

**Key priorities and commitments for child protection programme
in Central Eastern Europe and the Commonwealth of Independent States
Agreements from Child Protection Network meeting, September 2010**

This paper reflects the discussions at the child protection network meeting 27 September - 1 October 2010 and the consensus that emerged on key priorities and joint commitments to child protection for the next two years.

Some of the key orientations agreed at the network meeting

Equity is at the heart of UNICEF's work in support to the reforms of child protection systems. We need to ensure that improving the care and protection of the most vulnerable groups prevails in these reforms. In particular, due attention must be given to monitoring effective access of marginalized groups to cash transfers and services as well as monitoring the impact of child protection reforms on the most vulnerable as framed in our human rights based approach to programming.

Promoting and supporting the development of comprehensive national child protection systems remains at the core of our regional approach to child protection. Due to opportunities opened to UNICEF in the region, this is mainly achieved through the reforms of child care systems and building child-sensitive justice systems. Other components of national protection systems, such as the development of appropriate mechanisms for addressing violence, abuse and exploitation against children remain to be further developed based on new opportunities to be identified at regional and national levels. Priorities for the next two years will focus on reinforcing our support to the development of appropriate prevention policies and mechanisms, de-institutionalized responses to child protection, reducing the reliance on deprivation of liberty for children in conflict with the law and improving access to justice for children whose rights have been violated.

Such upstream work must encompass the effective implementation of these priorities with direct accountability of health, education, social welfare/protection and justice sectors in mainstreaming child protection issues. Influencing the allocation of budgets for child protection reforms and services through Public Finance Management exercises have to be integral components of our core role in the region.

Our strategies need to be further diversified and in particular we need strengthening components of social change in support of system reform, leveraging partnerships, and improving knowledge management. Limited but regular emergencies in the region have also reminded us that programmes need to remain prepared, flexible and innovative to adjust to unplanned events and ensure continued protection for children

I) Introduction

Child protection in CEE/CIS continues to address the legacies of former heavily centralized welfare states, mass institutional care and social control of children considered “at risk” that are not yet replaced by fully-fledged rights-based support and protection systems for children and their families.

Despite economic growth in most countries of the region over the past decade, the rate of children in formal care is still increasing due to the weakening of family coping mechanisms coupled with inadequate responses of social protection systems, especially for the most marginalised. One positive trend is that the proportion of family-based substitute care (foster care and guardianship) is on the rise. But such improvements in the quality of response to crises has not yet led to a radical shift towards focusing on prevention: generally, supporting biological parents to prevent family separation when in the best interests of the child, adequately regulating entry into and exit from the care system, and ensuring long-term individualised case management and follow-up continue to be challenges. In addition, monitoring of impact, follow-up and quality of interventions needs to be reinforced at all levels.

Although justice systems of all countries of the region have been undergoing some positive reforms to enhance the rule of law and alternatives to formal proceedings and custodial measures for children, in practice much more needs to be done. The use and conditions of deprivation of liberty for children in conflict with the law do not respect international standards especially at pre-sentence stages; available alternative measures are poorly used and specialised procedures and services for child victims and witnesses are only in their infancy.

High levels of abuse and corporal punishment are reported in several countries in the region. Children from broken homes, and/or children exposed to violence and abuse are in turn overrepresented among children who are victims of exploitation and trafficking. Relinquishment of babies in maternity hospitals and social services, the vulnerability of children left behind by migrating parents and the risk of seeing institutional care being repeatedly used as a means to mitigate the impact of the global economic crisis represent some of the additional on-going child protection challenges in CEE/CIS.

UNICEF in Eastern Europe and Central Asia is contributing to a change of perspective in child protection with a focus on system reform encompassing dimensions such as budgeting and the development of equity mechanisms, including in decentralization processes. These regional efforts have led to a paradigm shift focusing mainly on state reforms and support to families at risk rather than on small groups of vulnerable children. Such shift also encompasses:

- Supporting developments and reforms at national level rather than focusing solely on UNICEF programmes.

- Ensuring sustainability of our actions, i.e. focusing on policy development and implementing programmes and pilot models that governments can take to scale or mainstreaming strategic capacity building through sustainable university and national training curricula.
- Creating a critical mass of knowledge and know-how through sub-regional and regional compacts.

Our ambition to lead the development of new strategies in child protection must be carefully weighed against our limited capacities and the acknowledgement that no office in the region can be equally involved in all aspects of the child protection agenda.

II) Key Principles

A. The Equity agenda is at the heart of Child Protection.

In reaction to reported growing disparities, all sectors in UNICEF (health, education, child protection, etc.) are to advocate for and promote affirmative action in favour of the hard-to-reach and the poorest communities. Due to the very nature of child protection, disadvantaged children and families are already the main focus of our work as, while all children may be subject to violence, abuse and exploitation, the most vulnerable are disproportionately affected. Equity is therefore at the heart of Child Protection.

Yet, the Equity agenda does not mean ‘business as usual’. We do need to strengthen our focus on the most disadvantaged and ensure that they are the first and main beneficiaries of our interventions for reinforcing child protection systems. This requires sharpening our understanding of who they are in each particular context and of what are the reasons why they are not reached by standard interventions – including stigma, lack of information and legal, financial and cultural barriers.

A stronger focus on the most disadvantaged requires focusing on improving *access* to child protection services and ensuring *outreach/targeting* of child protection measures – so that these services and measures reach those most in need.

Addressing disparities must be embedded throughout all elements of the child protection system. Concretely, equity-based interventions could include advocacy and support to build information collection and management mechanisms that allow to identify the most disadvantaged groups; to remove all discriminatory provisions from laws and regulations and put forth provisions for inclusion and outreach; for well informed and tailored budget allocations that benefit the most disadvantaged; to build the capacity of professionals working with the most disadvantaged children in identifying, reporting and responding to violence, abuse and exploitation; to establish decentralised, pro-active and inclusive services within the communities in need. In parallel to building equitable national systems, we also have to promote behavioural change to address stigma against certain groups and certain discriminatory practices.

Measuring if and how policies, services and reforms impact the lives of children and their families is a crucial element of our work and one that needs to be integrated from the outset (e.g. are cash transfers and other component of social policies having an impact on the lives of vulnerable families: do they play an effective role in preventing family separation, in improving access to education and effectively reducing rates of child labour; are all children benefiting equally from new services which are being established through reforms or are some groups left behind; etc.).

B. Child protection must be more strongly evidence-based

Although evidence is growing, child protection has long been challenged by a weak evidence base and lack of data, including disaggregated data. A focus on equity points to the need for increased attention and resources to robust evidence, disaggregated data, and indicators relating to the structural causes of disadvantage and exclusion, and on availability of access to systems. Countries in the region are not doing much better than most other countries in collecting data related to child protection and putting evidence-based and results-based management at the centre of the on-going reforms.

It requires a stronger focus on strengthening the planning, monitoring and evaluation components of reforms as a necessary component of system change and engaging with government in a dialogue on how to strengthen and reconcile different data sources within governments' own administrative data.

C. The cross-sectoral nature of child protection

Several sectors – social welfare/protection, health, education and justice – have core accountabilities in preventing and responding to abuse, violence and exploitation. Social protection policies are essential in reducing vulnerabilities of the most disadvantaged children. Health professionals can identify and report cases of abuse and provide the first response. They support families at risk and help prevent abandonment and relinquishment of infants in medical facilities. Teachers also may detect and report cases of abuse and exploitation and refer children for support. The health and education sectors have the obligation to reach out to children deprived of liberty.

It is not possible to prevent and respond to abuse, violence, exploitation and family separation without the full involvement of these other sectors, without a common understanding of purpose and division of responsibilities and without proper coordination. UNICEF's child protection programme need to contribute to articulating accountabilities in these sectors, while other colleagues (health, education, early childhood development, social policy programmes) need to support their implementation through their own programmes.

D. Human Rights Based Approach to Programming

Child protection in CEE/CIS reinforces the human rights based approach to programming through its work in supporting the strengthening of child protection systems. We help in articulating accountabilities for child rights and support governments in their implementation of them. It is worth emphasizing however, that there are no rights without access to justice and that in this region as well children face extraordinary obstacles in accessing justice.

Overcoming obstacles and ensuring adequate access to justice for children requires efforts on at least two levels: building a child-sensitive justice system on the one hand, and providing information and support to children in claiming for their rights and obtaining redress on the other hand. At both levels, the focus must be on the most excluded and the most difficult to reach.

III) Priorities (what)

A. Strengthening national child protection systems

Promoting and supporting the development of comprehensive national child protection systems through reforms of child care systems and building child-sensitive justice systems continue to be our priority.

The *raison d'être* of a child protection system is to prevent and respond to all forms of violence, abuse or exploitation against children. As per the UNICEF global child protection strategy, child protection systems comprise the set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice. To do so, the system relies especially on professionals working with children in all sectors to prevent, identify, report, refer and respond to individual cases of violence. However, studies conducted in the region show a lack of accountability of professionals in this respect and how this is closely linked to the lack of quality of services. Within this systems approach, the contribution of CEE/CIS to the global child protection strategy is as follows, and is largely justified by the legacy of child protection systems in the region

1. Strengthening prevention through the development of a continuum of care and protection services.

The focus of prevention policies will be on the most disadvantaged and will include a strong family support component, in cooperation with social protection in order to further the development of a continuum of care and protection services. It would contribute to rehabilitation and social inclusion of those children who are the most at-risk and therefore break the vicious cycle of marginalization.

Child protection in CEE/CIS will continue to support the development of a package of community based family and child support services. Such services must be polyvalent in order to be equipped to prevent a wide range of risky situations for children such as violence in the family, discriminatory access to justice or services, family separation or sexual exploitation.

As the development of family based substitute care services is progressing as an alternative to institutional care, efforts should also be made by UNICEF to ensure that children with disabilities or from ethnic minorities become primary beneficiaries of these new type of family based substitute care service, and that children who are already growing up in residential care benefit from comprehensive programme for family reintegration and placement in family-like environment. Zero tolerance for placement into institutions should be enforced for children under the age of three years old since this is the age group for whom institutional care is the most harmful. This can only be achieved through partnerships for comprehensive national prevention policies, covering child protection issues in all sectors.

2. Promoting diversion from judicial proceedings and alternatives to deprivation of liberty

In the area of juvenile justice, UNICEF will continue to support the establishment or strengthening of juvenile justice systems in line with international standards. Within this frame, UNICEF will focus on promoting diversion to judicial proceedings and alternatives to deprivation of liberty. In the region, there have been growing policy and legislative advances towards juvenile justice specialisation, including the introduction of legal provisions for diversion from judicial proceedings and alternatives to deprivation of liberty. However, there is still a lack of effective services, capacities and resources to fulfil this initial wave of political and legislative commitments. Filling in this gap will be the focus of UNICEF interventions in the area of juvenile justice in the region.

3. Protecting children from abuse, violence and exploitation

UNICEF continues supporting states in the paramount responsibility to protect all children within their jurisdiction from all forms of violence, abuse and exploitation, at all times and in all settings.

Our mandate includes giving particular attention to supporting the development of prevention and rehabilitation services, mechanisms for early identification of child victims; improving the capacity and accountability of professionals working with children to report and refer cases of violence against children, putting into place special protection measures for child victims; and supporting independent monitoring of implementation of children's protection rights.

B. Improving access to justice

As mentioned, ensuring adequate access to justice for all children, including the most disadvantaged requires building a child-sensitive justice system on the one hand, and providing information and support to children in claiming for their rights and obtaining redress on the other hand. Access to justice is further reflected in the UN common approach to justice for children. It was suggested that this approach be further used in the CEE/CIS region.

Child protection in the CEE/CIS region will give increased attention to children in contact with justice systems as victims, witnesses or for other reasons such as custody, protection or inheritance. This implies building child-sensitive justice systems that apply appropriate procedures and operate in a child-friendly environment and through professionals – the police, prosecutor, judges, lawyers, support person, social workers, health staff – who are trained and able to deal with children in line with their rights and specific needs, as per the UN Guidelines for justice in matters involving child victims and witnesses of crime (2005). Specific attention will be placed on identifying and addressing legal, financial, cultural and logistical barriers so that all children have equitable access to child-sensitive justice systems. The shift from juvenile justice to justice for children – i.e. going beyond children in conflict with the law to include all children in contact with justice systems as victims, witnesses or parties – will constitute a second phase in the critical mass exercise.

If not complemented by initiatives to reach out to the most vulnerable children, inform them about their rights and support them in claiming these rights, the aforementioned efforts to create child-sensitive justice systems would only benefit a small number of children who are not necessarily the most affected by violations of their rights. Creating a demand for justice among vulnerable children and ensuring that it materializes in obtaining remedies requires providing children with legal empowerment and support in obtaining redress.

C. Supporting social change

In CEE/CIS social norms and systems were in the past strongly influenced by the prevailing ideology. It prioritized collective rights over individual rights, centralization over decentralization, segregation and specialization over inclusion and mainstreaming. Even if systems and services are going through reforms as a result of changing ideologies and external influences, social norms may be more deeply rooted in communities, professionals and individuals than a new law and new services can change. Social norms can therefore influence the success of reforms, but can also contribute to limited uptake of new services, resistance to new approaches and to slowing down the overall pace of reforms.

Currently, there is limited experience in the region of systematic integration of approaches to behavioural change into country programmes. There are some notable exceptions, where we are seeing major efforts to alter perceptions and attitudes towards disabilities. However, it is time to tackle behaviours in a more systematic and proactive way.

Child protection programmes in each country need to include assessments of where behavioural interventions can make a difference. Such assessments need to examine the key behavioural impediments to realizing child protection rights: children with disabilities, placement of children in institutions considered as in their best interests and segregation of Roma children are obvious examples.

D. Strategies

A. Engaging in Public Finance Management (PFM)

In the arena of development assistance and cooperation, country-led strategies have been promoted for guiding poverty reduction efforts. This is reflected in the Paris Declaration on Aid Harmonization, the Poverty Reduction Strategy Papers (PRSPs) and the Millennium Development Goals (MDGs). In this context, public finance management systems in general – and budgets in particular – have received increasing attention. In environments where public expenditure is the privileged means for delivering services and reducing poverty, efficiency, transparency and accountability in the budgeting process inevitably become a concern. Medium Term Expenditure Frameworks (MTEFs), computerised financial management systems and result-oriented budgeting are among the tools developed to improve the performance of public finance management systems.

At the same time, better political understanding of budgeting mechanisms can help to (a) improve assessment of impact of government policies on the most vulnerable; and (b) assess gaps in budget design, allocation and management. Achieving sustainable budgetary reform requires engaging with a broad set of formal actors and informal arenas beyond government, each with different powers and capacities to influence the budget.

Budgeting of child protection reforms and services has to be an integral component of a system reform strategy. It must be acknowledged, however, that child protection issues are usually neglected during the discussions on budget allocation. Engaging UNICEF in policy discussions on resource allocation is key for ensuring that children’s issues and in particular the ones related to the most vulnerable are given due consideration and ensuring that political commitment gets translated into budget allocation. In addition, getting involved in such discussions should allow us to advocate for better allocation and use of resources rather than simply requesting increases in budget allocations which may fall short in times of financial crisis.

Defining a clear role for the UNICEF child protection sector within PFM requires further work and reflection and needs to become a more widespread strategy to influence system change in the region. What is required at this stage is to ensure that we engage in the exercise at country level using our relative advantage, in particular on strengthening the involvement

of civil society (go-between and capacity-building), building upon evidence-based analysis and communicating for change.

This requires primarily an understanding of public finance management systems and the type of opportunity they offer. Child protection specialists do not need to use PFM tools directly but need to get to the level of understanding where they can share a common language with other partners involved in this exercise in order to gain credibility.

B. Creating a broad partnership agenda and leveraging support

The partnership agenda of child protection programmes needs to have a broad base as there are many agendas that influence our work and vice-versa. Leveraging what other players are doing is a core strategy for achieving results that go beyond what we can achieve on our own, especially considering limited child protection resources. Partnerships should cover both work with other sectors and work with other international organizations, that are heavily investing in sectors where we are working, or that have a political leverage that can be benefited from.

Currently, the development of social policies at country level is quite disconnected from the reform of child protection systems. We in UNICEF need to explicitly contribute to designing social protection schemes to ensure not only that they reduce child poverty, but also that they contribute to creating a protective environment for all children. An improved synergy between social protection and child protection requires launching discussions at country and regional level for better articulating, for example, some universal protection coverage mechanisms with specific outreach work to deliver both cash and services to entitled hard-to-reach families. We need to support further research on the links between social and child protection so that social protection schemes can be more effectively designed to improve children's care and protection. In particular, we need to document the effective links between income-support with improved access to basic services and social welfare.

Partnership with regional organizations such as the European Commission and the Council of Europe (CoE) is critical for bringing effective change within the region. The Council of Europe's programme "Building a Europe for and with children" provides key opportunities for setting standards and political leveraging in child protection in the region. The European Commission provides the drive for implementing reforms at a steady pace and covering transitional costs of the reforms through its funding mechanisms. Partnership with UN entities around rule of law will also allow leveraging support for an improved realisation of the rights of child offenders, victims and witnesses of crime in contact with justice systems in line with the Guidance Note of the Secretary-General on the UN Approach to Justice for Children (2008).

E. Emergency preparedness and response

Limited but regular emergencies in the region have also reminded us that programmes need to remain prepared, flexible and innovative to adjust to unplanned events and ensure continued protection for children in line with our Core Commitments for Children in Humanitarian Action (2010). With the humanitarian reform, we in Child Protection now have the responsibility to lead the child protection sector at country level, both in terms of preparedness and response, including early recovery. Whenever necessary in a specific context, we have committed to filling in the gaps in preventing and responding to a certain number of child protection risks in emergencies including gender-based violence, monitoring and reporting grave violations, preventing and addressing illegal and arbitrary detention and establishing child protection mechanisms in affected areas.

The child protection network has agreed in particular on the importance of improving emergency preparedness at country level including through capacity building of staff and partners as well as advance identification and mapping of resources, including governmental and non-governmental services, to tap in.

F. Capacities and commitments

The child protection network has been growing significantly over the last few years. Never before did we have stronger teams at country level to engage in child protection reforms. This reflects the priority UNICEF gives to child protection in our region and we need to make sure that the results we deliver meet the organization's expectations and investments. As the experience on what is needed in systemic reforms is growing, so is also the awareness of where our knowledge and skills are still too limited. Three areas were identified where we need to build our capacity in order to be able to engage further in system reforms and deliver results:

- Child protection officers need to become better acquainted with work within the government's policy and budget cycle and are encouraged to get training in Public Finance Management.
- Child protection officers should develop a better understanding of how to capitalize on social protection reforms for reforms in child protection and are encouraged to seek opportunities for increasing their knowledge in social policy and social protection.
- Child protection officers should seek opportunities to learn more about the EU and its institutions and cooperation mechanisms with countries in our region.

Annex 1 : Commitments taken by the CEE/CIS child protection network for the coming two years.

A) Advancing equity and addressing disparities

- ✓ Apply and adapt, if need be, existing equity indicators to assess the progress of MDGs among children deprived of parental care, marginalized children such as Roma, stigmatized children such as those with disabilities and/or facing situations of abuse or exploitation.

B) Leveraging support and advocating for the inclusion of child protection in broader agendas

Develop synergy and integrated programmes with social policies/social protection

- ✓ Develop a joint strategy with social protection colleagues at country office level in order to clearly articulate the synergy between both sectors and identify specific activities to be put into place in each sector for reaching the most disadvantaged households, and in particular those often excluded from mainstream social schemes (e.g. street children).
- ✓ Monitor and evaluate the impact of social policies and cash transfers on children primarily affected by violence, abuse, neglect and exploitation.

Advocate for the integration of child protection into rule of law agendas – the UN common approach to justice for children

- ✓ Lead the development of an inter-agency implementation plan for a national UN common approach to justice for children at country level.

C) Reforming national child protection systems

Support the development of comprehensive child protection systems

- ✓ Support the development of strengthened systems for independent monitoring of child protection issues.
- ✓ Support the definition at national level of professional accountabilities for identifying and reporting cases of child protection violations.
- ✓ Support the development of costing and financing of child protection services, including the development of innovative funding mechanisms for relevant child protection system components.

Support to child care system reform

- ✓ Map all services (various types of family and child support services and family substitute services) available in the country, including their geographic location and population coverage.
- ✓ Support the development of specific family and child support services that reach out to the most vulnerable and contribute to preventing family separation
- ✓ Support the development of family based care services in parallel with a progressive de-institutionalization agenda.

- ✓ Support the development and streamlining of needs assessment and review processes that regulate entry into and exit from statutory services (+ add case management).

Support to justice for children

- ✓ Continue supporting, evaluating, documenting and publicising model prevention, diversion and alternative services, which both exemplify and test emerging juvenile justice approaches.
- ✓ Support the integration of the provisions from the UN Guidelines on justice in matters involving child victims and witnesses of crime and the Council of Europe Guidelines on child-friendly justice in civil and criminal procedures at country level.

D) Promoting social change

- ✓ Develop one social change initiative over the next two years.

E) Evidence building and knowledge management

- ✓ Develop a country-level strategy for strengthening national data collection on key child protection issues. One of the aims will be to contribute to reconciling TransMONEE data and other national data collection mechanisms.
- ✓ Share plans and methodology for key studies to be undertaken at country level with the Regional Office at the earliest stage for review with experts and selected COs. Draft study reports will be reviewed as well before being finalized.
- ✓ Child protection specialists support capacity building in the development of child protection data and in particular on the set of agreed-upon regional child protection indicators and benchmarks and to report on a yearly basis to the Regional Office.
- ✓ Participate in the development of a list of child protection indicators and benchmarks related to key programmatic issues and report annually to the RO.

F) Strengthening regional partnerships

- ✓ Dialogue with EC, CoE and OSCE delegations at country level to be systematically discussed with the Regional Office and UNICEF Brussels Office in order to ensure that UNICEF speaks with one voice on key issues.

G) Personal development of child protection specialists

- ✓ Child protection specialists to focus their requests for personal development on deepening their knowledge on EC mechanisms, Public Finance Management, social change and child protection in emergency.