

Key-Note presentation at
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Past, Present & Future***
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Commissioners for Change

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A perplexing paradox

Children are universally referred to and politically advertised as the hope, promise and future of society. Child development is increasingly seen as the foundation of social and economic development. International conventions and covenants supporting children are widely endorsed.

However, a gap remains between lip service paid to children and resources budgeted for them; between commitments made to children and the lack of implementing them into practice; between declaring children's rights and making rights a reality.

This key-note will address the implementation gap and explore the important role Commissioners for Children can play in filling this famous gap.

The ethos of the UN Convention on the Rights of the Child

We are celebrating 24 years with the Convention on the Rights of the Child (the Convention). The Convention is the most widely ratified human rights treaty in history. Lessons from the implementation of this treaty across regions and in countries with different economic, social, cultural and political contexts provide a unique basis for reflection and an inspiration for future action. The nature of politics is a dynamic process that varies depending on a country's political culture and democratic成熟度. As a consequence, the one and only

model in implementing the rights of the child does not exist, though many are still searching for this universal model.

However, over the past 24 years with the Convention, children's rights have gained an increasing attention at the international, regional and national level. These 24 years have been marked by a significant process of adjustment, with:

- ✓ extensive changes in national laws and policies;
- ✓ the establishment of independent institutions to voice and serve the best interests of the child;
- ✓ the setup of high level governmental mechanisms to promote coordination of child related activities;
- ✓ more and better data on children, helping to grant visibility to hidden areas of neglect and giving a face to vulnerable children;
- ✓ the introduction of child rights in school curricula and in capacity building initiatives of professionals working with and for children;
- ✓ international and regional initiatives have been promoted to consolidate standards on the protection of the rights of the child and to enhance cross border cooperation for the safeguard of children's rights; like EU's "Agenda for Children's Rights" and CoE's "Building a Europe for and with Children".

Globally, societies are undergoing rapid socio-political transformations and are confronted with a high degree of uncertainty about the future and how inter-generational relations will continue to evolve. In light of these developments, international standards reflect a global consensus on a set of norms and values and are able to guide countries in their undertakings to uphold the rule of law, social cohesion, and stable democracies.

The Convention emphasizes that children, as human beings, do not only have rights to protection, freedom of speech and welfare, but a right to unfold and develop their capacities, the right to master their destiny as well as to emancipate themselves. As such, the Convention emphasizes the uniqueness of every child and a child's value as a nation builder. This is the ethos of the Convention.

Challenges in the implementation of child policy

Since the Convention has entered into force, States parties have achieved significant progress in developing child rights standards and they have widely acknowledged the importance for States to invest in children. Notwithstanding the progress made, there is still limited knowledge of how the Convention can effectively be translated into child rights practice.

Relevant questions to be asked are: How do policy makers embrace the dynamics of childhood? How do States perceive and activate the resources that children offer? How to conduct research and translate the findings into evidence-informed policy and practice?

How can policy makers be equipped and competent to manoeuvre the complex State administrations and governance structures more efficiently?

The fragmented approach

Many of the most persistent challenges in translating child rights standards into practice relate to structural factors. In child policy, States work traditionally through sector specific approaches, addressing issue by issue. Although this approach is important, there is growing recognition that it needs to be integrated and consolidated into more systemic approaches and comprehensive implementation strategies, reflecting the indivisibility of rights and their close relation to other policy areas. In addition, policy measures often remain limited to the structures of the central State, whereas the difficulties of connecting the central, regional and local levels of the public administration still create major obstacles to the full implementation of children's rights.

Research has evidenced that this multiple fragmentation of child policy and failures to safeguard children's rights in practice, render children vulnerable in many ways. Vulnerability may adversely impact the child's development and, when widely prevalent, compromises the cohesion and development of societies and nations at large.

The law reform approach

A common perception and interpretation of the Convention is that it is mainly related to legal rights and protection of children. The consequences of such an understanding have turned the implementation of the Convention into technical legal exercises, with a connotation of the law as a regulation instrument for protection. As a result the governments, under pressure from civil society and other partners, start the hunting for child rights indicators to be used by monitoring mechanisms, in toolkits, guidelines, national plans, reporting forms, and tick-of-boxes. In the end of the line, governments may turn into reactive accountants and protectors of status quo.

This development, combined with todays economic and political systems struggle to come to terms with the complexities of the 21st century, creates a growing mistrust in governments and institutions which will take time to reverse.

As an example, the international debates related to the MDGs, the post-2015 sustainable development agenda have thus far focused strongly on designing architecture of strategies, policies and programmes, defining objectives and measuring national and global progress in relation to these objectives. So much attention has been given to the forms and functions of institutions rather than their capability to act upon their mandates and to implement.

Nevertheless, the Convention has initiated important and necessary legal reforms to secure the rights of children worldwide. But considered from a socio-political investment perspective, the Convention offers far more than child rights standards. As a policy

document, it is essential for promoting and sustaining democracy and contributes to peace and nation building.

The Convention and the perception of the child

Childhood refers to both a life phase, which varies with time and space, and the social, economic, and cultural frameworks defining children's life and conditions. Children move through the framework of childhood as they grow. In the modern world, this entails moving within a framework that is constantly changing. Children are at the centre of the turbulence of modernity. They are not only being socialized in an era of uncertainty, but they are the age group living nearest the epicentre of change. Identifying the well-being of modern children is more complex than identifying the well-being of other age groups. The modern child's life conditions are rapidly changing, and rapid change implies that the models of interpretation must develop accordingly. Children's life situation today cannot be understood within the vocabulary of yesterday.

Beyond this understanding, the Convention is evolving a new perception of the child. Rather than vulnerable human beings, passive recipients of assistance and protection, children are gaining a new status as citizens and agents of change. They are increasingly being acknowledged as a resource, with their ideas, creativity, expectations, demands and an inspiring ability of influencing decisions and enriching our vision of the world.

This understanding is challenging the traditional perception and accounts of childhood, as defined by the traditional theories of child development, that children are merely "adults in the making". Such a view judges children only in terms of what they will become in the future, once they have been adequately socialised. In the meantime they are seen as inherently vulnerable, incomplete and dependent.

However, we recognise changes in the horizon. Talking *about* children and *involving* them in decision-making processes are increasingly losing the patronizing flavour of before, and the investment in children is becoming perceived as a question of good governance and economics and an instrumental step for the development of society and democracy.

Need for innovative approaches in child policy

After 24 years with the Convention, It is timely to address the limitations of traditional approaches in child policy and to initiate a practice of innovation and proactive processes of change, all with a view to generating more concrete results for children and the societies. Professionals involved in child policy have as yet little access to guidance and training on how to apply innovation techniques in their areas of work. Innovation competence may help and equip policymakers to address the challenges they are confronted with and to ensure that policy measures are not merely responsive to emerging trends but are themselves a source of innovation and looking ahead.

The Commissioner for Children, with a holistic mandate by the Convention, is one of the few setups in a society that can perform the role as a strategic entrepreneur in policymaking. As a Change Agent the Commissioner will be a knowledge entrepreneur who acts as a catalyst for change in governance, organisational structures and mind-set. Holding this strategic position, the Change Agent must be committed, mandated and resourced to critically review and refine child policy and to pave the way for the full and holistic implementation of children's rights in practice.

Commissioner for Children a “Commissioner for Change”

A key factor for an innovative Commissioners' role is the composition of the legislation for a commissioner, in finding the balance between a strictly regulated Commissioners role and a more open legislation giving the Commissioners the ability to perform both in a reactive as well as in a proactive mode. To be a “children’s champion” implies to hold a futuristic perspective and to perform in an innovative, creative, flexible and non-bureaucratic way.

The proactive role gives the commissioner for children the unique opportunity to identify and address issues that are affecting childhood in a broader way, working cross-sectoral and holistically, be the strategic entrepreneur that engages and motivates the state and local administration to implement children's rights in a perspective of “protect to enable” as well as democracy and nation building.

A Commissioner for Change will challenge the society's perception on childhood. Respect for children's rights cannot be perceived as an option, as a question of favour or kindness to children, or as an expression of charity. Children's rights generate obligations and responsibilities that must be honoured. They need to be perceived as an expression of solidarity and partnership, empowering children to participate actively in the improvement of their situation and in the broader process of social change and nation building.

The Commissioner as a knowledge entrepreneur

In a political environment characterized by informed-based policymaking, the Commissioner can stimulate and engage the research community to conduct relevant and applied research programmes on children's situation. And as important, motivate the research community to communicate findings and its implications in a way that can help policy makers to translate and implement.

Knowledge generated from research and analysis constitutes an important basis for policy making. Data, evidence and analysis are needed at all stages of policy making and implementation, from the planning processes through to implementation, monitoring and evaluation, as well as policy review and reform.

What we experience in many countries is the gap that exists between the producers and users of knowledge, and that research could have more impact on child policy than it has

had to date. Researchers as “knowledge makers” have difficulties in understanding the resistance to policy change despite clear and convincing evidence. Policymakers as “knowledge consumers” criticise the inability of researchers to make their findings accessible and digestible for policy planning and decisions making.

As a *knowledge entrepreneur* the Commissioner’s role will be to stimulate stronger partnership with relevant actors in the planning of the research. The translation process from research findings into knowledge informed policy and practice, will be more successful when practitioners, children, policymakers and researchers are involved in the designing process of the research. Likewise, the Commissioners will stimulate the research and university communities’ engagement in innovative governmental processes in implementation of children’s rights, and search for what constitutes effective child rights governance structures.

Supporting mechanisms to the Commissioner for Children

To ensure a continuous focus on the best interests of the child, there are some mechanisms that can be initiated to support a Commissioner for Children role. A well implemented Commissioner does not remove responsibility from other actors but works alongside with them to strengthen their performance. A team of cross-sectoral mechanisms based on a common platform of understanding the ethos of the Convention have a strong potential in making a change.

A Cross-Party Child Rights Group in the Parliament

A Cross-party Child Rights Group ensures a broad support across political parties represented in Parliament. In some parliaments these groups are mobilized when special cases appear on the political agenda. Other parliaments set up a permanent “Child rights commission”. The role of these child rights inter-party groups is to safeguard a holistic approach on children’s issues debated in the parliament, to guide and monitor the parliament in such a way that decisions are taken in the best interest of the child, as well as being a watchdog of government’s policies.

A critical challenge has been to keep children’s rights at the centre of the Parliament’s agenda in spite of the evolving political debate and the many competing national priorities the Parliament is confronted with. A cross-party child rights group/commission may sharpen the child focus.

Inter-ministerial Child Rights Group in the Government

Some Governments have established an Inter-ministerial Child Rights Group with a high level representation from all ministries. The cross-ministry group is mandated to coordinate and monitor government initiatives on children’s issues and to serve as the central resource for children’s issues within the government.

One of the key reasons for engaging in cross-sector partnerships is to identify and embed innovations into processes, strategies and policy making. Transformative action is inspired through the cross-sectoral coordination and the group acts as a catalyst for innovative change. Some states have engaged a Policy Manager Coordinator as a leader for the group to ensure continuity, commitment and efficiency to the cause.

Child Rights Observatories

In moving the child rights agenda forward, research, knowledge production, evaluation and solid documentation plays a reassuring role. It captures innovation and progress, clarifies prevailing challenges and provides evidence to ground new initiatives.

For too long, children have remained hidden in the national and international policy agenda. Diluted in statistical work, they are still poorly represented in research conducted across nations. When studied, they are frequently considered through the lens of individual technical disciplines, and rarely perceived in their value as multidimensional human beings. All too often, studies observe children, acknowledging the challenges confronting their lives but failing to appreciate their ideas, creativity and their distinct role as active informants of research. Quality data and statistics are a national identity, a national footprint, and quality statistics make the processes of change easier.

The child rights observatories exist in a number of countries as a 'social watch' with the aim of monitoring and analysing the situation of children, and ensuring evidence-based advocacy for awareness-raising and influencing decision-making for the betterment of the situation of children.

Children's Champions

All policy decisions affect children, and ensuring that the principle of the best interests of the child is brought to the attention of policymakers, is a critical role of the Commissioners for Children. To many Commissioners offices turn into bureaucratic, reactive and charity formats out of touch with ethos of the Convention.

The process of setting up the Commissioner for Children and Youth in Northern Ireland was exciting and inspiring to be involved in. The discussion and reflection that took place by the civil society, research community and the political environment engaged innovative thinking and a search for designing an institution that could make a change. The Commissioner was equipped with the power to bring or intervene in proceedings (other than criminal proceedings) that involve law or practice concerning the rights or welfare of children and young persons, as well as act as amicus curiae in such proceedings. In these cases, the legal assistance of the Commissioner involves raising a question of principle, or providing assistance only where there is no other person or likely body to provide such assistance. The Commissioner has during the years operation utilized this power and brought cases before

the courts. Through these cases the Commissioner has enhanced awareness on child rights in public institutions and in the society in large.

In addition the Commissioner for Children and Young People has a mandate to undertake, commission or provide financial or other assistance for research activities and compile information on children's situation in Northern Ireland. The anecdotal individual cases reported to the office, generated and synthesised to the level of policy reflections, combined with the research activities undertaken, give valuable data to an informed based policy making.

Knowledge generated from research and analysis constitutes an important basis for policy making to protect children from violence. Data, evidence and analysis are needed at all stages of policy making and implementation, from the planning processes through to implementation, monitoring and evaluation, as well as policy review and reform.

All this make the Commissioner for Children and Young People a proactive institution working for change, as well as a pilot for other Commissioners role and performance.

Childhood is not a disease that will pass. Childhood lasts for lifetime and generations. As a policy document, the Convention offers to guide towards a more holistic perception of children and the resources they offer to sustainable democracy and nation building. In order to activate the potential of the Convention as a guiding policy document, its provisions need to be understood and applied not only one by one, but also in their entirety.

I congratulate the successes achieved and are looking forward to follow the development of child policy implemented in Northern Ireland the coming years.

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