
Ratification of the United Nations Convention on the Rights of the Child (UNCRC) made a significant change on how the world sees children. First of all, the Convention confirmed the status of the child, who has to be considered as a person, not as an object of adults’ benevolence, entitled with dignity and rights. Secondly, the Convention offered universal coverage of all rights to which the child is entitled, irrespective of the place, where the child is living. In this way, the UNCRC not only sets a clear set of principles and standards for children’s rights, through which children receive protection and proper conditions for their development, but also are seen as active contributors to society.

Article 4 of the Convention indicates that States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the <…> Convention. This means that every State Party has an obligation to find out which measures are helpful to achieve the objectives of the UNCRC. At the same time, an important question that arose in relation to the practical implementation of the UNCRC was – how to ensure proper implementation of all rights listed in the UNCRC having in mind different realities of the countries including different economic, cultural, social situation, juridical systems and other conditions?

To assist the implementation of UNCRC and all its’ provisions, and provide some framework for all State Parties to fulfil their obligations for children, UN Committee on the Rights of the Child has drawn up a series of guidelines (General Comments) for interpreting and implementing the provisions and principles of the UNCRC. One of such General Comments is General Comment No. 5 on the General Measures of Implementation (GMI). General Measures of Implementation are key mechanisms and measures that can be seen as essential requirements to ensure full implementation and protection of all rights listed in UNCRC, for all children. As stated in the General Comment No. 5, such mechanisms as GMI indicate a change in the perception of the child’s place in society, a willingness to give higher political priority to children and an increasing sensitivity to the impact of governance of children and their human rights1.

General Comment No. 5 includes following mechanisms (GMIs) that enable State Parties to successfully implement UNCRC: 1) incorporation of the UNCRC into domestic law; 2) development of National Strategies and National Action Plans on child’s rights; 3) coordination of implementation of UNCRC; 4) monitoring implementation of UNCRC; 5) data collection and indicators; 6) making children visible in budgets; 7) co-operation with civil society; 8) independent human rights institutions; 9) information and awareness raising on UNCRC and children’s rights and 10) international cooperation. Evaluation of the implementation of these measures in European Union (EU) was done in 2010 (March – October), through conduction of the study “Governance fit for Children”. The study was carried out within the project with the same name that was implemented with the financial support of the Fundamental Rights and Citizenship Programme of the European Commission. Evaluation of the implementation of all ten GMIs as listed above was done in 5 European countries: Lithuania, Italy, Sweden, United Kingdom and Romania. Main components of the study included desk studies of different types of documents (laws, programmes, strategies, etc.) and statistics, web searches, semi-structured interviews with key stakeholders at national and local levels;

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interviews/focus groups with children and young people and analysis of the collected information. Each country produced own report, and later, comparative report was done with the aim to identify main tendencies in EU countries when it comes to the implementation of children’s rights. Additional study was done at EU institutional level.

Key findings of the study are presented below.

1) Incorporation of the UNCRC into domestic law
The UNCRC has been incorporated in national law in Romania, Lithuania, and Italy but in Sweden and the UK the Convention is still not a part of national law. The study showed that ratification of the UNCRC has had a generally positive impact on the development of states’ law and policy. Though, some improvements still must be done. E.g., there is still a gap between having the appropriate legislation in place and failure to implement the legislation in practice. Comprehensive review of legislation and policy has not been carried out in researched countries too. In some countries, like Romania, legislation mostly focuses on vulnerable children rather than on all children which contradicts the principle all rights for all children.

In this case, the main recommendations for the governments would be to incorporate the UNCRC into national law at the earliest opportunity (where it has not been done). Regular reviews of the legislation to ensure full compatibility with the UNCRC, and to identify and close existing gaps in the legislative framework must be performed too. Finally, general principles of UNCRC (non-discrimination, the best interests of the child, survival and development, child participation) must be adequately reflected in legislation, policy and practice at all levels.

2) Development of National Strategies and National Action Plans
During the time of the conduction of the study, all countries participating in the study had some sort of national strategy or similar document focusing on the implementation and protection of children’s rights. This can be seen as positive aspect, having in mind that development of a national document that is aiming at promotion and protection of children’s rights shows government’s commitment to implement and protect children’s rights as the UNCRC requires. On the other hand, study also showed that countries fail to implement such documents effectively – generally, the main challenges are related to lack of sufficient resources allocated for the implementation of such documents, lack of fixed time-frame, lack of measurable and evaluated targets and indicators, lack of information provided about such strategies and their implementation to the civil society, including non-governmental organizations (NGOs) and children themselves. Strategies on children’s rights were also little known to the local authorities, with some of them stating that they don’t think such document has had any significant impact in children’s rights implementation and protection in the country. Children participation in the development of strategies and their supporting action plans is limited or non-existent too.

Following this, the main recommendation for the governments would be to develop National Strategies and supporting Action Plans that would cover all rights as listed in UNCRC. Action Plans must include measurable objectives, clear indicators, concrete time tables and sufficient resources. Monitoring and evaluation mechanisms should be developed too to constantly monitor and assess progress made. Children participation and inclusion in mentioned documents’ development must be ensured too.

3) Coordination of UNCRC implementation
Effective implementation of UNCRC also requires clear and efficient coordination of the Convention implementation and successful cooperation of separate competent institutions, organizations and agencies, as well as close cooperation with civil society.

The study showed that there is no one form of coordination that is applicable to all countries, as often the coordination mechanisms and systems depend on national and local conditions. Therefore, a wide range
of coordination mechanisms exists. E.g. in Sweden and Lithuania, and the UK, particular Ministry is
responsible for the coordinating implementation of the UNCRC and dealing with the issues related to
children’s rights. Other Ministries and governmental bodies are also involved, even though the mandate and
powers vary depending on the country. Other structures may be developed in the countries too, in order to
facilitate more regular collaboration between civil servants (e.g. in Sweden there is a CRC Network consisting
of representatives of different Ministries, other national bodies and NGOs).

To ensure better coordination of the UNCRC implementation, horizontal and vertical coordination
measures, that include all levels of the governing structures in the country, should be established. Adequate
authority and sufficient resources (both financial and human) are crucial whatever the mechanism is used.

4) Monitoring of UNCRC implementation

Continuous and regular monitoring and evaluation of the UNCRC implementation must be one of the
main commitments of the governments. Additionally, independent monitoring and evaluation should be
carried out by the NGOs, research institutions, independent human rights institutions, academic community
and children/youth groups.

Although the study showed significant progress in the countries when it comes to monitoring of the
UNCRC implementation, there still are few weaknesses that need to be addressed. One of the main issues
is that often, states believe that they fulfil their obligation to undertake UNCRC monitoring by preparing and
submitting periodic reports to the UN Committee on the Rights of the Child (this is the case in Romania and
Italy for instance). There is not always clear, which concrete national institution is responsible for undertaking
the monitoring. Most challenging problem is that countries usually monitor and collect data only on some of
the rights in the UNCRC rather than all of them (as the Convention demands). Again, children participation in
the UNCRC implementation monitoring is limited or non-existent. Other issues like lack of the sufficient
resources to perform the monitoring and lack of the clear and measurable indicators that let to cover all rights
listed in UNCRC adds to poor monitoring too.

Following recommendation may be applied in this case: first of all, governments should develop and
apply unified and coherent system and supporting structure in place as well as appropriate methodologies
to monitor implementation of UNCRC. The monitoring should cover national, regional and local levels. The
monitoring should cover all areas of UNCRC. Responsible institution must be appointed, with the adequate
resources to perform the monitoring which must be regular, consistent and systematic. Children should be
involved in the monitoring process more actively too.

5) Data collection and indicators

Proper data collection is essential when ensuring all rights to all children, identifying most vulnerable
and discriminated children groups and developing effective legislation and policies in relation to child’s rights.
Also, this helps to understand children’s situation and their living circumstances as well as to identify the gaps
in the programmes, policies and legislation that have negative impact on children’s wellbeing. Regular flow
of statistic information, in-depth research, consistent monitoring and evaluation between the research
community and those implementing policy and providing services are most important factors in this case.

The study indicated states’ attempts to increase the amount of data available at national level and
efforts to cover more areas of UNCRC when collecting the data. Some of the countries have developed a
monitoring and review system to ensure more systematic follow-up of children’s life conditions. Though, a
number of challenges in data collection systems remain to exist. Data collection still is focused only on some
groups of children/UNCRC areas – therefore, there is an absence of data on some children groups (like for
e.g. victims of children trafficking in Lithuania or disabled children in Sweden). Also, data is not always
disaggregated enough which makes it more difficult to identify discrimination and/or disparity in the realisation
of the rights between different groups of children (according to age, gender, race, disability, ethnicity, and other characteristics). Generally, children are not systematically involved in the gathering of information and data about issues that concern them.

Following recommendations may be important in this case: governments in cooperation with other key stakeholders (like research bodies, NGOs etc.) should develop a clear set of child rights indicators covering all areas of UNCRC. Data should be collected to assess children's situation at national, regional and local levels and disaggregated appropriately. Coordination and collaboration between all agencies involved in data collection should be improved too. Similar as in other cases, adequate human and financial resources must be ensured and children participation strengthened. Finally, it would be important for governments to publish an annual reports of the assessment of the state of children’s rights in the country that should be disseminated widely on the national and local level, initiating debates in Parliament, local and regional assemblies, media. Also, collected data as well as monitoring outcomes must be used when developing new legislation, policy and practice at all levels.

6) Making children visible in budgets

Analysing state’s budget when resources put for the implementation and protection of children’s rights are assessed separately and producing “children’s budget” provides a mechanism for governments to evaluate if the allocation of resources is sufficient and effective in relation to children’s rights implementation. In other words, it lets to see how well current allocation of the resources lets to implement children’s rights. Furthermore, children’s participatory budgeting (when children are involved in the budget planning and decision-making) is important too – it helps to increase government’s transparency and accountability.

Study revealed quite different states’ attitudes towards producing separate “children’s budget”. E.g., in Lithuania civil servants participating in the study expressed opinion that it would be very difficult to separate indirect and direct funding for children (although Lithuanian NGOs tend to disagree with such opinion). However, other states have been able to undertake budgetary analysis (e.g., in Wales, the Welsh Assembly Government commissioned an analysis of financial provision for children within its budget for 2004-2005 and has repeated this exercise since). Some states’ budgets contain a separate sections that are seen as resources allocated for child’s rights implementation and protection (e.g. Swedish budget contains a section called “Child Rights Policy”, which shows what resources are available to the UNCRC Co-ordination Office). However, only few states publish specific figures that show the funding available to children through national budget and even if they do so, usually provided information and its’ analysis is extremely poor. At local level, experience in tracking spending on children is also limited. The study has also revealed that economic crisis has had a very negative impact on children and their opportunities to enjoy their rights fully. Participatory budgeting involving children as well as other key holders like NGOs is almost non-existent.

In this case, the recommendations for the governments would be to seek to exchange experience and available budgetary analysis tools around child budgeting, both within and between states, and strive to assess spending on children with an accompanying analysis at national, regional and local government levels. Mechanisms to involve children and other key holders in state’s budget planning must be developed too.

7) Cooperation with the civil society

NGOs potential in helping governments to effectively implement and protect children’s rights is widely recognized, even though the nature of the NGOs sector and its activities differs quite significantly between states. Different cultural, political and economic conditions throughout states’ history have had a significant impact on how well state’s NGOs sector is developed and how strong NGOs are.

The study provided a range of examples of partnership and other contact between governments and NGOs in relation to the implementation of the UNCRC. The positive conclusion is that relationships between NGOs and governments tend to get more and more constructive and open, with governments often taking an
initiative to involve NGOs in consultation process and decision-making. Nevertheless, NGOs from all the countries participating in the study still feel like the dialogue between NGOs and government is often only a formality and NGOs opinions, advice and expertise is not taken into account by governments seriously enough. Often, even after the consultations and joint work on the issue, governments tend to apply decisions that don’t take into account NGOs opinion and provided information or even opposite NGOs opinion. Cooperation with NGOs on the local level in relation to the UNCRC implementation is even weaker, in some cases even non-existent.

Even though various mechanisms and tools are developed to involve children in decision-making process and consultations, children themselves feel like their voice is little heard and opinions not taken into account seriously. In Lithuania, NGOs representatives stated that adults including decision-makers are simply not prepared to cooperate with children and general attitude that opinion of the grown up person is more important and competent, prevails.

In this case, further strengthening of the cooperation between NGOs and governments should be promoted, seeking for most appropriate forms for dialogue and coordination in relation to UNCRC implementation. Such cooperation must be ongoing and taken seriously by both parties – government and civil society representatives. Capacities of both NGOs and government bodies to consult and work together with children should be developed and strengthened too.

8) Independent human rights institutions

In General Comments No. 2, the UN Committee on the Rights of the Child stressed out the importance of establishing independent national Human Rights Institution for Children (NHRIs), often called Ombudsman/Ombudsperson or Commissioner. Usually, the responsibility of such institution includes monitoring compliance and progress towards implementation of the CRC, sometimes also investigation of the individual complains related to child’s rights violations, even though in practice, the mandate of NHRIs vary depending on the country. Also, to function effectively, NHRIs must be free to set their own agenda and activities, and they have to maintain their independence from Parliament or other governmental bodies. These requirements are unfortunately not fully met in practice in all states (e.g. in England, Ministers have the power to direct Commissioner to undertake an inquiry, and the Commissioner has to consult the Secretary of State before they can initiate their own inquiries). Also, some states still lack NHRIs for children like e.g. Romania where there is a general Ombudsman and not a separate one for children.

Therefore, governments that haven’t done so need to establish separate NHRIs for children ensuring such establishment by law and in full compliance with the Paris Principles and General Comment No. 2 to the UNCRC. NHRIs must be independent, have sufficient human and financial resources, and be responsible for all children in their jurisdiction. Also, NHRIs should have the competence to receive and investigate individual complaints from children. Children and young people need to receive more concrete and clear information about the role and activities of NHRIs for children.

9) Information and awareness raising on UNCRC and child’s rights

It’s necessary to understand that children’s rights as well as generally, human rights can be effectively implemented and protected only if professionals working directly with children/youth or dealing with issues related to/impacting children/youth as well as general society have proper understanding of children’s rights and UNCRC content, importance and develop respect for child’s personality and his/her human dignity. Children must be seen as equal to adults, and their voices must be heard and taken into account when making decisions impacting children’s life and future. Unfortunately, evaluations of the current situation show that there still is a lack of proper, constructive, consistent and continuous education both of professionals and general society on children rights, and human rights generally, and fragmented, not always correct information available to society has a negative impact on promotion of child’s human rights.
The study showed that there have been several initiatives in the countries to disseminate information on UNCRC and children’s rights, but these initiatives appear to be isolated examples. Therefore, all countries must do more to ensure that all children as well as professionals, parents and other caregivers, and general society are aware of the UNCRC and understand what the document is about. Systematic, ongoing education and training on human rights (including children’s rights) must be provided to all those who work for or with children, also for children and youth, and constant awareness raising in the society must be ensured too.

Additional study on how much children know about child’s rights and UNCRC was performed in Lithuania, in 2012. Children were asked if they know that such document like UNCRC exists and later, they were also asked to write down all their rights that they remember. As shown below (see Image 1. *How much children really know about UNCRC*), more than a half of children participating in the study said that have heard about UNCRC, even though they don’t really know that much about it content. Only about 8% of children said that they have read UNCRC. Finally, about 38% said that they have never heard about UNCRC and know nothing about it.

When asked to write down all children’s rights that they remember, children were able to name only few: right to education, right to life, right to health, right to leisure time and right to protection from violence. Most of the children mentioned that they have the right to be loved and to love. Also, a high number of children mentioned their responsibilities and duties in the family and at the school as their rights. All of this shows that the information and knowledge that children have on UNCRC and children’s rights is rather limited and fragmental. There is also a lack of education for children that would let them to understand how they can apply their rights in everyday life, in practical situations. Moreover, trainings and meetings with children (organized by the author during 2010-2012) showed that children often tend to think that when they turn 18 years old, their rights “expire”– this can be seen as lack of knowledge on other human rights documents (like e.g. the Universal Declaration of Human Rights) and lack of general understanding of human rights nature.

![Image 1. How much children really know about UNCRC?](image-url)
Also, recently, a negative attitude towards “children’s rights” can be observed in many European countries – children rights and the Convention are more and more often perceived by the general society as something that threatens parents and other adults in many European countries. Media add to such attitude too, often lacking proper understanding of children’s rights and UNCRC too, and exaggerating in a negative and often false way topics related to child’s rights.

Therefore, it is crucial for all governments together with regions and local authorities to develop comprehensive UNCRC awareness raising strategies that are sustainable and focus on all society. This should also include the allocation of adequate resources and the identification of relevant bodies to take the lead at each level. It would be also important to include education about UNCRC and children’s rights to the pre-school, elementary and secondary education programmes, ensuring access to appropriate materials for different age groups. Braille, audio and sign language versions of UNCRC should be developed for children with disabilities. Education must be comprehensive and exhaustive, and focus on practical children preparation to exercise their rights in their lives.

All professionals working with and for children (lawyers, teachers, social workers, youth workers, child care staff, police, health care staff etc.) must receive statutory, comprehensive ongoing training on UNCRC too. Compulsory course modules on children’s rights should be incorporated in all vocationally oriented higher education programmes for occupations involving work with children.

Additional work must be done with media, not only raising their knowledge on UNCRC and children’s rights (human rights in general too), but also encouraging them to develop and promote positive attitudes towards children’s rights and UNCRC.

It also should be noted that the study helped to reveal some common issues in EU countries related to child’s rights implementation and protection. In short, these issues include: children poverty; struggles to ensure proper implementation of non-discrimination principle as well as the best interests of the child principle; not enough opportunities for children to be heard and have their views taken into account/being respected; violence against children including corporal punishment; children in institutions (which contradicts child’s right to live in the family or in a family-like environment); lack of focus on early childhood education and care; violations of rights of children with disabilities and insufficient of their integration/participation in social life, education and their access to health services; weak juvenile justice system; children and the Internet (inadequate protection of children from online abuse, harmful information and related issues). These issues must be discussed further in a separate presentation.

To summarize, it also should be noted that:

- there is a need to focus on a child as a specific unit of analysis – study showed that often children are being taken into account only as part of the household, family, school etc. Children and their rights implementation and protection must be taken into account separately from adults;
• children and youth participation is one of the most important issues that needs to be solved – children and young people need to be empowered to participate actively in decision-making process, to express their opinion on the matters impacting their lives and future, they voice need to be heard and taken into account as seriously as of adults;
• a holistic perspective to UNCRC implementation is crucial – measures for children’s rights implementation must be concrete and measureable, and adequate resources must be provided;
• there must be also strong political commitment and will that children’s rights implementation is fundamental to future society’s wellbeing, economic stability and overall society’s growth. Partnership between governments and NGOs must be strengthened too.

More information about the outcomes of the evaluation of the implementation of the GMIs in countries listed in this document as well as at the EU institutional level can be find in separate reports, all available for free and in English online:

**Governance fit for Children: To what extent have the GMIs of the UNCRC been realised:**

- In Italy – at the local and national level: [http://resourcecentre.savethechildren.se/library/governance-fit-children-what-extent-have-general-measures-implementation-uncrc-been-realised-5](http://resourcecentre.savethechildren.se/library/governance-fit-children-what-extent-have-general-measures-implementation-uncrc-been-realised-5)
- In five European countries:
- In the EU institutions: [http://resourcecentre.savethechildren.se/library/governance-fit-children-what-extent-have-general-measures-implementation-uncrc-been-realised-0](http://resourcecentre.savethechildren.se/library/governance-fit-children-what-extent-have-general-measures-implementation-uncrc-been-realised-0)

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