 7-9 May 2012, Dakar, Senegal.

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agencies operate generic units providing disaster relief and services to children, the elderly and migrant families (Madrid 2009). In Malawi, the ministry in charge of child protection is unable to ensure the delivery of equitable services due to poor administrative and financial structures, limited coordination across government, and inadequate funding for facilities and services (Davis 2009). In Afghanistan, the government recognises that the ministry in charge of child protection is extremely weak in coordination and lacks competencies in areas of management and service delivery and the government is making efforts to improve the situation through the development of a Social Protection Sector Strategy (Rotabi 2012).¹⁵

Lack of leadership commitment to child protection

Ultimately, effective public institutions and administration of services for all sectors, in particular child protection, are rooted in the leadership from the executive branch (Mejia Acosta and Fanzo 2012). While the structures of the executive branch vary from country to country, strong political leadership from the top is needed across all countries. Executive leadership can help raise public awareness on the issues, coordinate efforts across ministries and institutions, and facilitate funding allocations. For effective service delivery and protection of the most vulnerable members of society, national policymakers need to invest in, prioritise, and champion child protection and place it high on the national agenda (Save the Children et al. 2009). Unfortunately in many countries political leadership and real commitment around child protection is absent.

Evidence suggests that in countries in which governments have prioritised child protection and shown strong commitment to raising the national child protection agenda and committing necessary resources, child protection outcomes have improved. In Indonesia, for example, the government has championed a move away from the predominant current model of residential care for vulnerable children towards a family-based care approach. A regulatory system, a database of children in alternative care, and national standards of care are being developed. There have also been national investments in increasing the numbers and capacity of social workers (Save the Children et al. 2009).

Inadequately financed and poorly-costed child protection services

As a result of limited leadership commitment and general oversight, national public expenditure on the child protection sector is extremely low in many settings and often not prioritised, hampering the ability of child protection actors to effectively deliver high-quality services (Save the Children et al. 2009; Harper and Jones 2008). For example, the Asian Development Bank estimates that only four per cent of social protection budget allocations are earmarked for child protection interventions in East Asia (Harper and Jones 2008). In India, expenditure on child protection as a proportion of the total expenditure of the union government is diminutive at 0.035 per cent, which is in stark contrast to 0.58 per cent in child health (MWCD 2007). In Ghana in 2009 the Ministry of Women and Children's Affairs, who hold responsibility for child protection, received around 1 per cent of government budget allocations compared to 15 per cent received by the Ministry of Education and 10 per cent by the Ministry of Health (UNICEF et al. 2012).

As a result of such poor financing, ministries in charge of child protection are almost entirely dependent on external donors and bilateral agencies, such as UNICEF and the World Bank

¹⁵ In Malawi, the ministry in charge of child protection is the Ministry of Women and Child Development (MOWCD). In Afghanistan, the ministry in charge of child protection is the Ministry of Labour, Social Affairs, Martyrs and Disabled.

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(Harper and Jones 2008; Save the Children 2010b; Child Frontiers 2011). In addition, in many countries the limited budgetary allocations are not used in an efficient way to maximise impact. In Ghana, for example, less than 2 per cent of the national budget for the Department of Children's Services is allocated to service delivery (Child Frontiers 2011). The lack of funding impacts not only government institutions but also civil society organisations, which are often the primary direct service providers.

The lack of efficiency and effectiveness in budgeting, and in turn service delivery, is also due to the lack of costing and budgeting of child protection activities to inform service delivery. In many countries there is a general lack of awareness of how much child protection services cost, the minimum package of services needed, and the finances needed to support the planning and budgeting of service delivery (UNICEF 2009b). The efficiency of resourcing is a major roadblock to proper service provision by government, private and non-governmental actors.

Inadequate human resources to deliver effective child protection services

The ability of governments to ensure the effective and efficient delivery of services is highly dependent on the capacity of the service providers and other delivery mechanisms. Yet research from around the world demonstrates that government commitments and investments in improving the child welfare workforce are highly inadequate in most settings (Davis 2006 and 2009; EveryChild 2012).

For example, studies of the social welfare sectors in both the CEE/CIS and Sub-Saharan Africa regions found that the pool of human resources for provision of direct service delivery, including both public and private service providers, is extremely limited and lacks a qualified, skilled, and trained workforce (Davis 2006 and 2009). In Sub-Saharan Africa vacancy rates for established professional and paraprofessional positions are on average 50-60 per cent and to fill these gaps under-qualified professionals are often hired (Davis 2009). Only one-third of Tanzania's districts have district social welfare officers, hampering service delivery at the community level (Davis 2009). In West and Central Africa there is an over-reliance on voluntary workers, which leads to questions about the quality and accountability of services (Child Frontiers 2011). China has only 200,000 social workers to service over 1.3 billion people, although the Government of China is acknowledging the need to expand and strengthen the national social welfare system by building an 'army of 1.45 million social workers by 2020'.¹⁶

In addition to the lack of social workers, the social welfare discipline is not clearly understood, job functions tend to be administrative rather than service orientated, and the profession faces low status and high turnover. Many of the workers lack the skills to effectively deliver child protection services such as child and family assessment, interviewing, and planning (Davis 2006 and 2009). Governments are also commonly unable to ensure that the workforce responsible for providing child protection services are held accountable through workforce accountability mechanisms, such as regulation and monitoring, performance management systems, supportive supervision, and licensure (UN 2011). National human resources and budgeting systems can often complicate the recruitment, retention, and development of social workers, even where the political will is evident and the resources are formally allocated (Davis 2009).

Across all regions, the lack of an effective child welfare workforce has a direct impact on service

¹⁶ Available at: http://www.china.org.cn/china/2012-05/09/content_25342371.htm

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delivery, and on vulnerable children. In Malawi, for example, the planned deinstitutionalisation of 40 institutional care institutions was partly held back by a shortage of qualified workers with the technical expertise to oversee family-based alternatives such as foster care and adoption (Parry-Williams 2007). In Brazil, a recent study found that government social assistance units do not adequately respond to local needs, due to a shortage of social workers. There is a gap between the number of social workers required by national law and policies and the actual number of people employed, leading to heavy workloads, underperformance and, ultimately, gaps in service delivery (Graham 2013).

Ineffective and inefficient child protection services

In order for service delivery to be effective, equitable, responsive and participatory, it needs to fit within a coordinated and well-resourced national strategy. However, across many countries, child protection service delivery is not informed by coordinated national planning and tends to take an ad hoc and ineffective approach leading to inefficient and ineffective child protection services (Save the Children 2010b; Ali 2012a/b). As a result, service provision is fragmented, small-scale, and tends to be delivered to only pockets of the population, focusing on urban and easily accessible communities (Goldman, forthcoming; Child Frontiers 2011). In Côte d'Ivoire and Ghana, for example, child protection services reach only half of the lowest administrative units at district and village levels (Child Frontiers 2011).

Many countries lack coordinated referral systems to ensure that those working in sectors such as health and education work with child protection professionals. Greater coordination efforts are needed within and between services providers, government ministries, state and non-state actors, formal and informal structures to deliver services.

Child protection services are often not relevant to the needs of populations. Services tend to focus on responding to child protection violations rather than prevention, with an emphasis on short-term results, addressing the symptoms rather than the root causes of child protection violations. For example, an analysis of five countries in West and Central Africa showed that none of the countries had services in place to support vulnerable families during times of crisis in order to mitigate child protection risks (Child Frontiers, 2011). Child protection services are also not developed in response to the needs and demands of services users (Fanelli and Maman 2012; Ali 2012a/b; Save the Children 2010b). For example, in many locations, services are identified, prioritised, and delivered based on external non-state actors' interests (Goldman, forthcoming; Child Frontiers 2011) and their pre-determined categorisation of children (as, for example, street children, trafficked children, orphans), rather than actual community and family interests and needs (UNICEF 2008b). In northern Somalia, for example, consulted children and families felt that the services provided by non-governmental and community organisations were not determined by community-led discussions and did not reflect the actual needs and risks faced by the communities (Goldman, forthcoming). Hence, service delivery is not based on one of the cornerstones of good governance: participatory and transparent decision-making processes that incorporate the views of all citizens and service users.

Services, in particular community-based services, are commonly delivered by non-state actors, such as NGOs or community-based organisations with limited oversight mechanisms in place to oversee their service provision and to ensure that international standards of care, service quality,

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and safety are enforced (Ali 2012b; Child Frontiers 2011; Davis 2006 and 2009). NGOs tend to fill in service delivery gaps where government is unable to but for this to be effective it needs to be properly coordinated by government via public-private partnerships, regulation and monitoring systems (Save the Children 2010b).

A further example of poor service delivery as it relates to the alternative care of children is included in Box 2 below.

Box 2: Alternative care service delivery

Alternative care service delivery is an example of how lack of effective regulatory and oversight frameworks, coordination and national planning, financing, and human capacity can lead to ineffective, inefficient, and unresponsive delivery of services. In many countries worldwide, poor delivery of alternative care is leading to millions of children being unnecessarily separated from their families and living in substandard out-of-home care.

Globally, institutional care continues to be the predominant and most relied upon service delivery for children living outside of family care, even though research has shown that family-based rather than institutional care is the preferred care option for children (Save the Children 2009; EveryChild 2011). In many places, alternative care service delivery is not high on the national political agenda, or in budget allocations and coordinated national planning. Thus, in many countries, family-based alternatives to institutional placement, such as foster care, are just beginning to be developed (Save the Children 2009; EveryChild 2011). Much needed and effective prevention, family support, and early intervention services are often not available or easily accessible. Children and families, in turn, are not provided with appropriate family and community-based alternative care, care planning, assessment, support, follow-up, or monitoring services (Davis 2006 and 2009). For existing alternative care services, government structures lack the capacity, political will, and often the authority to set regulations and minimum standards, monitor, and hold both public and private institutions and service providers accountable. This is especially true of institutional care or residential care facilities. For example, a 2007 UNICEF and Government of Sri Lanka study found that out of 288 voluntary residential institutions, only two per cent were compliant with best practice standards. Children in these institutions, like millions around the world, live in horrendous, and often inhumane, conditions (Roccella 2007) due to weak governance mechanisms.

Accountability

“Accountability is an alarm bell ringing that makes everyone stand up and be responsible for their actions.”¹⁷

(Maidinam, China, Member of Global Children’s Panel)

Accountability is a crucial element of good governance. Accountability may be defined as a government’s ability and willingness ‘to show the extent to which its actions and decisions are consistent with clearly defined and agreed upon activities’ (Gisselquist 2012). In order to hold governments accountable there is need for oversight mechanisms, coordinated institutions, transparency in expenditures, and an active, vibrant civil society.

¹⁷ Save the Children 2012, p. 10.

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Accountable and well-coordinated public institutions

An effective oversight mechanism is needed to facilitate accountability, promote transparency and ensure vertical, horizontal and inter-sectorial coordination. As part of this mechanism, an independent child protection oversight body or structure is essential, such as an independent ombudsperson or national children's council (Child Frontiers 2011; Goldman, forthcoming; UNICEF 2009b). Although this is missing in many countries (Child Frontiers 2011; Goldman, forthcoming; UNICEF 2009b), some countries are addressing this issue; in Azerbaijan, for example, the issue of oversight was identified as a key gap in child protection legislation and service provision resulting in strengthening the monitoring capacity of the ombudsperson office (UNICEF 2009b).

In addition to oversight mechanisms, availability of good quality data is also instrumental in enabling government accountability for child protection outcomes. Data is crucial for governments and civil society to understand the breadth and scale of child protection issues and areas where targeted policies, services, funding, and structures are needed. Data collection and information management systems are of course also critical to document and monitor the impact and cost of existing child protection interventions, services, laws and policies, and for a more transparent and effective system (Mejia Acosta and Fanzo 2012; Save the Children et al. 2009). In many countries, monitoring and evaluation of the child protection system is extremely weak leading to major accountability gaps. Analysis of child protection systems in the Middle East, CEE/CIS, and Sub-Saharan Africa found that effective data collection and information management systems, which are timely, reliable and comprehensive, are virtually non-existent (Davis 2006 and 2009; UNICEF 2009b; Ali 2012a/b).

As outlined above, in many countries, child protection is not recognised as a sector and is often subsumed into other departments. As a result, national budgets rarely include separate child protection line items and the amount spent or needed for child protection is often virtually unknown – creating a major obstacle to accountability. Centralised funding mechanisms, which are lacking in many countries, are necessary to better earmark and protect child protection funding and ensure that funding is used in a transparent and accountable way by all child protection actors (Goldman, forthcoming; Child Frontiers 2011).

Civil society, including children and young people, holding government to account

One measure of accountability is the extent of representation and participation by all citizens in decision-making processes. Civil society plays an important role in developing social accountability mechanisms and ensuring that the views of all constituents are represented and that governance is participatory and connects the aspirations of those governed with the authorities. Civil society should play an active role in promoting child protection, ensuring it's high on the national development agenda, monitoring the government's performance, and providing concrete avenues for vulnerable groups to express their views. Civil society can help facilitate the collective recognition of societies' responsibility to address child abuse and violence (Mejia Acosta and Fanzo 2012, Save the Children et al. 2011; Harper and Jones 2008; HAQ 2012).

The civic population should also play an influential role in holding government to account. However, one of the core rights bearers, children, are often invisible in the governance discourse (Save the Children et al. 2011; Winkworth and McArthur 2006; Ali 2012a/b). Their voices

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and interests are rarely taken into account when assessing whether or not governments are accountable, deliver equitable services, uphold the rule of law, and fulfil their responsibilities in relation to child protection. For example, as noted above, children are not routinely consulted in the development of child protection laws or services, leading to policies and provision that do not reflect their needs and priorities. There are some examples of efforts to include children in child protection policy development and decision-making processes, which illustrate both the feasibility and the benefits of such an approach. In Namibia, for example, the Child Care and Protection Bill was developed via extensive consultation with children, service providers, and families. Sections of the Bill were printed in national newspapers and presented on national television and radio to allow for public awareness raising and debate. The Bill is a robust legal framework, which it is argued responds to the actual needs and issues prevalent in Namibia (MGECW 2010).

Conclusion and recommendations

This paper demonstrates that the global crisis in children's protection and care is closely linked to the poor governance of this sector:

The rule of law: In many regions, child protection is not yet recognised as a distinct sector, and comprehensive, realistic legal and policy frameworks are often lacking. Where such laws do exist, they are frequently not enforced and regulated.

The delivery of public services: Child protection services include efforts to prevent, monitor, and respond to the abuse, neglect, and exploitation of children in and outside of homes. These services are amongst the least resourced public services, and are poorly regulated and coordinated. In many regions of the world there is no effective professional social work workforce to ensure adequate service delivery.

Accountability: Currently it is often very difficult to hold the state accountable for its responsibility to protect its children because crucial data, information, and budgeting are missing. There are limited oversight mechanisms in child protection systems, and policymakers are not hearing the voices of children who lack adequate care and protection.

This suggests that those working in the child protection and governance sectors need to urgently work jointly to improve governance within the child protection sector.

In relation specifically to the post-MDG framework, the analysis above highlights the importance of goals and indicators on multiple elements of governance, and the need to ensure that such goals and indicators are being applied across all sectors, including the commonly neglected area of child protection. The indicators included below could be used to specifically assess the degree to which a good governance framework is being applied in the child protection sector:

Rule of law: Number of countries with comprehensive legal and policy frameworks (including enforcement mechanisms) aimed at reducing the exploitation, abuse and neglect of children.
Delivery of public services: Percentage of net budget allocated to child protection (and other sectors) service provision; number of professionally trained social workers per 10,000 of the

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population.

Accountability: Number of countries with child protection information management systems in place and publicly available; number of countries with child protection oversight bodies or mechanisms; number of civil society organisations active in child protection.

Overall, the poor governance of the child protection sector is an indication of a lack of leadership commitment to this sector, which has been impacted by the absence of any goals, targets, or indicators on child protection in the current MDG framework. It is therefore proposed that any future framework also includes the following overall goal on child protection:

Ensure all children live a life free from all forms of violence, exploitation, abuse and neglect, and thrive in a safe family environment.

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