

Social policy, social protection and child protection

Child Protection Advisors' Meeting
Session on CP Strategy and National CP Systems
NY, 9 Oct 2007

I. Purpose of the discussion

- Explore the nexus between child protection, social protection and social policy

II. Approach:

The normative approach of the CRC finds its operationalisation in the UNICEF child protective framework,¹ and the new UNICEF Child Protection Strategy in support of the MTSP. These guiding documents spell out the areas of child protection – safeguarding children from violence, abuse, neglect and exploitation. They primarily focus on a combination of behaviour change actions at the personal, household and community levels. They also refer to social protection interventions, and implicitly to social policy. Given the interdependence of individual and community behaviour and the broader social and economic context in which people live, ROSA proposes a 4-layered approach to child protection linked to the Millennium Declaration and MDG processes as well as the CRC.

III. Rationale for a 4-layered approach in South Asia

Despite spectacular regional economic growth rates from 5 to 9% over the past 5 years, South Asia is characterised by laggard performance on the MDGs, persistent poverty and increasing income disparities.² The disconnect between economic performance and social development is primarily due to social exclusion which works through many vectors – gender, economic situation, occupation, citizenship, caste, class, ethnicity, language, religious affiliation, ability, and others. In addition, social exclusion is based on age, and it is compounded by gender. As a result, the girl child is the most disadvantaged person in terms of voice and in terms of access to social services in almost any community across the South Asian subcontinent.³

Public policy for child protection in this type of context therefore needs to combine objectives around economic development so as to redress poverty and income inequality, and around social inclusion and political participation to address social inequality. The CRC and Millennium Declaration and MDGs can be a useful platform for such approach. Such policy needs to be guided by fundamental human rights, and the child rights framework, and

¹ UNICEF, Child Protection Information Sheets, The Child Protection Section, Programme Division UNICEF NY, 2006. Also see Children and Social Protection: Proposal for an Initiative (CASPI). Draft for discussion and debate. UNICEF DPP and NYHQ Informal Social Protection Group. New York, October 2006

² UNICEF ROSA, Statistical Pocketbook 2007 forthcoming

³ UNICEF, State of the World's Children 2007, Women and Children. The Double Dividend of Gender Equality. South Asia Edition; UNICEF ROSA, MDG s report gives the data that illustrate this. Most recently, work on disparities by Friedrich Nuebler offers indices of multiple disparities. See Friedrich Nuebler, presentation at the ROSA Education Workshop, Kathmandu, September 2007

encompass principles of universalism, inalienability, and indivisibility. It also needs to be guided by a culture of empowerment, participation and accountability.⁴

1) Child protection “proper” (re Millennium Declaration and the CRC).

There is a need for explicit and dedicated child protection measures that come together as a child protection system and policy with concomitant strategies. This needs to contribute to creating a protective environment for children, and is the core area for immediate preventative and rehabilitative action by government and other duty bearers to protect and support vulnerable children – those at risk or actually exposed to violence against children, children in armed conflict or (associated with) armed groups, children affected by HIV/AIDS, child labourers, subjected to child marriage, children in conflict with the law, children without parental care, children victims of commercial sexual exploitation, trafficked children,⁵ and children in other vulnerable situations and deprived of their rights and dignity.

It is obvious that child protection needs to combine preventive measures with immediate child protection, support and rehabilitation. This could encompass 5 types of interventions:⁶

- government commitment, capacity and legislation
- provision of, or regulatory environment for, essential services, recovery and reintegration
- monitoring, reporting and oversight
- interventions to influence attitudes, customs, practices and open discussion
- interventions to enhance children’s life skills, knowledge and participation, capacity of families and communities.

2) Sectoral policies and child protection issues (re MDGs 2-7)

For the core child-specific MDGs - nutrition, health, education, HIV/AIDS, water and sanitation - sectoral policy in addition needs to be more sensitive to the child protection dimensions within each sector. Children and youth need to be genuinely protected, and to have a *sense of safety* [security], as prerequisite to the full realisation of their rights to nutrition, health and education. Inclusive social services require functioning child protection, and a protective environment for children underlines their right to quality and inclusive social services.

3) Social protection

Social protection is broader than child protection and protective sectoral policies. Its roots go back to the early welfare states and it thus formed part of the Universal Declaration of Human Rights approach. It is mentioned in the Millennium Declaration as part of the reference to the civil, political, economic, social and cultural rights for all (art 25). It encompasses immediate

⁴Beyond its pathbreaking role for child rights specifically, the CRC is the first international convention to incorporate a *right to participation*. Also see the analytical report and contributions in *Social Policy: Towards Universal Coverage and Transformation for Achieving the MDGs*. UNICEF ROSA 2006 (CD-ROM).

⁵ UNICEF, Child Protection Information Sheets, Child Protection Section, Programme Division UNICEF NY, 2006.

⁶ These correspond to the protective components identified in the UNICEF child protection strategy.

measures to redress distress of the most vulnerable groups,⁷ using forms of assistance ranging from food grants, cash transfers, subsidies and waivers on fees, to actual social services – there is some overlap with services of child protection proper.⁸

4) Social policy for an enabling socio-economic environment (re: MDGs 1, 3, and 8)

Social policy shapes the socio-economic environment in which individuals and communities act. Social policy can be proactive or transformative – creating the conditions for optimal social development - and it needs to be remedial – in the realm of social protection to redress injustices and social injury. The proactive and remedial elements belong together and interrelate, but to the extent to which proactive social policy is successful, it can decrease the need for the safety net and social protection type of interventions.

In its “proactive” mode, social policy addresses structural issues, such as access to income and assets including credit or land, and infrastructure connectivity. Areas of social or socioeconomic policy include macroeconomics and trade, policies for employment and decent work, as well as policies for investment, innovation and development policies to ensure productivity and competitiveness.⁹

In its remedial mode, social policy encompasses policies and interventions that address vulnerabilities of individuals, households and communities, and enables families to cope with or mitigate poverty or emergency situations, so as to be able to provide for their children despite dire conditions. This includes various forms of social security, notably comprehensive social insurance.

Fiscal policy is a key anchor in proactive and in remedial social policy since because of its role as financier of social services, social protection assistance, and social security. It also can take on a role in creating income equality through taxation or redistributive expenditures.

Each of these 4 layers of public policy – child protection proper, sectoral policies, social protection and safety nets, and social policy for an enabling socio-economic environment - needs to comprise action at the levels of legislative reform, policy reform and implementations, design and delivery of specific and interventions, and participation of those concerned.¹⁰ The latter is not a guarantee for, but can help instigate, behaviour change and overcoming harmful practices of social exclusion and the violation of child rights.

⁷ Isabel Ortiz, *Introduction*, in: Social Protection in Asia and the Pacific. ADB. 2001. pp. ..

⁸ Recent social policy and social protection discussions have concentrated almost exclusively on cash transfers. These are but one tool among several social assistance tools. See Gabriele Köhler, Mariana Stirbu, Inventory of Social Policy Interventions to Address Social Exclusion. Forthcoming as a DPP paper.

⁹ Thandika Mkandawire, *Social Policy*. Geneva: UNRISD 2005. Isabel Ortiz, *Social Policy Guidance Note*. UN DESA.

¹⁰ www.undesa.org, September 2006.

**The “wedding cake”:
Wedding child protection and the CRC with the Millennium Declaration
and MDGs**

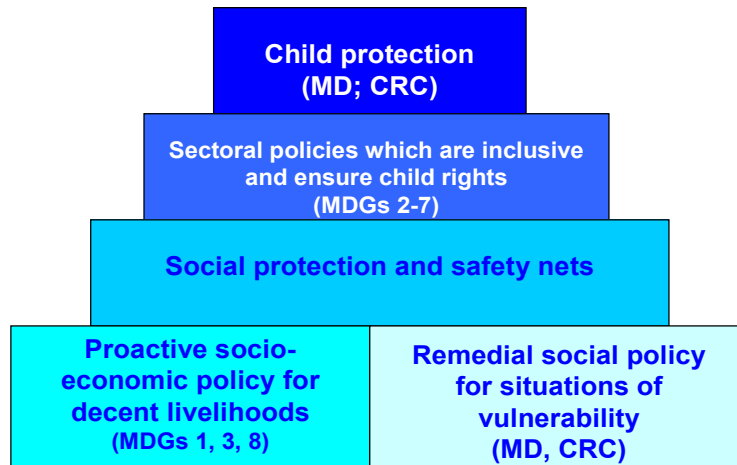


Figure 1:

Annex: An update on South Asia: Child protection from violence, exploitation and abuse¹¹

- Pakistan adopted a comprehensive **Child Protection Act** while Afghanistan launched a National Strategy on Children at risk. In Bhutan a complaints and response mechanism was developed to take action on violations on the rights of women and children. This is being facilitated by efforts to make police and legal procedures children and women friendly. In Pakistan, drop-in centers and education and counseling centers have been established for children at risk (street children, children working in the streets, children victims of sexual exploitation).
- **Violence against children** remains a major source of concern in South Asia. ROSA initiatives in 2006 and 2007 therefore included efforts to increase awareness of children’s protection rights and improved data collection and analysis on child protection. This led to the establishment of an Injury (including mine injuries) Surveillance System in Afghanistan within the year. In Pakistan, all children and their families in IDP camps in 5 districts were registered, and a survey was conducted in collaboration with UNFPA to find the most vulnerable children and women in the camps, which identified 1600 children orphaned of both parents. In Sri Lanka, the protection of children deprived of parental care was strengthened ensured through the coordination of all agencies involved in the registration, tracing and reunification of separated and unaccompanied children. Outside emergency situations, some countries have offered increased efforts to improve the knowledge and data collecting on child protection issues. The Regional Study on **violence** against children has helped push

¹¹ UNICEF ROSA, Regional Office Annual Report 2006. Kathmandu 2007

forward countries' engagement with violence issues leading, in some places, to improved legislation.

- The **child labour** issue in India moved forward with the establishment of a national monitoring mechanism to follow up on children participating in the National Child Labour Project (NCLP).
- **Child trafficking** affects children throughout the world who are subjected to prostitution, forced into marriage or illegally adopted: they provide cheap and unpaid labour: work as domestic labour or beggars, are recruited into armed groups and are used for organ donations and sports. Trafficking exposes children to violence, sexual abuse and HIV infection and violates their rights to be protected, grow up in a friendly environment and have access to education. In South Asia, trafficking is often related to debt bondage. According to estimates by the International Labour Organisation, 1.2 million children are trafficked worldwide each year.(ILO2002). Throughout the 1980s and 90s the Asian Development Bank (SOWC 05113) estimated 300,000 Bangladeshi women and children were trafficked to India and 200, 000 to Pakistan, with many ending up in the sex industry. Over 200, 000 Nepali girls are estimated to be working in Indian cities, 30% of them children (AR-SOWC 2005-113). Similarly, evidence from other countries in the region portray a black hole through which women and children literally disappear into an underground of illicit trafficking and systemic abuse of their human rights. In India, the Immoral **Trafficking** Prevention Act has been reviewed to specify stiffer penalties in cases where the victim is a child under 16 years, as well as providing victims of trafficking greater protection.
- Initiatives to strengthen **juvenile justice** systems focused on interventions for children in conflict with the law or in contact with the judicial system as witnesses, victims or suspect/offenders. These interventions range from legislative reforms, establishment of a governmental national strategy, training of the key stakeholders, monitoring mechanism, and access to justice mechanism through free legal aid.
- **Early marriage and physical and psychological punishment** in the South Asia region remain deep rooted habits. Partnership with UN agencies and international NGOs initiated by the Regional Office through the South Asian Coordinating Group (SACG) created a body that has been addressing these issues at governmental and civil society level.
- **Major constraints** faced by all countries in the region include weak *implementation of legislation, lack of resources, knowledge, and capacities both at the local and national levels, weak strategies, and difficulties in coordination between stakeholders.*