

2011:1

Joint Evaluation

Arne Tostensen
Hugo Stokke
Sven Trygged
Kate Halvorsen

Supporting Child Rights

Synthesis of Lessons Learned
in Four Countries





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Authors: Arne Tostensen, Hugo Stokke, Sven Trygged, Kate Halvorsen.

The views and interpretations expressed in this report are the authors' and do not necessarily reflect those of the commissioning agencies, Sida and Norad.

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Foreword

This evaluation was commissioned jointly by the Norwegian Agency for Development Cooperation (Norad) and the Swedish International Development Cooperation Agency (Sida) with the dual purpose of summarising results of the efforts and resources invested by Norway and Sweden in development co-operation in support of child rights; and contributing to continuous learning and development of policies, strategies and methods in promoting child rights.

There are significant overlaps and consistencies in the two agencies' priorities in the work for the rights of the child. As an illustration, both agencies take their point of departure in a child rights perspective, and both give great emphasis to child protection, child participation, gender and education for all as well as children in armed conflict. There are however also some differences in the approaches taken to supporting children's rights that make a comparison of Swedish and Norwegian development co-operation interesting.

After an initial mapping of portfolios of the two donors, field work was conducted during the period from May until August 2010. The findings from four country case studies – Guatemala, Kenya, Mozambique and Sudan – underpin the conclusions and recommendations in this synthesis report, and are published as separate working papers which are to be found at www.sida.se.

The evaluation was conducted by a core team comprising Arne Tostensen (team leader), Kate Halvorsen, Hugo Stokke, and Sven Trygged. In addition, each country case study was undertaken by country teams: Guatemala (Claudia Barrientos, Virgilio Álvarez Aragón and John McNeish); Kenya (Arne Tostensen and Jane Amiri); Mozambique (Kate Halvorsen, Minna Tuominen and Carmeliza Rosario); and Sudan (Liv Tønnessen and Samia al-Nagar). Clare Feinstein and reference groups in Sweden and Norway have provided comments on various draft reports by the team.

The evaluation process has included several seminars, workshops for discussion with, feedback to and input from staff particularly at Sida and MFA/Norad, both at the Head Offices and in field offices, and in partner organisations. The objective has been to enhance sharing

of experiences (including preliminary evaluation findings) between consultants and staff as well as between staff within the organisations.

As representative of the commissioning agencies, the evaluation departments at Sida and Norad, I wish to express thanks to the evaluation team and gratitude to the time and interest invested by all individuals and officials who have participated in the evaluation.

A handwritten signature in black ink, appearing to read 'Joakim Molander'.

Joakim Molander
Head
Unit for Monitoring and Evaluation
Department for Organisational Development
Sida

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Acknowledgements

The Norwegian Agency for Development Cooperation (Norad) and the Swedish International Development Cooperation Agency (Sida) jointly commissioned the Chr. Michelsen Institute to undertake this evaluation of the two countries' aid policies and efforts to promote the rights of the child. Based on four country case studies – Guatemala, Kenya, Mozambique and Sudan – the present report summarises and synthesises the experiences and lessons learned with regard to a range of modes of intervention and approaches. Field work was conducted by four country teams: Claudia Barrientos, Virgilio Álvarez Aragón and John-Andrew McNeish (Guatemala); Arne Tostensen and Jane Amiri (Kenya); Kate Halvorsen, Carmeliza Rosario and Minna Tuominen (Mozambique); and Samia al-Nagar and Liv Tønnesen (Sudan). Their work was invaluable as inputs to this synthesis report.

We also wish to acknowledge the contributions and insights provided by numerous respondents in the field and at home (see appended lists of interviewees) and for the time they generously shared with us. A special word of thanks goes to Leah Junge for assisting the core team in the compilation of project databases from which the country samples of interventions were drawn. The archives and statistical units of Norad, the MFA and Sida also deserve our gratitude. Norad's Elin Røhme deserves special thanks for going out of her way to assist us. In the final stages we benefited from keen proofreading by Camelia Dewan, Kirsti Hagen Andersen and Aled Williams, for which we are most grateful. Our quality assurance team – Wouter Vandenhoele and Sven Hesse – read our work and offered helpful comments.

Finally, we wish to thank the Steering Group. Notwithstanding its shifting composition in the course of the assignment we are grateful for inputs and advice along the way which contributed to improving the end result.

The usual disclaimer applies: this report does not reflect the policies or views of Norad, the Norwegian Ministry of Foreign Affairs or Sida. The responsibility for its contents and any remaining errors rests entirely with the authors.

Bergen, Stavanger and Stockholm, February 2011

Arne Tostensen
Hugo Stokke
Sven Trygged
Kate Halvorsen

Acronyms and abbreviations

AAC	Area Advisory Council (Kenya)
ACRWC	African Charter on the Rights and Welfare of the Child
ADEJUC	Alliance for Communitarian Youth Development (Guatemala)
ADSC	Association for Development and Social Integration of Children (Mozambique)
AECI	Agencia Española de Cooperación Internacional (Guatemala)
AIDS	Acquired Immune Deficiency Syndrome
AIEPI	Public Health and Emergencies (Guatemala)
AIGMIM	Asociación Integral Guatemalteca de Mujeres Indígenas Mam (Guatemala)
Amal	Friends of Children Society (Sudan)
ANE	National Road Administration (Mozambique)
ANPPCAN	African Network for the Prevention and Protection against Child Abuse and Neglect
ARRA	Sudan Relief and Rehabilitation Association
AWEPA	Association of European Parliamentarians with Africa
BAFOPE	Baghdad for Peace (Kenya)
BBC	British Broadcasting Corporation
CAAF	Children Associated with Armed Forces (Sudan)
CAN	National Adoption Council (Guatemala)
CARMMA	National Campaign for Accelerated Reduction of Maternal Mortality (Mozambique)
CBO	Community-Based Organisation
CCI	Charitable Children Institution
CDF	Constituency Development Fund (Kenya)
CEAWC	Committee for the Eradication of the Abduction of Women and Children (Sudan)
CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CFCI	Child Friendly Community Initiative (Sudan)
CFS	Child Friendly Spaces (Sudan)

CHL	Child Helpline (Mozambique)
CIPRODENI	Institutional Coordinator for Children's Rights (Guatemala)
CJIC	Centro Juvenil Ingrid Chauwner (Mozambique)
CJPC	Catholic Justice and Peace Commission
CMI	Chr. Michelsen Institute
COCODE	Departmental Level Development Council (Guatemala)
COINDE	Council of Development Institutions (Guatemala)
COMUDE	Municipal Development Council (Guatemala)
CONACMI	National Committee for the Prevention of Child Abuse (Guatemala)
CONAVIGUA	Coordinadora de Viudas de Guatemala
COPREDEH	Presidential Commission for Human Rights (Guatemala)
CNEM	National Maya Education Council (Guatemala)
CNMC	Comité Nacional de las Mujeres Cooperativistas (Guatemala)
CRADLE	Child Rights Advisory, Documentation and Legal Centre (Kenya)
CREA	Resource Centers for Education and Learning (Guatemala)
CPA	Comprehensive Peace Agreement (Sudan)
CPC	Child Protection Centre
CPU	Child Protection Unit
CRC	Convention on the Rights of the Child
CRLG	Community Radio Listening Groups (Sudan)
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
CUC	Comité de Unidad Campesina (Guatemala)
CWSK	Child Welfare Society of Kenya
DAC	Development Assistance Committee
DCS	Department of Children's Services (Kenya)
DDR	Disarmament, Demobilisation and Reintegration (Sudan)
DEMI	Ombudsman for Indigenous Women (Guatemala)
DFID	Department for International Development (now UKAid)
DPA	Darfur Peace Agreement
EC	European Commission
EPI	Expanded Programme on Immunisation
EUR	Euro (currency)

FBO	Faith-Based Organisation
FIDA	Federation for Women Lawyers (Kenya)
FIFA	Fédération Internationale de Football Association
FGM	Female Genital Mutilation
FLACSO	Faculty of Latin American Social Sciences (Guatemala)
FM	Frequency Modulation (radio)
Forum	Forum for Child Rights Initiatives (Kenya)
FRELIMO	Frente de Libertação de Moçambique
FSP	Family Strengthening Programme (Mozambique)
FUNDESCO	Foundation for Community Development (Guatemala)
GAT	Gabinete de Assuntos Transversais (Mozambique)
GBV	Gender Based Violence
GCN	Girl Child Network
GDP	Gross Domestic Product
GER	Gross Enrolment Rate
GJLOS	Governance, Justice, Law and Order Sector Reform Programme (Kenya)
GNI	Gross National Income
GoK	Government of Kenya
GoM	Government of Mozambique
GoS	Government of Sudan
GoSS	Government of Southern Sudan
GTQ	Guatemalan Quetzal (currency)
GTZ	Gesellschaft für Technische Zusammenarbeit
HAC	Humanitarian Aid Commission (Sudan)
HIPC	Heavily Indebted Poor Country
HIV	Human Immunodeficiency Virus
HQ	Headquarters
HTP	Harmful Traditional Practices
IAS	International Aid Services
ICC	International Criminal Court
ICDP	International Child Development Programme (Mozambique)
ICEFI	Central American Institute for Fiscal Studies
IDP	Internally Displaced Person
IDPP	Institute for Public Criminal Defence (Guatemala)

IEC	Information, Education, Communication (Mozambique)
IEPADES	Institute for Sustainable Development Teaching (Guatemala)
ILO	International Labour Organisation
INE	National Institute of Statistics (Guatemala)
IOM	International Organisation for Migration
JAS	Joint Assistance Strategy
JEM	Justice and Equality Movement (Sudan)
JICA	Japan International Cooperation Agency
KAACR	Kenya Alliance for Advancement of Children
KDHS	Kenya Demographic and Health Survey
KEC	Kenya Episcopal Conference
KeRRA	Kenya Rural Roads Authority
KES	Kenya shilling (currency)
KESSP	Kenya Education Sector Support Programme
KNCHR	Kenya National Commission on Human Rights
KOCH FM	Korogocho Community Radio (Kenya)
KRA	Key Result Area (Kenya)
LDH	Liga dos Direitos Humanos – Human Rights League (Mozambique)
Ley PINA	Ley de Protección Integral de Niñez y Adolescencia (Guatemala)
LRA	Lord's Resistance Army (Uganda)
LRF	Legal Resources Foundation
MDG	Millennium Development Goal
M&E	Monitoring and Evaluation
MED	Maasai Education Discovery (Kenya)
MFA	Ministry of Foreign Affairs
MGSW	Ministry for Gender and Social Welfare (Sudan)
MINEDUC	Ministry of Education (Guatemala)
MMAS	Ministry of Women's Affairs and Social Action (Mozambique)
MoEST	Ministry of Education, Science and Technology (Sudan)
MoGCSD	Ministry of Gender, Children and Social Development (Kenya)
MoH	Ministry of Health (Mozambique)
MoU	Memorandum of Understanding

MP	Ministry of Public Policy (Guatemala)
MSPAS	Ministry of Public Health and Social Assistance (Guatemala)
MTEF	Medium-Term Expenditure Framework
MTSP	Medium-Term Strategic Plan
MYSA	Mathare Youth Sports Association (Kenya)
MZM	Mozambique Metical (currency)
NCA	Norwegian Church Aid
NCKK	National Council of Churches of Kenya
NCCS	National Council for Children's Services (Kenya)
NCCW	National Council for Child Welfare (Sudan)
NCP	National Civilian Police (Guatemala)
NER	Net Enrolment Rate
NGO	Non-Governmental Organisation
NOK	Norwegian krone (currency)
Norad	Norwegian Agency for Development Cooperation
NPA	Norwegian People's Aid
NRC	Norwegian Refugee Council
NYS	National Youth Service (Kenya)
OCHA	Office for the Coordination of Humanitarian Affairs (United Nations)
ODHAG	Human Rights Organisation of the Archbishop of Guatemala
OE	State budget (Mozambique)
OECD	Organisation for Economic Cooperation and Development
OR-E	Other Resources-Emergency
OR-R	Other Resources-Regular
OVC	Orphans and Vulnerable Children
OXFAM	Oxford Committee for Famine Relief
PAF	Performance Assessment Framework (Mozambique)
PAP	Programme Aid Partners (Mozambique)
PARPA	Poverty Reduction Strategy (Mozambique)
PASD	Income Generation Programme (Mozambique)
PES	Economic and Social Plan (Mozambique)
PESS	Health Sector Strategic Plan (Mozambique)
PGB	Geração Biz Programme (Mozambique)

PGN	Attorney General (Guatemala)
PQB	Five Year Programme (Mozambique)
PROSAUDE	Health sector budget support (Mozambique)
PSA	Food Subsidy Programme (Mozambique)
PTA	Parent and Teacher Association
PYM	De Norske Pinsemenigheters Ytre Misjon
QAT	Quality Assurance Team
RENAMO	Resistência Nacional Moçambicana
RENAP	National Registry (Guatemala)
RR	Regular Resources
Sabah	Association for Child Care and Development (Sudan)
SAF	Sudan Armed Forces
SANTAC	Southern Africa Network against Trafficking and Abuse of Children
SCiMoz	Save the Children in Mozambique
SBS	Social Welfare Secretariat (Guatemala)
SCC	Save the Children Coalition (Sudan)
SCC	Swedish Cooperative Centre
SCCW	State Council for Child Welfare (Sudan)
SCG	Save the Children Guatemala
SCN	Save the Children Norway
SCS	Save the Children Sweden
SEGEPLAN	General Planning Secretariat
SEK	Swedish krona (currency)
SF	Strømme Foundation
Sida	Swedish International Development Cooperation Agency
SISTAFE	Public Financial Management System (Mozambique)
SMEP	Small and Micro Enterprise Programme (Kenya)
SNCTP	Sudan National Committee on Traditional Practices
SPLM/A	Sudan People's Liberation Movement/Army
SPSS	Statistical Package for the Social Sciences
SRH	Sexual and reproductive health
SRRA	Sudan Relief and Rehabilitation Association
STD	Sexually transmitted disease
SWAP	Sector-wide Approach
TFL	Theatre for Life (Sudan)

ToT	Training of Trainers
UEM	Universidade Eduardo Mondlane (Mozambique)
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDEC	United Nations Office on Drugs and Crime
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCHR	United Nations High Commissioner for Human Rights
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Fund for Women
UK	United Kingdom (of Great Britain and Northern Ireland)
USAID	United States Agency for International Development
USD	United States dollar (currency)
VAT	Value added tax
VCT	Voluntary counselling and testing
WASH	Water, Sanitation and Hygiene
WHO	World Health Organisation

Executive summary

MAIN FINDINGS AND CONCLUSIONS

1. Interventions supporting child rights should reflect the four main principles of the Convention on the Rights of the Child (CRC): (i) non-discrimination; (ii) the right to life, survival and development; (iii) the right to express views and be heard; and (iv) the best interest of the child. A child rights perspective is integrated to the extent that interventions embody these principles.
2. The principle of *non-discrimination* addresses in particular children whose rights require special measures. Interventions addressing the plight of Maya children in Guatemala, Maasai girls and deaf children in Kenya, trafficked children in Mozambique and girls subjected to female genital mutilation (FGM) in Sudan all protect these vulnerable groups from discrimination.
3. The principle of the *right to life, survival and development* is covered by interventions advancing the child's physical, mental, spiritual, psychological and social development in a holistic manner. Large parts of the aid portfolios do address development in this broad manner, especially in health and education. This principle is well covered by aid interventions in the four countries.
4. With regard to the principle of *the right to express views and be heard* the results are not encouraging. Child participation has been more tokenistic than substantial. We have not found evidence of children's influence in decision-making.
5. The principle of *the best interest of the child* is essentially one of mainstreaming. Covering both public and private bodies, it cuts across all decisions and actions affecting children. Not only should this principle be heeded in all types of interventions, it should also be adhered to in advocacy, legislation, policy-making and all sorts of administrative decisions.
6. With regard to *effectiveness*, we found considerable achievement of results in all four countries, albeit measured in terms of outputs rather than outcomes. What works and what does not

depends on the policy and political context rather than the design of the aid interventions as such.

7. *Relevance* is assessed both in terms of the normative standards of the CRC and the aid policies of Norway and Sweden. Generally, the aid portfolios are aligned with both the CRC and the aid policies of Norway and Sweden. However, we found no evidence that the concluding observations of the CRC Committee are being used to guide the priorities of the aid programmes.
8. In respect of *sustainability*, all four countries surveyed have ratified the CRC and are bound to take legislative, policy, administrative action to honour their legal obligations. The degree of commitment varies considerably across the four countries surveyed and their resource endowment makes external assistance necessary for the foreseeable future. In other words, sustainability is fragile.
9. The evaluation paid considerable attention to the pros and cons of mainstreaming. Mainstreaming is very ambitious, requiring the entire organisation to be capable of implementing it, e.g. possessing the requisite knowledge and practical skills to infuse every intervention with a child rights perspective. Although Sida has to a limited extent been successful in mainstreaming child rights there is much scope for improvement. As a concept mainstreaming is sound but donors underestimate the resources required to make it work. The question is not whether mainstreaming is feasible but whether Sida is prepared to make available the necessary resources to implement it.
10. The merits of targeted interventions are comparatively quick results while the main weaknesses are limited coverage, short duration and low sustainability. By contrast, mainstreaming is slower in producing results and more resource-demanding, though with better prospects of long-term sustainability. However, mainstreaming and targeting are not mutually exclusive. Rather, they are complementary strategic prongs.
11. A functioning and sustainable system for ensuring child rights can only be state-based. No matter how dedicated and diligent civil society organisations (CSOs) might be, they will never be able to replace the state and sustain a nationwide child protection system. This reasoning underpins a strong case for state-to-state cooperation. However, state-to-state cooperation tends to move slowly and be affected adversely by a volatile political

environment. However, advocacy and watchdog functions can only be credibly performed by civil society organisations independent of the government, not least in monitoring the implementation of the CRC.

12. As a multilateral agency, UNICEF – in conjunction with national governments – has played a major role in supporting child rights in many countries, not least in the building of institutional capacity. UNICEF has also provided significant policy inputs and a wealth of information on the situation of children.
13. The avoidance of detailed earmarking and abstention from micro-management are features of Norwegian and Swedish assistance that are highly appreciated by civil society partners working in the child rights field. This posture reflects a measure of trust in the partners and affords them a degree of autonomy.
14. We are concerned over UNICEF acting as a conduit for bilateral support to domestic CSOs. While this may have been motivated by a wish to cut administration costs at the embassy level, we doubt whether costs are really reduced in the aggregate. Furthermore, such an oversight function may constrain the autonomy of domestic CSOs and make civil society less pluralistic.

GENERAL RECOMMENDATIONS

15. We strongly recommend using the CRC, in particular the ‘Concluding Observations’ of the CRC Committee and other relevant sources of information, as an important source and guide for political dialogue as well as the programming of aid towards promoting child rights.
16. We reiterate that all interventions for the benefit of children should be informed by the general principles of non-discrimination, the best interests of the child, the rights to express views and be heard; and the rights to life, survival and development.
17. We recommend and reiterate that interventions should follow a rights-based approach whose core principles are participation, accountability, non-discrimination, empowerment and linkage to human rights norms. Efforts to put these principles into actual practice should be strengthened.
18. We recommend that Norway adopt a mainstreaming prong complementary to targeting, similar to that of Sweden. Given the legal status of the CRC in Norwegian law, there is a very strong case for applying it to foreign policy and development

cooperation in particular. General Comment no. 5 of the CRC treaty body further underscores mainstreaming as a requirement. This recommendation of principle is made notwithstanding the operational challenges it entails.

19. In view of the fact that many interventions have not provided adequate space for the participation of children in all phases of the project cycle, we recommend that Norad/MFA and Sida give serious thought as to how children should become more involved in all project activities, from design to evaluation, and to utilise tools and methodologies developed for this purpose.

SPECIFIC RECOMMENDATIONS

20. Concerned about projects supporting institutionalised care of children in view of the clear CRC emphasis on family-based care, we recommend that institutionalised care be a measure of last resort when no other option is feasible.
21. Also concerned about projects making services and benefits to children conditional upon religious service attendance, we recommend that careful thought be given to these issues so as not to contradict the children's freedom of religion and worship.
22. We are similarly concerned about projects involving child labour and recommend that – if child labour is unavoidable in certain circumstances, appropriate measures should be taken to avoid adverse affects on schooling and child health.

RECOMMENDATIONS REGARDING MANAGEMENT

23. We recommend that the aid authorities in Norway and Sweden consolidate the information pertaining to interventions into one comprehensive database and to devise an information system whereby documentation can be easily retrieved.
24. We recommend that better policy compliance procedures be put in place between the head offices of the MFA/Norad/Sida and the embassies. Child rights are currently not given enough attention in field operations and this has to be rectified. Tools towards that end should be developed and applied.

RECOMMENDATION REGARDING THE ROLE OF EMBASSIES

25. We recommend and reiterate that both Norwegian and Swedish embassies should take an active interest in interacting with the governments concerned, both in following and engaging in child-related law and policy issues and in discussing with government counterparts how Norwegian and Swedish assistance could best be utilised in order to advance the rights of the child. This should be a component of the political dialogue. We also recommend dialogue with and support to human rights commissions and ombudspersons to the extent these institutions are engaged in promoting child rights.

OPERATIONAL RECOMMENDATIONS

26. We recommend that exit strategies for interventions benefiting children, particularly vulnerable categories of children, be communicated well in advance and that decisions regarding the termination of funding always be considered from the viewpoint of the best interests of the child.
27. For initiatives such as ‘Mainstreaming in Action’ in Kenya to have lasting effect, we recommend that they be repeated on a regular basis and replicated in other countries with a view to ensuring that child rights become a permanent feature of all programmes.
28. We recommend that a proper balance be struck between the hardware (equipment, infrastructure) and the software (human resources) components of interventions as some projects have emphasised one component at the expense of the other;
29. In situations of armed conflict and humanitarian crisis, child rights are at risk of being crowded out due the urgency of other matters of high priority. We recommend that in such circumstances, concern for the well-being of children be prioritised as children are often innocent victims of these adverse conditions.
30. We recommend that Norad/MFA and Sida continue taking a long-term perspective in interventions in the field of child rights. This would allow for better planning and a degree of flexibility to respond to shifting circumstances.

31. While observing a balance between autonomy and control, avoidance of detailed earmarking and abstention from micro-management are features of Norwegian and Swedish assistance that are highly appreciated by civil society partners. The same posture should be maintained in the future;
32. The concept of sustainability may not be applicable to interventions that are advocacy in nature and we recommend that Norad/MFA and Sida take this into consideration when making funding decisions. Results of advocacy in terms of law and policy changes may be uncertain and take considerable time. Donor emphasis on producing quick results should not lead to advocacy activities being disadvantaged.
33. Notwithstanding the importance of anchoring interventions in local communities to enhance sustainability, we warn against romanticising communities as always being supportive of child rights. It should be recalled that many harmful practices are deeply rooted in local cultures, e.g. FGM, early marriages and corporal punishment. We recommend, therefore, that even interventions that enjoy little support in local structures may be justified if they are in conformity with the CRC.

RECOMMENDATIONS REGARDING AID MODALITIES

34. As no conclusive evidence was found as to whether or not general budget support has had beneficial effects in terms of child rights promotion, we offer no clear recommendation on the utility of general budget support as a tool for promoting child rights, notwithstanding whatever other merits this mode of aid may have.
35. Having noted that mainstreaming has not been a resounding operational success, we nonetheless recommend that it be retained with regard to Swedish aid (see corresponding recommendation number 20 above with regard to Norway), with the proviso that commensurate financial and human resources are made available.
36. There is room for supporting targeted interventions by CSOs as these interventions fill gaps identified by the CRC Committee, the government and their aid counterparts. We recommend, therefore, that such support be continued;

37. In addition to their role as service providers, CSOs have important watchdog and advocacy functions in lobbying for legislative and policy changes. Norway and Sweden should support such activities as well, which may be harder to assess in terms of tangible results, yet important in the long term.
38. UNICEF plays a key role in advancing child rights and we recommend continued funding along the same lines as hitherto.
39. It is not appropriate for a multilateral agency to act as a conduit and overseer of bilateral support to CSOs. We recommend, therefore, that Norway and Sweden desist from using UNICEF as a conduit for support to domestic CSOs.

1 Introduction

This report synthesises the findings and lessons learned from an evaluation of Norway's and Sweden's aid interventions intended to promote child rights in four countries: Guatemala, Kenya, Mozambique and Sudan. As such, it is of a different order than 'normal' in-depth evaluations of specific interventions, even if limited samples of interventions have been scrutinised in some depth. Essentially, this evaluation is based on other evaluations already completed and supplementary secondary and tertiary sources. It aggregates findings from available material, complemented by information derived from interviews with stakeholders directly involved.

The evaluation marks the 20th anniversary of the United Nations Convention on the Rights of the Child (CRC) which contains four general principles: (i) non-discrimination; (ii) the right to life, survival and development; (iii) the right to express views and be heard; and (iv) the best interest of the child. General Comment no. 5 (2003) of the CRC treaty body expounds and interprets these principles.

With reference to non-discrimination, the CRC Committee states that in terms of Article 2 of the Convention the:

... non-discrimination obligation requires States actively to identify individual children and groups of children the recognition and realisation of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified. Addressing discrimination may require changes in legislation, administration and resource allocation, as well as educational measures to change attitudes. It should be emphasised that the application of the non-discrimination principle of equal access to rights does not mean identical treatment. A general comment by the Human Rights Committee has underlined the importance of taking special measures in order to diminish or eliminate conditions that cause discrimination (General Comment no. 5 (2003), para 12).

It is noteworthy that the treaty body emphasises the need for a pro-active stance, which, in turn, would require differentiated treatment of beneficiaries based on disaggregated data by a range of parameters, e.g. gender, ethnicity, race, language, etc. Such a pro-active pos-

ture may necessitate the enactment of new legislation and the reordering of resource allocations.

Similarly, Article 6 of the Convention on the child's inherent right to life is interpreted in the following words with reference to the obligation to ensure to the maximum extent possible the survival and development of the child:

The Committee expects States to interpret 'development' in its broadest sense as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development. Implementation measures should be aimed at achieving the optimal development for all children (General Comment no. 5 (2003), para 12).

It is highly significant that the Committee adopts a comprehensive understanding of the term development. It is indeed an ambitious proposition.

With regard to Article 12 on the right to express views and be heard the CRC Committee is emphatic:

This principle, which highlights the role of the child as an active participant in the promotion, protection and monitoring of his or her rights, applies equally to all measures adopted by States to implement the Convention. Opening government decision-making processes to children is a positive challenge which the Committee finds States are increasingly responding to. (...) But appearing to 'listen' to children is relatively unchallenging; giving due weight to their views requires real change. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights. (...) [A]rticle 12 requires consistent and ongoing arrangements. Involvement of and consultation with children must also avoid being tokenistic and aim to ascertain representative views. (...) It is important that Governments develop a direct relationship with children, not simply one mediated through non-governmental organisations (NGOs) or human rights institutions (General Comment no. 5 (2003), para 12).

The CRC Committee underscores that the involvement of children is not a commitment to be taken lightly by the duty-bearers. It warns against tokenistic behaviour and stresses direct interaction with children rather than representation through intermediaries such as CSOs who ostensibly act on children's behalf. The involvement of children is not only an end in itself, it is essentially a means to an end. Involving children is a democratic procedure for assuring that

the Convention is actually implemented from a ‘bottom-up’ perspective.

The principle of the best interest of the child is akin to the right to be heard.¹ It is not an output principle leading to tangible results. Rather, it reflects an attitude or a mindset that all stakeholders are expected to assume when dealing with children and matters that affect children. In effect, it is a mainstreaming principle:

Article 3 (1): the best interests of the child as a primary consideration in all actions concerning children. The article refers to actions undertaken by ‘public or private social welfare institutions, courts of law, administrative authorities or legislative bodies’. The principle requires active measures throughout Government, parliament and the judiciary. Every legislative, administrative and judicial body or institution is required to apply the best interests principle by systematically considering how children’s rights and interests are or will be affected by their decisions and actions – by, for example, a proposed or existing law or policy or administrative action or court decision, including those which are not directly concerned with children, but indirectly affect children (General Comment no. 5 (2003), para 12).

It should be noted that the best interest of the child principle applies as a primary consideration not only to the principal duty-bearers but to all public and private institutions alike, i.e. to all citizens in general, including civil servants, the legal profession, the police, and civil society activists. The extent to which the best interest of the child is actually respected and observed is largely a reflection of the status of children in society and the general awareness of child rights among the population at large. We are inclined to put all interventions pertaining to child-friendly legislation and policy-making under this principle because such actions would most likely be applicable generally. Furthermore, the principle applies across the board to all actions concerning children as well as those actions and decisions not immediately perceived to affect children directly. The treaty body could hardly have put it more clearly that this is a mainstreaming requirement.

Significantly, signatories to the Convention are also required to engage in international cooperation, which may include the provision of development assistance (Article 4). The CRC Committee

¹ For a thorough discussion of this principle, see Philip Alston (ed.) (1994, *The Best Interest of the Child: Reconciling Culture and Human Rights*, Oxford: Clarendon Press.

advises the state parties that the Convention should form the framework for international development assistance related directly or indirectly to children and that programmes of donor states should be rights-based. State parties are expected to indicate on an annual basis the proportion of international assistance earmarked for the implementation of children's rights. Furthermore, country-led strategies for achieving the MDGs must include a strong focus on children's rights and governments, donors and civil society are urged to ensure that children are prioritised in the development of Poverty Reduction Strategy Papers (PRSPs) and sectorwide approaches to development (SWAPs). The UN and UN-related agencies should mainstream children's rights throughout their activities, and the World Bank, the International Monetary Fund (IMF) and the World Trade Organisation (WTO) should ensure that their activities give primary consideration to the best interest of the child (General Comment no. 5 (2003), paras 61–64).

All of the above principles and the CRC in general underpin the policies of Swedish and Norwegian aid agencies and should inform the child rights promotion of the four countries under scrutiny. Under the CRC, the signatories are required to report periodically on the implementation of the convention in their respective countries. We have perused the reports of the four relevant countries and considered the 'Concluding Observations' from the CRC Committee after its review of and deliberation on the country reports. The 'Concluding Observations' identify gaps and areas where the countries concerned need to improve performance in order to reach acceptable standards. We have juxtaposed the 'Concluding Observations' with the portfolio of aid interventions supported by Norway and Sweden to determine the degree to which they are aligned.

1.1 BACKGROUND

This evaluation was commissioned jointly by the Norwegian Agency for Development Cooperation (Norad) and the Swedish International Development Cooperation Agency (Sida) with the dual purpose of: (a) summarising results achieved in order to account for the efforts and resources invested by Norway and Sweden in development co-operation in support of child rights; and (b) contributing to continuous learning and development of policies, strategies and methods based on the lessons learned derived from the experiences

of Norwegian aid authorities – including the MFA and Norad – and Sida, in promoting child rights (see the appended (ToR).

The evaluation has sought to ascertain the results at the outcome (and where possible impact) level of interventions to which Norwegian and Swedish development cooperation and humanitarian support have contributed, and to identify what factors and contexts have facilitated or impeded the achievement of these results. Furthermore, the evaluation addresses how (if at all, in what way and to what extent) child rights have been strengthened with regard to building the capacity of duty-bearers to fulfil their obligations. Moreover, the evaluation has endeavoured to assess the extent to which the rights holders (girls and boys) are capable of claiming their rights and how Norwegian and Swedish aid has enhanced their ability to do so. In addition, the evaluation has explored what types of intervention (modalities) have worked or not worked in order to strengthen child rights. Finally, the evaluation has considered the protection of child rights in humanitarian emergencies. A comparison of different approaches and contexts has helped to account for varying results.

Of the five OECD/DAC evaluation criteria the evaluation is devoting particular attention to three: relevance, effectiveness, and sustainability. We have assessed *relevance* not primarily in relation to the Millennium Development Goals (MDGs) but rather more to the alignment of Norwegian and Swedish interventions with the ‘Concluding Observations’ by the CRC treaty body to the state parties’ periodic reports. These observations reflect the child rights concerns that the partner countries ought to prioritise. We have assessed how well Norwegian and Swedish interventions have helped to address those concerns. *Effectiveness* has been assessed primarily in terms of observed or documented results at the medium-term outcome level. While the evaluation does not focus on long-term and generalised *impact*, we assess the lasting effects primarily in the context of sustainability prospects. The *sustainability* criterion addresses the durability of effects after the withdrawal of aid interventions.² We discuss this criterion principally in relation to modes of intervention such as state-to-state collaboration vs. support through civil society.

2 As far as Norway is concerned, see Norad/Ministry of Foreign Affairs, *Assessment of Sustainability Elements/Key Risk Factors: Practical Guide*, Oslo: Norad, June 2010. Available at <http://www.norad.no/en/Tools+and+publications/Publications/Publication+Page?key=109620>.

Taking cognizance of the different approaches to child rights promotion by Norway and Sweden, and the varying contexts in which the assistance has been extended, the evaluation has sought to answer a series of questions. The first main preoccupation relates to *processes* of integrating a child rights perspective into development cooperation. In this regard we devote considerable attention to the pros and cons of mainstreaming as distinct from child-targeting, while at the same time contextualising those modes of intervention and their combination.

The other main preoccupation has to do with the tangible *results* stemming from various interventions. It should be noted in this regard that we have had occasion to scrutinise only a small sample of interventions in the country studies. The results from these interventions have been synthesised but it should be borne in mind that such limited samples make generalisation doubtful. Contextualisation is equally important in the assessment of results.

The results have been assessed in terms of the objectives of the sampled interventions, bearing in mind the overriding principles of the CRC referred to above. In addition to tangible outcomes, attention has been paid to the strengthening of *systems* and the *capacities* of duty-bearers to fulfil their obligations and those of rights holders to claim their rights. When assessing the results we have looked at the factors that have facilitated or thwarted their achievement. Such factors include approaches, modalities, channels and contexts.

Contextual analysis has been critical for our assessment of outcomes. Context refers to the macro situation – e.g. the nature of the political regime and its stability; the policy and institutional environment – as well as circumstances affecting individual interventions at the micro level such as local cultures and practices. Throughout the evaluation we have considered three key principles of the Paris Declaration on Aid Effectiveness – harmonisation, alignment and ownership – and their bearing on the interventions under scrutiny.

We have endeavoured to adhere to the OECD/DAC Quality Standards for Development Evaluation (OECD/DAC 2010). However, certain conditions adversely affected our work including logistics, time and resource constraints, negative attitudes or indifference on the part of some stakeholders, natural calamities, etc. Notwithstanding these constraints, we have approached our evaluands in a systematic manner to collect the necessary data from a wide variety of primary and secondary sources.

1.1.1 Phases

The Chr. Michelsen Institute (CMI) embarked on the assignment and produced an inception report setting out its approach, methodology and time schedule. The work was divided into five phases (see the ToR for details): (i) inception; (ii) mapping of portfolios; (iii) results assessment (country case studies); (iv) synthesis (conclusions and lessons learned); and (v) recommendations. The inception and mapping phases were purely preparatory. The former was merely a planning document and the latter served as a basis for drawing samples of interventions to be scrutinised in greater detail during field work in the course of the results assessment phase. The four country case studies are the real ‘meat’ of the evaluation and the synthesis of these forms the quintessence of this report. The conclusions, lessons learned and recommendations were split into two discrete phases in the ToR. However, we have combined them in the synthesis report because the recommendations follow more or less directly from the conclusions and the lessons learned. We see no justification for separating those two phases.

1.1.2 Team composition and organisation

The CMI composed a core team and four country study teams to conduct the evaluation. The core team has consisted of Arne Tostensen (team leader), Kate Halvorsen, Hugo Stokke, and Sven Trygged. The Guatemala country team originally comprised John McNeish with Facultad Latinoamericana de Ciencias Sociales Sede Académica Guatemala (FLACSO) as the local partner institution. However, a contingency arose when a volcano erupted and the tropical storm Agatha swept Guatemala in June 2010, causing devastation and a state of emergency in the country. As a result, McNeish never reached his destination and was thus prevented from joining his collaborators. Consequently, the field work – in adverse circumstances causing delays – and the write-up were done by Claudia Barrientos, Virgilio Álvarez Aragón and their FLACSO associates. McNeish has been backstopping from Bergen and translated the report from Spanish into English.

The Kenya country team consisted of Arne Tostensen and Jane Amiri, while Kate Halvorsen, Minna Tuominen and Carmeliza Rosario formed the Mozambican team and Liv Tønnessen teamed up with Samia el Nagar in Sudan. Field work was undertaken from late May until mid-August 2010. The four country case studies are

appended as separate texts in condensed form.³ Yet, they form the basis, with other relevant material, of this synthesis report that has been produced by the core team.

A separate quality assurance team (QAT) was formed to ensure that quality standards were maintained. The QAT comprised Prof. Wouter Vandenhoele, Prof. Sven Hesse and CMI's deputy director, Arne Strand.

A Steering Group was established by the evaluation units of Norad and Sida to oversee the work of the consultants and to provide feedback and advice throughout the evaluation process.

1.1.3 Diverging approaches by Norway and Sweden

While both Norway and Sweden take their cues from the CRC they have adopted somewhat different approaches and priorities in their policy and practice.

According to its most recent strategy on children, the Norwegian government is pursuing three complementary approaches to promoting the rights of the child (Norwegian Ministry of Foreign Affairs 2005). First, it applies a rights-based approach which identifies rights holders and duty-bearers. This conceptual foundation adds weight to the interventions. Second, it focuses on children and young people, keeping in mind their vulnerability as well as their autonomy. A differentiation is made between different age brackets, e.g. children and adolescents, and socially vulnerable groups and groups at risk are identified – especially girls in early adolescence who are vulnerable to unwanted pregnancy and childbirth, and forced marriages. Third, a gender perspective is applied which means that attention is drawn to the differential treatment of boys and girls within households and the exposure of girls to specific risks such as sexual abuse. A cross-reference is relevant to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Within its strategy for promoting child rights Norway is according priority to four areas or modes of intervention: (a) education; (b) health; (c) protection; (d) participation. In order to implement the strategy, certain instruments are applied in terms of action:

- Appointing a special ambassador for child rights. This arrangement was discontinued recently and replaced by a 'child team' with responsibility for follow-up in all relevant sections (*Aftenposten* 9 and 14 February 2010; Hjelde 28 April 2010);

- Designating one person at HQ/embassy responsible for children and young people;
- Compiling and using checklists to assess policy impact on children;
- Conducting baseline studies on critically vulnerable groups;
- Undertaking analyses in partner countries and multilateral agencies with a view to identifying agents of change towards the fulfilment of child rights.

Norway's humanitarian aid policy rests on four main pillars (Norwegian Ministry of Foreign Affairs 2008): (a) Norway aims to be one of the leading political and financial partners in humanitarian assistance; (b) the 'Norwegian model' is applied: close cooperation but clear division of roles between the government and NGOs; (c) a 'robust' administration of humanitarian assistance with flexibility and ability to act quickly when humanitarian emergencies arise. For this purpose a special administrative section is dedicated to handling humanitarian aid; and (d) the policy is conflict-sensitive.

Like Norway, Sweden also takes its cue from the four general principles of the CRC in its strategy for promoting the rights of the child. Sida estimates that roughly 60 per cent of social sector allocations benefit children in one way or another, probably even more for the sub-sectors of health and education. In bilateral negotiations Sida considers the submitted CRC country reports of partner countries.

The Swedish government has established a ten-point programme (Skr 2001/02: 86) to inform interventions in favour of child rights: (i) put children first; (ii) listen to the children; (iii) invest in the future; (iv) exclude no one; (v) education for all; (vi) equal opportunity for girls and boys; (vii) health for all; (viii) protect children in war; (ix) combat HIV and AIDS; (x) stop exploitation of children. These points are intended to guide all planning, appraisal, design, implementation, monitoring and evaluation of aid interventions. Sida's approach comprises four areas of strategic action: (a) social reform; (b) health and health services; (c) education; and (d) disadvantaged children.

In the implementation of its strategy Sida has opted for mainstreaming child rights in all aid interventions across the board. This approach is very ambitious and some tools have been developed for that purpose. Complementary to its mainstreaming strand Sida also engages in child-targeted interventions through civil society organisations (CSOs) and/or multilateral agencies. Otherwise, Sida

endeavours to bring the child rights perspective into negotiations with partners.

Sweden's humanitarian aid policy is guided by four basic principles: (a) humanity; (b) impartiality; (c) neutrality; and (d) independence. The policy goals are three-fold: (i) saving lives; (ii) alleviating suffering; and (iii) maintaining human dignity (Swedish Ministry of Foreign Affairs 2004). Humanitarian assistance is provided partly as material aid and partly as protection. The policy mainly targets the civilian population, but wounded and sick soldiers in war, and the population at large in disaster situations are also covered. There has been a substantial expansion of humanitarian aid allocations over the years.

A range of policy instruments and considerations is applied: (i) diplomacy; (ii) delivery by civilian entities; (iii) special attention devoted to those most in need – women, children, the elderly, and people with disabilities; (iv) protection of children with respect to health, food and education; (v) consideration of the impact of humanitarian activities on conflict patterns and dynamics; and (vi) avoidance of a gap between humanitarian action and long-term development programmes.

There are both commonalities and differences in the approaches and methodologies of Norway and Sweden to child rights promotion. Both countries take their points of departure in all articles of the CRC, and it is clear that health, education and the protection of disadvantaged and vulnerable children, including in conflict situations, are priorities for both.

Differences between the approaches of Norway and Sweden are also evident. While Sida mentions the possibility of transferring Swedish experiences with social reform to partner countries, Norway is silent in that respect. Norway, for its part, puts policy emphasis on child participation as one main area of support. Whereas Sweden has adopted a combination of mainstreaming and child-targeting, Norway has opted primarily for child-targeted interventions. Otherwise, Sweden appears to have gone much further than Norway in assessing how general policies and principles can be made operational in the field.

The humanitarian assistance policies of the two countries are guided by the same general principles and are largely similar. But that of Norway is spelled out in greater detail though not necessarily as it relates to children, and appears more ambitious.

2 Approach and Methodology

Evaluations in the past have often been conducted largely detached from the stakeholders directly concerned, i.e. those who are intended to derive lessons from evaluations for the purpose of adjusting the designs or course of interventions.⁴ However, when evaluations are conducted in this manner the majority of the lessons learned are rarely fed back to the ultimate users and taken into account. The evaluation reports are surely submitted but all too often shelved without being acted upon. Thus, their heuristic value is largely lost. In view of these past experiences efforts have been made to make this evaluation utilisation-focused (Patton 2008). To forestall the loss of learning we have paid attention to the procedures and tools applied in the *process* leading to tangible results in addition to the assessment of results *per se*. Both process and results are of relevance to this evaluation. Thus we have endeavoured to bring the evaluation closer to the stakeholders, notwithstanding the time constraints. The results–process nexus is a key element to ensure a focus on utilisation. A utilisation-focused evaluation is based on the premise that evaluations should be judged by their utility and actual use. Therefore, evaluators should design any evaluation and conduct the evaluation process from beginning to end with careful consideration of how it ultimately will affect use. The intended users are at the centre of attention, i.e. an array of potential stakeholders. The evaluators are expected to facilitate judgment and decision-making by the intended users rather than acting as a distant, independent judge. In other words, a utilisation-focused evaluation should ideally be working with clearly identified, intended primary users who are responsible for applying the evaluation findings and implementing the recommendations. In the case of this child rights evaluation the stakeholders are aid agency and embassy staff and other actors – e.g. in civil society – who are implementing projects on behalf of the funding sources, and above all the ultimate beneficiaries: children. We consider the principal users of this evaluation to be the aid personnel in Oslo and Stockholm and at the embassies, as well as rele-

⁴ This section on utilisation-focused evaluation draws on Michael Quinn Patton, *Utilization-Focused Evaluation*, London: Sage Publications, 2008.

vant authorities in the four countries. Since we have not conducted in-depth evaluations of specific interventions the utilisation value to other stakeholders is likely to be more limited.

Whereas conventional evaluation practice takes an arm's length posture to the evaluation object and the stakeholders involved in order to buttress independence and impartiality, the utilisation-focused approach is distinguished by its closeness to the intended users. The former has tended to be divorced from the users to the extent that the findings and lessons learned are compiled in unread reports. The latter, on the other hand, is more likely to create ownership of the evaluation process and findings among the stakeholders because they have been actively involved. In effect, the evaluation would thus become a training exercise with a view to preparing the groundwork for use, and reinforcing the intended utility of the evaluation every step along the way. However, there is a risk that the utilisation focus and close relationship with the stakeholders might jeopardise the independence and impartiality of the evaluation.

The selection of our respondents was deliberately tilted towards stakeholders in the field under the assumption that, on account of their being directly involved in implementation, they would be best placed to provide informed assessments of the challenges encountered. They would also be the principal users of the recommendations stemming from the evaluation. Nonetheless, we also interviewed some stakeholders and key decision – and policy-makers in Oslo and Stockholm.

It should be noted, however, that the optimal conditions for conducting a utilisation-focused evaluation did not exist in this particular case. The time constraints put an effective limitation on the interactive process between the evaluators and the intended primary users. During field work the investigation was not as deep as desired and a number of loose ends were left unattended. Even so, our close liaison with the Steering Group and its wider reference groups has served the purpose of creating ownership. The feedback meetings with stakeholders in Oslo and Stockholm on the draft report were particularly useful towards that end. Similarly, the interaction through two in-country workshops with the respective embassies and the stakeholders in the countries concerned contributed to the same end, even though the observed interest taken by stakeholders varied considerably.

The children in the four countries are one of the key stakeholders. In its General Comment No. 12 on the right of the child to be heard

the Committee on the Rights of the Child (2009) reiterated emphatically this right enshrined in Article 12 of the CRC. The evaluation took its cue from this article and its authoritative interpretation by the treaty body and did ensure participation by children as informants. For this purpose we used focus group discussions with different categories of children, even though we had no opportunity to ascertain their representativeness. Admittedly, however, we felt uneasy about the way in which we involved children, owing, above all, to our time constraint. The Committee on the Rights of the Child in the General Comment, referred to above, criticises state parties and others for just going through the motions of involving children to create a semblance of participation. The Committee labels such practices ‘tokenistic approaches’ (2009:para 132). We feel this criticism applies to the evaluation team and our clients alike, not because it was willed but rather because the available resources, especially time, were incommensurate with the ambition. Perhaps with the exception of Mozambican children we are not confident that the time spent with the children was adequate to create rapport to enable a trusting conversation through which the children could speak freely and frankly.

The country teams basically used three methods of information gathering: (a) perusal of a large number of available reports of variable quality; (b) personal interviews (using semi-structured interview guides) with key stakeholders (see the appended lists of interviewees), including children; and (c) direct observation at selected project sites. The information was then collated, analysed and up to a point validated through workshops and e-mail exchanges. The four country case studies in abridged form are appended to this report and will be made available in full as working papers to be read separately. Still, they are the foundation of the lessons learned and recommendations contained in this synthesis report.

The compressed time schedule of the field work and the busy schedules of many key informants made it difficult to secure interview appointments. The CSO category of respondents was comparatively amenable due to their dependence of funding. In other words, they had a strong incentive to accommodate the evaluators. By contrast, government officials tended to be elusive. The reasons might be legitimate, e.g. they were constrained by time or other concerns that took priority over meeting a delegation of evaluators. The embassies of Norway and Sweden assumed widely divergent atti-

tudes, ranging from totally dismissive to accommodating and very helpful.

The special conditions obtaining in Guatemala due to natural disasters presented great challenges. The vastness of Sudan as one country yet two systems also presented tough challenges of logistics. It should be noted that in all country cases the evaluation team had no choice but to centre attention on the capitals, notwithstanding a few trips to remoter areas. The time did not allow for extensive travelling and the sampling of intervention was to some extent influenced by such logistical factors. This should be borne in mind when considering representativeness.

3 Mapping of Portfolios

The respective portfolios of Norway's and Sweden's interventions were mapped to provide a basis for the selection of samples to be subjected to closer scrutiny at the country level. As noted above Norway and Sweden have adopted different approaches to the promotion of child rights. While Norway pursues a policy of intervention by means of dedicated child rights projects whose primary intended beneficiaries are children, Sweden has opted for a mainstreaming approach. The latter entails that, in principle, *all* Swedish projects regardless of specified target group or sector are to be subjected to mainstreaming in terms of child rights as a cross-cutting concern. The overall mainstreaming approach does not mean, however, that the Swedish portfolio is devoid of child-targeted interventions. A fair proportion of the total portfolio is in fact of that nature. These differing approaches had far-reaching implications for the mapping exercise. First, the size of the Swedish portfolio was understandably much larger than that of Norway on account of its broader coverage of all projects across the board. By contrast, the Norwegian portfolio was comparatively neat and manageable. Second, the selection of Swedish projects for in-depth scrutiny was far more complex and demanding.

3.1 NATURE OF PORTFOLIOS

The information compiled in the portfolios was extracted from different sources which were by no means perfect for the purpose of an evaluation like this one. But the result was as good as it gets within the constraints of the design of the databases available (for financial management purposes mainly) and our time constraints. Below we make a few comments and qualifications as to the reliability and coverage of the databases which to some extent are likely to have impinged on the selection of interventions. We treat the two donor countries separately.

3.1.1 Norway

The Norwegian portfolio, containing 454 entries, was compiled from Norad's statistical database which comprised projects funded

by both the Ministry of Foreign Affairs (MFA) and Norad. This database is derived from the allocations of funds and specifies entries somewhat more detailed than its Swedish counterpart. In compiling the database two filters were used to extract only child-targeted interventions: the OECD/DAC ‘policy marker’ and the internal ‘focus area’ label, both indicating children as principal beneficiaries. For comparative purposes the Norwegian portfolio of *all* projects across the board, corresponding to the global Swedish database discussed below, comprised altogether 5,307 entries.

Individual officers in Norad and the MFA are charged with affixing these markers to the projects which allows some scope for discretion. Civil society organisations receiving funding from Norad also suggest classification of their projects. We have had no way of ascertaining whether the practice is uniform and consistent. This is, therefore, a potential source of error in the database. Be that as it may, we are reasonably assured that the database as compiled covered Norwegian aid interventions specifically favouring children and their rights over the period 2001 through 2009.

Apart from the statistical database – which is rather parsimonious in terms of substantive information – we made extensive searches for substantive documents in the archives of both Norad and the MFA, which are maintained separately. Documents are filed in three different places – whether electronically (of newer origin) or in hard copy (before 2003): in Norad; at MFA headquarters; and in the respective embassies. In Norad two databases were our sources of information: Public 360 and PTA (an acronym for ‘Plan/Tiltak/Avtale’ [Plan/Intervention/ Agreement]), which is Norad’s financial management system.

The civil society department of Norad continues to be the main source of funding for NGOs, to the larger ones of which through comprehensive framework agreements or bloc grants subsuming a range of discrete interventions.⁵ Information on the breakdown of sub-projects under the framework agreements could only be obtained from the NGOs themselves and the embassies.

With the devolution of considerable decision-making authority to the embassies, much documentation was available at the country level only. We contacted embassies ahead of field work for the pur-

5 See Norad, *Principles for Norad’s Support to Civil Society in the South*, Norad: Oslo, May 2009. Available at <http://www.norad.no/en/Tools+and+publications/Publications/Publication+page?key=124830>.

pose of procuring documents as early as possible in order to read them in advance. However, these efforts proved largely unsuccessful. Consequently, key documents were only obtained while in the field.

3.1.2 Sweden

The Swedish portfolio of interventions was derived from three economic databases provided by Sida and consolidated into one global database for all the four countries concerned: (a) aid channelled through country programmes; (b) aid channelled through non-governmental organisations; and (c) humanitarian aid. This portfolio comprised altogether 2,791 entries, some of which were framework agreements with major Swedish NGOs. Had the framework agreements – defined as interventions – been broken down by discrete projects (or ‘components’ in Sida’s terminology), the portfolio would have been even more voluminous. The database did not, however, include interventions funded through the Swedish Ministry of Foreign Affairs, which were predominantly humanitarian assistance via UN agencies as non-earmarked or earmarked contributions, e.g. to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).

The fact that the Swedish portfolio emanates from Sida’s economic databases means that it is not a project database proper. As such it contained only limited information on the substance of the entries in terms of objectives and activities. This was a shortcoming we were compelled to overcome by obtaining information from the embassies, the implementing agencies or NGOs. The new aid architecture, with considerable devolution of decision-making authority to the embassies, is one of the main reasons why the project information at headquarters was inadequate. As a result, much of this information was acquired only in the field.

On account of Sida’s mainstreaming policy, the portfolio covered all projects across the board whether they were child-targeted or not. The global database was not filtered by any criterion. It covered all sectors, project sizes, and stakeholders. With the above qualifications, however, we are confident that the compiled portfolio was reasonably accurate and reliable.

3.2 SAMPLING CRITERIA AND PROCEDURES

The two global databases containing the intervention portfolios of Norway and Sweden, respectively, formed the universe from which samples were drawn. Our sampling procedure was predominantly purposive, which involved a measure of discretion and judgement. Owing to their differing approaches to child rights promotion the respective sampling procedures for Norway and Sweden would also differ somewhat.

3.2.1 Sweden

In the case of Sweden we first drew a sample of about 25 interventions for each of the four countries concerned, after a geographical breakdown had been made of the global portfolio. About 15 of them were drawn from the country-specific databases, i.e. not orientated specifically towards children, with a view to assessing Sida's mainstreaming policy. The balance of 10 was dedicated child rights projects. A second criterion was the size of intervention, which involved deleting very small ones, and otherwise ensuring a mix of large and smaller projects in monetary terms. A third criterion was sector or sub-sector. We wanted to ensure that major sectors were included in the sample, not only the 'child-friendly' sectors such as education and health but also sectors which might seem far removed from a child perspective, e.g. energy and infrastructure. A fourth criterion was implementing organisation, e.g. NGO, multi-lateral agency or state authority.

To assist us in the selection process, we imported the Excel files into the format of SPSS (Statistical Package for the Social Sciences) to be able to make statistical manipulations. We wanted to get a better idea of the distribution of the entries by a few key variables with a view to ensuring a better basis for judgement in the sampling process. The key variables were related to the selection criteria referred to above: (i) target group; (ii) expenditure; (iii) type of implementing organisation; (iv) sector; and (v) type of activity. The cross-tabulations we made were only used for internal purposes.

This first-stage sample was still too large to be manageable during field work. Therefore, the second stage of sampling brought the sample size down to no more than 10–12 interventions per country, resulting in what we called the definitive country sample, subjected first to agreement by the Steering Group and subsequently to confir-

mation by the initial in-country workshop in each of the four countries.

Our sampling procedure was systematic in terms of the criteria but they were not applied mechanically. We retained a degree of discretion and qualitative judgement. In doing so, we made sure that the sample contained a cross-section so as to ensure a degree of representativeness, albeit not in a strict statistical sense.

3.2.2 Norway

In the case of Norway, whose portfolio comprised child-targeted interventions only, the same selection criteria were applied, except sector and sub-sector, which were not relevant. The procedure differed from that adopted in the case of Sweden. The universe of interventions from which the sample was drawn was confined only to those interventions that were child rights orientated. Still, we made sure that the sample spanned a cross-section of interventions in terms of the criteria applied.

The two-stage sampling procedure applied in the case of Sweden was also applicable to the case of Norway. We first drew a first-stage sample per country of roughly 20–25 projects which we subsequently reduced to 10–12, all the time retaining a spread of interventions in terms of the selection criteria. The latter was considered the definitive country-specific sample put before the Steering Group and the initial in-country workshop for final decision-making.

3.3 COUNTRY-SPECIFIC SAMPLES OF INTERVENTIONS

In accordance with the above procedures for sampling interventions for closer scrutiny at the country level we arrived at the samples described below. We treat the Norwegian and Swedish samples separately.

3.3.1 Norway

As stated above, the Norwegian interventions in the sample were all specifically devoted to the promotion of child rights. The samples did not, as a result, include any interventions that were general in nature, except that we later discovered that many were rather community-orientated and thus indirectly covering children as well.

(a) Guatemala

In terms of implementing organisation the list of interventions in Guatemala was characterised by many domestic NGOs. Projects were predominantly educational, many in advocacy work, and some had multiple objectives. As far as target groups were concerned many projects were geared towards children specifically, while a fair number were general and some targeted organisations.

From the total number of entries in the global database of child-orientated interventions in Guatemala we picked a shortlist of 25. That shortlist was later pruned by our local Guatemalan country team in consultation with our CMI consultant and the Norwegian Embassy.

(b) Kenya

Many domestic NGOs have been implementing projects in Kenya along with a fairly high number of international NGOs. In terms of objectives, many projects had multiple objectives, or were engaged in advocacy, and also in education. Among the target groups organisations predominated, followed by community and child-orientated projects, and finally female (women and girls) beneficiaries.

Based on the database we compiled, the global list of child-orientated projects in Kenya comprised altogether 125 entries. It included a rather large number of ‘volunteers’ (‘Fredskorpset’): 71 entries or 57 per cent of the entire list. Most of these were not relevant for closer inspection, except those affiliated to the African Network for Prevention and Protection against Child Abuse and Neglect (ANPP-CAN), a regional network with a Kenyan branch whose activities were directly related to child rights. Furthermore, in a number of cases discrete phases of interventions had been entered as separate projects so as to inflate the total number of entries. Finally, a few entries were Norwegian language courses for refugees (sic!).

From the global list we selected a first-phase shortlist of 19 entries which served as a basis for drawing a definitive sample of interventions for scrutiny during field work at the country level after consultation with the Steering Group and the Kenyan stakeholders at the initial in-country workshop.

(c) Mozambique

Mozambique stands out on account of its high number of state institutions as implementing agencies. Otherwise domestic NGOs predominate. In terms of activity type, health, advocacy and multiple objectives feature prominently. In Mozambique many interventions

target children specifically, followed by general targets, organisations and communities.

From the total number of entries in the global database of child-orientated projects in Mozambique we made a shortlist of 23. That shortlist was subsequently reduced to manageable level in consultation with the Steering Group and the Mozambican stakeholders at the initial in-country workshop.

(d) Sudan

Many international NGOs were found among the implementing agencies but comparatively few domestic NGOs. Several multilateral agencies were also involved in interventions. In terms of activity types, education and health topped the list, while some had multiple objectives; none were pure advocacy interventions.

From the total number of entries in the global database of child-orientated projects in Sudan we compiled a shortlist of 20. From that shortlist an even smaller manageable sample was subsequently drawn in consultation with the Steering Group and the Sudanese stakeholders at the initial in-country workshops in Khartoum and Juba.

3.3.2 Sweden

Reflecting Sweden's overall approach to child rights promotion the interventions to be evaluated comprised, in principle, *all* projects in the countries concerned, not only those specifically designed to promote child rights. The samples, therefore, included a mix of interventions that were general in nature and targeting groups other than children *and* those geared towards promoting the rights of children. As a result, the global database was rather large, overall and for each of the four countries. We endeavoured to select evenly from both targeted and mainstreamed interventions.

(a) Guatemala

The global country-specific database – covering dedicated child rights projects as well as general non-targeted projects – had 618 entries. In terms of main sector, democracy, human rights and gender equality predominated by far, followed by health and education, while conflict, peace and security, sustainable infrastructure and agriculture were trailing slightly behind. Of all the entries only 26 (4.2 per cent) targeted children and youth specifically.

From the global list we provisionally selected 28 entries as our shortlist, which we later reduced to manageable level in consultation

with the Steering Group and the Guatemalan stakeholders at the initial in-country workshop.

(b) Kenya

In the case of Kenya the main sector of democracy, human rights and gender equality again topped the list of interventions, followed by health, sustainable infrastructure, and agriculture. Similar to Guatemala, only 31 interventions (3.8 per cent) targeted children and youth specifically.

The global country-specific database for Kenya – covering dedicated child rights projects as well as general non-targeted projects – had 818 entries. From this we provisionally selected 50 entries as our shortlist, which was pruned further to manageable level in consultation with the Steering Group and the Kenyan stakeholders at the initial in-country workshop.

(c) Mozambique

In Mozambique the predominant main sector was also democracy, human rights and gender equality, followed by education, health, sustainable infrastructure, agriculture, and market development. Altogether 66 projects (7 per cent) targeted children and youth.

The global country-specific database for Mozambique – covering dedicated child rights projects as well as general non-targeted projects – had 933 entries. From this we provisionally selected 28 entries as our shortlist, which was later pruned to manageable level in consultation with the Steering Group and the Mozambican stakeholders at the initial in-country workshop.

(d) Sudan

The sector distribution of interventions was somewhat different in Sudan, with humanitarian aid on top as the main sector, followed by health, democracy, human rights and gender equality, while education and conflict, peace and security were trailing behind.

The global country-specific database for Sudan – covering dedicated child rights interventions as well as general non-targeted projects – had 421 entries. From this we provisionally selected 14 entries as our shortlist, which was subsequently pruned in consultation with the Steering Group and the Sudanese stakeholders at the two initial in-country workshops in Khartoum and Juba.

3.4 FUNDING THROUGH UNICEF

Apart from their country-level contributions towards promoting child rights, both Norway and Sweden are major contributors to the global budget of the United Nations Children's Fund (UNICEF). An overview of Norwegian and Swedish contributions to UNICEF is therefore warranted as shown in the Tables 1 and 2 below. UNICEF is a multilateral inter-governmental agency that relates primarily to state authorities in its activities and is arguably the most important international stakeholder in child rights promotion worldwide. Not only is UNICEF directly involved as a partner in the implementation of a series of projects and programmes, it also produces a wealth of information on the situation of children and related topics. Most of its funds derive from contributions from bilateral agencies but also from the private sector and national UNICEF committees. In addition to core budget support for UNICEF, both Norway and Sweden channel support directly to UNICEF at the country level through so-called multi-bi projects.

Table 1: Global Contributions to UNICEF by Norway and Sweden 2000–2009 (USD million)

Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Norway										
RR	32.7	34.5	39.2	46.2	48.3	47.4	46.9	59.9	73.5	69.9
OR-R	11.3	20.3	30.7	34.2	63.9	90.9	110.6	119.4	96.0	114.9
OR-E	9.9	9.5	12.5	32.4	22.9	67.3	21.1	18.3	21.6	14.1
Total	53.9	64.3	82.4	112.8	135.1	205.5	178.6	197.6	191.1	198.9
Sweden										
RR	31.2	29.7	30.1	36.3	45.1	54.9	58.0	67.5	71.9	72.4
OR-R	14.6	14.0	25.9	36.2	39.1	41.2	54.1	66.3	58.8	69.4
OR-E	10.1	16.3	17.9	30.5	27.4	30.2	32.1	35.0	39.1	29.4
Total	55.9	60.0	73.9	103.0	111.6	126.2	144.1	168.8	169.8	171.2

Source: UNICEF, New York.

Regular Resources (RR) are not earmarked for specific activities or countries; they are general core support for UNICEF's global budget and as such their use is flexible. It is difficult, therefore, to trace where or for what purposes such funds are being used. How-

ever, an allocation formula is being applied based on three core criteria: under-five mortality rate; gross national income (GNI) per capita; and child population. The allocation policy gives priority to the least developed countries and to sub-Saharan Africa (United Nations 2008).

By contrast, to Other Resources-Regular (OR-R) – which may be either thematic (either global, regional or country) or non-thematic (most likely project-specific) – the donors attach a ‘soft’ earmarking, e.g. to themes of UNICEF’s Medium-Term Strategic Plan (MTSP) which currently covers the period 2006–2013. When choosing a form of support a donor conveys a message. For example, if OR-R are designated global thematic for basic education it gives UNICEF considerable flexibility to spend those funds anywhere in the world for educational purposes. Conversely, if the designation is more specific, e.g. region – or country-specific the flexibility is geographically diminished. Other Resources-Emergency (OR-E) are provided for UNICEF’s humanitarian and post-emergency recovery activities, often in response to specific calls. It is interesting to note that the largest proportion of Norway’s contribution to UNICEF falls under the rubric of OR-R while Sweden’s largest contribution is in the form of RR throughout the period under review.

The OR-R and OR-E resource categories can be used for both thematic and non-thematic purposes, Table 2 below shows the distribution of the thematic share as the ‘soft’ earmarking by Norway and Sweden, respectively, for the period 2006–2009. It is interesting to note that Norway in its ‘soft’ thematic earmarking has consistently given highest priority to basic education and gender equality throughout the period covered. The share of this category in Norway’s total thematic contributions for 2006–2009 reached 76.6 per cent. The second largest thematic earmarking was for humanitarian purposes, accounting for 15.7 per cent of the total thematic contributions. By contrast, Sweden has given highest priority to humanitarian assistance throughout the period. The share of this category in Sweden’s total thematic contribution for 2006–2009 is 52.6 per cent. The second largest category of Sweden’s thematic contributions was basic education and gender equality, accounting for a 29.6 per cent share in total thematic contributions for the period in question.

Table 2: Norwegian and Swedish Contributions to UNICEF Globally by Theme 2006–2009 (USD)

Donor	Theme	2006	2007	2008	2009	Total
Norway	Basic Education and Gender Equality	72 129 220	83 215 980	64 339 890	77 870 000	297 555 090
	Child Protection	5 573 400	5 597 100	4 298 100	4 886 868	20 355 468
	HIV-AIDS and Children	3 044 200				3 044 200
	Policy, Advocacy and Partnership		2 425 410	1 862 510	2 024 620	6 312 540
	Thematic Humanitarian	18 298 263	12 514 960	19 350 192	10 790 266	60 953 681
Total		99 045 083	103 753 450	89 850 692	95 571 754	388 220 979
Sweden	Basic Education and Gender Equality	13 590 139	13 693 273	15 332 477	11 093 800	53 709 689
	Child Protection	6 090 585	5 303 823	3 232 854	9 821 362	24 448 624
	HIV-AIDS and Children	2 032 468	1 806 146	128 336	796 938	4 763 888
	Policy, Advocacy and Partnership	2 18 254	45 846	660 013	472 738	1 396 851
	Thematic Humanitarian	28 625 120	27 678 878	38 698 145	420 715	95 422 858
Total		50 938 510	49 073 825	58 638 504	22 919 569	181 570 408
Grand Total		149 983 593	152 827 275	148 489 195	118 491 323	569 791 387

Source: UNICEF, New York. Data for the former half of the decade were not available.

On account of the above information it is reasonable to assume, therefore, that certain proportions of the resources provided by Norway and Sweden through UNICEF's headquarters – in core budget support and earmarked funds – find their way to the four countries covered by this evaluation, even though it is not possible to determine the precise contribution.

3.5 CONCLUDING OBSERVATIONS ON MAPPING

The field work was informed by the mapping exercise described above to provide an overview of Norwegian and Swedish aid interventions in the four countries and to serve as the basis for sampling interventions for closer scrutiny during field work. We used the databases made available to us for these purposes, and we would like to make a few concluding observations on this part of the assignment. First, the databases are essentially made for the purpose of recording items of expenditure. Every time an allocation is made, it is recorded as a separate entry into the database. However, interventions often consist of several phases and comprise several allocations at different points in time. In order to gain a full overview over actual interventions, financial allocations may have to be combined which, in turn, may lead to uncertainty about whether the allocations belong to one and the same project or to different ones. Second, substantive information is often scant, particularly when core support or bloc grants are given to organisations, making it difficult to disentangle to which interventions the allocations accrue. Third, the Norwegian and Swedish databases are differently designed, making comparison difficult. The Norwegian database has markers for child-targeted interventions while the Swedish database has none, which is understandable given the Swedish mainstreaming approach. Still, this makes it difficult to estimate the proportion of Swedish aid destined for child-related activities. In the Norwegian case, it would have been desirable to check whether the child markers were applied correctly, but time constraints prevented us from entering such an exercise. In the case of Sweden, the data are not consolidated into one overall database, but since they are identically designed, combining them fortunately did not present any problem. All of these observations lead us to advise our readers to exercise caution when considering our findings. Although they depict

an approximate image of the portfolios, potential inaccuracies should be taken into account when interpreting the results.

We found that project documents were not necessarily available at HQ in Sweden and Norway, and that many relevant documents were only found in the Norwegian and Swedish embassies in the field or with other stakeholders. The substantive information on interventions available at the HQ level was not integrated into the financial management databases, thus making it difficult to track such information online. Given these gaps of information, it would be difficult to monitor the substantive activities on the part of HQ staff. While expenditure is satisfactorily tracked and recorded, the substantive activities are probably less well monitored, at least from the HQ vantage point. However, there may be advantages to this hands-off approach as recipients are given more leeway in implementing and reporting, as long as the allocations are fully accounted for.

4 Results Assessment – Country Case Studies

Equipped with samples of interventions for all four countries, the respective country teams set out to conduct field work which essentially involved interviewing key respondents who in one way or another had been involved in the implementation process or otherwise were knowledgeable about child rights promotion.

We would like to reiterate that due to the compressed time schedule we were unable to obtain the necessary written documentation related to the sampled interventions before going to the field, which would have been ideal. Instead, much of the documentation was procured only after arrival in the countries concerned. We tried as best we could, however, to overcome this handicap by catching up on reading during our field sojourn and after our return to home base while writing up our reports.

As set out above, the methodology applied was essentially the same for all the country case studies, although the conditions for conducting field work were not equally conducive in all of them; we account for those circumstances in the country-specific sub-sections below.

We are oblivious of the justification for selecting those specific countries because the ToR are silent in that regard. While understanding that they represent a compromise between several factors we will desist from speculating. However, a few introductory remarks are in order to highlight some of the differences and similarities of the four countries. Three of them are African which probably reflects the long-standing and voluminous assistance by Sweden and Norway to the African continent. While Latin-America has not been as prominent a recipient continent, Norwegian and Swedish engagement with Central America has been significant, especially in conflict mediation, human rights and democratisation; hence the selection of Guatemala.

Among the African countries, Mozambique has a stronger legacy of state intervention as reflected in the database which includes comparatively more state institutions as implementing agencies. After the change of government in 2003 Kenya appears to have moved ahead of most African countries in terms of child-friendliness

as reflected in its high ranking on the Index of Child-Friendliness. Furthermore, Kenya has a vibrant civil society. Sudan has a recent history of civil war and humanitarian crises and is special not only by virtue of its huge territorial size but more importantly by its dual system of governance in the North and the South. Sudanese civil society is comparatively weaker than those of the two other African countries but key Norwegian and Swedish CSOs have had a long-standing presence in the country.

Since this report synthesises the findings from the country case studies, it is by necessity briefer in its description and analysis of the challenges encountered at the country level. It is advisable though not essential, therefore, that the synthesis report be read in conjunction with the somewhat longer appended country report summaries for a deeper appreciation. An even more thorough appreciation would be gained by reading the full-length country reports which will be published separately as working papers.

4.1 GUATEMALA

The first sub-section gives a backdrop to the situation of children. The second synthesises the findings and conclusions drawn with respect to the selected interventions. Further details are annexed to this report and the full report of the country case study has been published as a separate working paper.

4.1.1 Backdrop

Guatemala ratified the United Nations Convention on the Rights of the Child in 1990 and both its attendant optional protocols on (a) the sale of children, child prostitution and child pornography; and (b) the involvement of children in armed conflict. At the time of writing (August 2010), the ‘Concluding Observations’ with reference to the fourth periodic 2008 state report were not yet available and we had no choice but to use the somewhat dated ‘Concluding Observations’ from 2001 to assess compliance.

The CRC Committee was concerned about the postponement of the entry into force of the Children and Adolescent Code of 1996. The Act on Comprehensive Protection of Children and Adolescents eventually came into force in July 2003. The treaty body expressed concern that the general principles of non-discrimination, the best interests of the child, and respect for the views of the child were not fully reflected in legislation, judicial practices, policies and pro-

grammes. This applied specifically to indigenous groups, poor children, especially girls, children with disabilities and displaced children. The Committee was also concerned about the insufficiency of resources committed to children in view of the very high poverty rate among children. The 2008 periodic state report stated that 2.8 per cent of the budget was allocated to children and adolescents in 2007, up from 1.3 per cent in 2004.

It was noted that data collection had been strengthened by the setting up of a social indicator system and that a national survey on maternal and child health had been conducted, and recommended that a system of indicators and data collection covering the entire gamut of child rights be established. The government said in its 2010 written response that a report of statistical data on the rights of children and adolescents had been published by the UNDP and UNICEF.

The CRC Committee recommended that information material be translated into indigenous languages and that the minimum marriage age be raised to 18 years for both boys and girls. It was also concerned about the non-registration of a large number of children, in particular girls in poor rural and urban areas. Furthermore, the Committee was deeply concerned about the lack of supervision of adoption, in particular considering the high rates of inter-country adoption and reported allegations on the sale and trafficking of children for inter-country adoption. Therefore, the Committee recommended full suspension of adoption until a system had been put in place for the prevention and elimination of the sale and trafficking of children. The Adoption Act entered into force in 2007, which made adoption conditional on authorisation by a juvenile court judge after consideration of the medical, social and psychological aspects of the child's case.

Several of the Committee's observations pertain to issues relating to the life and development of children in general. It noted discrimination against children with disabilities who to a large extent tend to be institutionalised; the inadequate health standards of children, particularly in poor rural and urban areas; malnutrition among infants and children under five; early pregnancies, sexually transmitted diseases, drug abuse and the rising number of HIV and AIDS cases among adolescents; high drop-out rates, high pupil-teacher ratios, high incidence of absenteeism in the school system; and that bilingual education was offered only in a few indigenous languages.

The Committee recommended special protective measures for children affected by armed conflict, and was concerned about the rising phenomenon of commercial sexual exploitation of children, in particular girls. Finally, it expressed serious concern about the juvenile justice system, particularly the practice of prolonged pre-trial detention during which children with no previous criminal record were incarcerated together with children with criminal records.

Guatemala is a multicultural and pluri-linguistic country, with 22 different ethnic groups. The country has a total population of 11.2 million, of which the majority live in rural areas (53 per cent). Nearly seven million children and adolescents in the 0–18 age bracket make up 51 per cent of the total population. Approximately 65 per cent of Guatemalans are younger than 24 years of age.

Guatemala occupies the 122nd place in the Human Development Index. Economically the country is characterised by deep inequalities. The Gini coefficient of 53.7 is among the highest in Central and Latin America.⁶ Exclusion and inequality represent two of the greatest obstacles to development. Poverty and extreme poverty affect the entire country. More than half of the Guatemalan population (57 per cent) lives in conditions of poverty and 22 per cent in extreme poverty. It is estimated that approximately 67 per cent of children and adolescents are poor. Infant malnutrition is widespread (43 per cent, of which 16 per cent severe). Indigenous children are the most affected by malnutrition (59 per cent), and six out of every ten indigenous children are severely malnourished.

Extreme violence has grown in recent years resulting in the deaths of four children per month on average. Many become orphans as a result of the high level of violence in the country. Orphanhood often leads to the drifting of children and youth into gangs that operate in slums.

About 95 per cent of children have access to primary education. While the coverage of basic education is quite good, the quality of education is in question. Half of the enrolled children do not complete primary school; one out of two children cannot write when

6 The Gini coefficient is a statistical measure of the inequality of a distribution, ranging from 0 to 1. The value of 0 expresses total equality and the value of 1 maximal inequality. A low Gini coefficient thus indicates a more equal distribution, while a higher Gini coefficient indicates a more unequal distribution. This measure can be applied to the distribution of any property but most often it refers to income distribution. Many developing countries have high Gini coefficients.

they leave primary school; and one out of five children who leave secondary school fails the test in mathematics.

Although the country has an adequate legal framework, the abilities of public and private institutions to implement these laws are weak. The Attorney-General has only three investigators to follow up cases. There is a tendency to treat children in a highly patronising and bureaucratic manner.

Politically, the potential electoral power of the young population is increasing. In the 2007 election, the young voters between the ages of 18 and 25 who had registered to vote accounted for about 23 per cent of all Guatemalans who had registered. However, it has not meant that any of the parties have formed any clear platform to defend the legal basis of the rights of the child or generated public policies aimed at children and young people.

4.1.2 Donor interventions: findings and conclusions

Against the above backdrop Norway and Sweden have provided support for various interventions to redress the plight of children, of which we have looked at a small sample. In synthesising our findings and conclusions we have attempted to group them in terms of substance under the five general principles outlined in the introduction. In addition, we highlight certain elements that do not fit under those principles, e.g. matters appertaining to aid modalities and tools. We also assess achievements in terms of the criteria of relevance, effectiveness and sustainability.

Interventions supported by Norway:

- Child Rights Programme (Save the Children Guatemala) 2006–2009
- Educational Programme (Save the Children Guatemala) 2006–2009
- Bilingual Education (UNICEF) 2004–2008
- Community Health Programme (Norwegian Red Cross) 2006–2012
- Arms Control (Norwegian Church Aid) 2005–2009

Interventions supported by Sweden:

- Protection of children and mothers in Guatemala (UNICEF) 2005–2008
- Institutional Strengthening of the Indigenous Women’s Ombudsman (UNDP) 2003–2006

- Rural Citizenship, Democratic Participation and Development with Equity: Phase 2 (Swedish Cooperative Centre) 2009–2011
- Integrated Care for Children and Adolescents whose Human Rights have been Violated (Plan International Sweden) 2008–2010
- Formation and Youth Connection (Diakonia) 2007–2010

Both Norway and Sweden profess to have applied a rights-based approach when assisting a range of vulnerable and marginalised beneficiaries. There are many similarities between Sida, Norad and their partners with respect to their perception of the political challenges facing the country, on the identification of actors and political subjects that can generate change, and on the necessary strategies to achieve results. Norway and Norad share similar democratic principles and have endeavoured in the building of a more just, equal and peaceful Guatemala.

Several factors constrain the promotion of child rights in Guatemala. Foremost among them is widespread, abject child poverty which in itself is a negation of children's rights. The high level of violence and crime, in part a legacy of the civil war, is a serious impediment to the protection of children. The disadvantaged situation of indigenous children warrants particular attention and requires action to remedy long-standing historical injustices. Among the facilitating factors is the passage of legislation that has created a legal foundation for policy formulation and implementation. The government has demonstrated political will to act but its institutional capability to follow up remains weak and the earmarking of budgetary resources towards child rights observance is unimpressive. However, with international assistance – financial and technical – progress is being made, albeit slowly.

The aid portfolio of both Norway and Sweden was predominantly channeled through CSOs of Guatemalan, Norwegian and Swedish origin. There were some exceptions, though. As a multilateral inter-governmental agency UNICEF is working directly with state institutions as a matter of course. Many of the CSOs also interact with state institutions in various ways, although not necessarily as partners. The judiciary is a case in point.

The general principle that has received most attention is *the right to life, survival and development*. All interventions related to education in one form or another fall under this principle. Both interventions implemented by Save the Children Guatemala are of an educational

nature. One element seeks to enhance the quality of education by means of a participatory pedagogy. This principle also subsumes protection which has been the focus of several interventions, e.g. all those addressing improvement of the judicial system for adolescents, as well as health-related interventions such as the community health programme implemented by the Red Cross, which is linked to the frequent emergencies that occur in Guatemala. Not least is the intervention dealing with the control of firearms supported through the Norwegian Church Aid in collaboration with Institute for Sustainable Development Teaching (IEPADES) a matter of protection for children and adults alike, targeting youth who are at risk of being recruited into gangs. Similarly, the intervention supporting the Children's Refuge through Plan International Sweden is aimed at protecting children from physical and sexual abuse.

With regard to the *general principle of non-discrimination* several interventions address the situation of the indigenous peoples of Guatemala, notably the Maya, who have been subjected to long-standing discrimination by the majority population. Of particular importance is the Indigenous Women's Ombudsman (DEMI) whose mandate covers women of all ages, including girls. This intervention involves strengthening the government's own watchdog institution to continuously monitor the treatment of indigenous women and girls with a view to safeguarding their rights in terms of both CEDAW and the CRC. Non-discrimination is also the primary purpose of the intervention supported through Diakonia in collaboration with the Mayan Association Uk' u'x b'e which sought to nurture young leadership among Mayan youth, and ultimately to reform the entire Guatemalan education system with a view to taking into account ethnic and gender perspectives.

The *general principle of participation* by children or the right to express views and be heard has not been heeded seriously by any of the interventions, only as a 'side effect' of non-targeted interventions with a participatory element. There is little evidence of children's direct involvement in decision-making. To the extent children have been asked about their preferences it amounts to little more than tokenistic motions devoid of real substance. This is arguably the greatest shortcoming of the interventions we have examined.

The *general principle of the best interest of the child* is, in effect, a cross-cutting concern that ought to inform all interventions. In other words, it ought to be mainstreamed. It does not make sense, there-

fore, to subsume particular interventions under this principle, except perhaps those designed to raise the general awareness of child rights.

All the examined interventions were *relevant* in terms of the obligations of the CRC, the ‘Concluding Observations’ of the treaty body, and the general aid policies of Norway and Sweden. It should be acknowledged, however, that donors – such as Norway and Sweden or the international donor community in general, for that matter – cannot be expected to fill all the gaps left by the Guatemalan state in terms of its obligations as the principal duty-bearer. There is an element of arbitrariness in how interventions come about. As far as Norad/MFA and Sida are concerned there is no indication that the ‘Concluding Observations’ has served as a guideline to prioritising support.

In the case of Sweden the arbitrariness could be ameliorated through the mainstreaming posture. However, no evidence was found that the Swedish interventions had been deliberately mainstreamed in terms of child rights. It appears that embassy staff and partners were inadequately equipped with skills for applying the mainstreaming approach. They seemed largely unaware of the notion and policy of mainstreaming.

With regard to *effectiveness* there is no doubt that the tangible results emanating from the interventions were considerable. However, the results were not easy to measure, particularly not at the outcome level. Most reports account for activities only and to some extent outputs but rarely outcomes, let alone impacts. There was some but less involvement in the legislative and policy processes. Among the external actors UNICEF was probably most successful in pushing the legislative and policy agenda on child rights forward, even if attribution was difficult to establish. Even so, the work on the Indigenous Women’s Ombudsman (DEMI) is noteworthy. Otherwise, the effects of institution-building and awareness-raising could potentially make a difference in the long run, despite being ‘invisible’ at an early stage, because the gestation time is long.

The Achilles’ heel of all interventions is their shaky *sustainability*. In view of the meagre budgetary state resources currently devoted to child-friendly policies and actions, it is unlikely that the government would be willing or able to shoulder the present burden alone should the donors exit in the near future. It should also be recalled that the amount of resources needed – in financial and personnel terms – ought to be much greater than the present level to satisfy the standards of the CRC. Besides, beyond gap-filling in terms of serv-

ices, there is a need for awareness enhancement and advocacy for a long time to come. Hence, donor support – financial and technical – would continue to be required in the foreseeable future.

4.2 KENYA

The first sub-section gives a backdrop to the situation of children in Kenya and what the government is doing to honour its obligations in terms of the CRC. The subsequent sub-section provides information about aid interventions supported by Norway and Sweden. The final sub-section lists findings and draws conclusions.

4.2.1 Backdrop

Kenya is a multi-ethnic country in East Africa with a total population of 38.7 million, of which 68 per cent is rural-based (KNBS 2010). In terms of religious affiliation, Christian denominations predominate, with a sizable Muslim minority, largely in the Coast and North Eastern provinces. The annual population growth rate is 2.7 per cent but this has been declining during the inter-census period (IEU 2008:12). The current total fertility rate is 4.6 births per woman, though significantly higher in rural (5.2) than in urban areas (2.9). Remarkably, the total fertility rate is down from 8.1 births in 1975–1978, which suggests that Kenya is well into a demographic transition (KNBS 2009a:11). With 43 per cent below the age of 15 and 63.5 per cent below 25 years the country's population is youthful indeed (KNBS 2010). This represents a formidable challenge for the government as a duty-bearer in terms of the CRC.

Since the change of government after the 2002 elections the economy started to pick up and grew gradually until reaching a peak growth rate of 7.1 per cent in 2007. The Gross National Income per capita was USD 770 in 2008 (World Bank 2010b:378). However, the civic unrest in the wake of the 2007 elections caused the 2008 economic growth rate to plummet to 1.7 per cent, the lowest since 2003 (Ministry of Planning 2009). Economic growth picked up again in 2009 but the distribution of growth has been a controversial political issue. Kenya ranks among the most unequal countries in the world and the inequality has a distinct rural and female face; rural women and children are hardest hit. Poverty remains a serious challenge for Kenya, including for children. In 2005–2006 the percentage of the population living below USD 2 per day was 39.9, down from 42.7 in 1997 (World Bank 2010b:380).

The 2008–2009 Demographic and Health Survey (KDHS) showed a dramatic decline in levels of childhood deaths compared to those rates observed in the 2003 and 1998 surveys. For example, the infant mortality rate decreased to 52 deaths per 1,000 live births in 2008–2009 from 77 in 2003. Similarly, the under-five-mortality rate decreased to 74 deaths per 1,000 live births in 2008–2009 from 115 in 2003 (KNBS 2009a:14). This improvement in child survival is in part attributable to the child vaccination coverage and the use of insecticide-treated mosquito nets. Overall, 77 per cent of children aged 12–23 months were fully vaccinated against six preventable childhood illnesses (KNBS 2009a:19–20).

The 2008–2009 KDHS found that 35 per cent of Kenyan children are stunted, while 14 percent are severely stunted. Seven per cent of Kenyan children are wasted, with 2 per cent severely wasted. Sixteen per cent of Kenyan children are underweight, with 4 per cent classified as severely underweight (KNBS 2009a:25–26).

Female genital mutilation (FGM) is practiced in many Kenyan communities. Just over one-quarter (27 per cent) of women reported that they themselves had been circumcised. The practice appears to be diminishing among younger women, declining from 49 per cent among women aged 45–49 to only 15 per cent among those aged 15–19. Rural women are more likely than urban women to have been circumcised. There are wide regional differentials. The practice is far less prevalent among educated women than those with no education, and FGM appears to be declining slowly over time (KNBS 2009a:34).

Since the introduction of free primary education in 2003 the enrolment has shot up. The Gross and Net Enrolment Ratios at the primary level in 2008 was 112 and 82 per cent, respectively.⁷ The corresponding figures at the secondary level were 58 and 49 per cent (World Bank 2010a:107). In other words, the transition rate from primary to secondary levels is about half of the age cohorts. The quality of education has been questioned, however, as suggested

7 The Gross Enrolment Rate (GER) expresses the actual number of pupils enrolled in primary education, *regardless of age*, as a percentage of the population of official school age for that particular level. By contrast, the Net Enrolment Rate (NER) is the number of pupils in *the theoretical age group* for primary education actually enrolled in primary education expressed as a percentage of the population in that age group. It is common that the GER exceeds 100 per cent in many developing countries because older children, even adults, who do not belong to the relevant cohorts, enrol belatedly. Repetition also adds to the figure.

by the teacher/pupil ratios. In 2008 the primary teacher to pupil ratio was 1:50 in public schools, while the corresponding ratio at the secondary level was 1:32 (KNBS 2009b:22). The primary completion rate was 80 per cent of the relevant age group in 2008 – 85 per cent for boys and 75 per cent for girls (World Bank 2010a:115)

Kenya ratified the United Nations Convention on the Rights of the Child (CRC) in July 1990. To domesticate the CRC, Kenya enacted the Children Act in 2001 which entered into force on 1 March 2002. This statute is a pioneering human rights law in Kenya's legislative history. It contains many provisions regarding economic, social and cultural rights (notably free primary education) alongside the protection of civil liberties. Under the Act, the National Council of Children Services was established, charged with the responsibility for supervision and control over the planning and coordination of child rights and welfare activities, while the Department of Children's Services was tasked with providing services for children and securing their rights.

As a state party to the convention, Kenya is required to submit reports every five years and did submit its second periodic report in 2005 (CRC 2006a). Although this report is an official government document it was produced with the assistance of a number of CSOs working in the field of child rights; it is generally of high quality. The report notes that the Kenya National Commission on Human Rights (KNCHR) was set up in 2003 and that budgetary provisions towards the fulfilment of child rights had increased substantially, even if it is difficult to separate expenditures targeting children directly from those that only indirectly benefit children. The report points out what has been done and what remains to be done. The text is replete with statements to the effect that achievements have been made but many challenges lie ahead. In many respects the report is frank in admitting shortcomings.

The treaty body requested Kenya to provide disaggregated statistical data on the situation of children with regard to a series of parameters, as well as on budget allocations and trends over time (CRC 2006b) to which Kenya responded by providing the requested statistical information (CRC 2006c). The treaty body also pointed out the inconsistency of the definition of a child in various domestic laws. The CRC and the Children Act define a child as a person below the age of 18. So does the recently adopted new constitution. However, the Marriage Act and the Hindu Marriage and Divorce Act have not been harmonised with the Children Act to protect

children from early marriage. Likewise, customary law and Islamic law allow persons under the age of 18 to be married. The age for sexual consent has been raised from 14 to 16 years for girls but the corresponding age of sexual consent for boys has not been defined. With regard to labour, it is proposed that children aged 13 may engage in light work while those between 16 and 18 years may engage in any kind of employment. The age of criminal responsibility remains eight years (Kenya NGO CRC Committee 2006).

In its ‘Concluding Observations’ the treaty body urged Kenya to continue its efforts to harmonise all legislation pertaining to children, and to effectively implement the Children Act. Furthermore, the Committee recommended that Kenya allocate adequate resources to the KNCHR so as to enable it to discharge all of its tasks. Moreover, it recommended that budgetary allocations be increased for the implementation of the rights of the child. The Committee also recommended that the system for data collection be improved as a basis for better monitoring of progress. Not least did the treaty body urge Kenya to expedite the ongoing review and amendment process of the Children Act. Finally, Kenya was invited to submit a consolidated third, fourth and fifth report by 1 September 2012 – which is the date for submission of the fifth regular report – because Kenya has been lagging behind in its reporting (CRC 2007).

A coalition of CSOs submitted a ‘shadow’ report in 2006. Although a government institution, the CSO coalition was convened under KNCHR auspices to produce the parallel report. Thus, the KNCHR played a dual role: *both* as a key contributor to the official report by Kenya as a state party to the CRC *and* as the convenor and contributor to the ‘parallel’ report produced by civil society. In effect, the KNCHR has often acted as a watchdog on the government. This posture probably reflects the fact that some commissioners and staff have a background from civil society rather than from the civil service.

While commending the government for taking numerous steps in the right directions, the overall message of the parallel report was that most of the legal child rights instruments are in place. What is lacking is implementation. The KNCHR is resource-strapped and unable to discharge its mandate fully. Currently, two commissioners have been tasked to handle child rights specifically.

As a key institution in the field of child rights the Department of Children's Services (DCS) has justifiably listed a number of achievements:⁸

- a) Provided inputs to the ongoing review of the existing Children Act in order to produce an amendment bill incorporating a series of elements that were left out previously and to introduce clearer language;
- b) Contributed to harmonising other acts with the provisions of the CRC and the Children Act when amended;
- c) Enhanced the voices of children by producing a child participation guide;
- d) Contributed to the preparation of the anti-trafficking bill recently passed by parliament;
- e) Helped to establish the cash transfer programme for orphans and vulnerable children that is enjoying increasing support and in a process of scaling up;
- f) Contributed to the establishment of the toll free help line for children;
- g) Contributed to capacity building and awareness-raising on child rights in the civil service and Kenyan society at large.

In 2008, the African Child Policy Forum published its African Report on Child Wellbeing 2008 (African Child Policy Forum 2008), in terms of which Kenya was rated number six of all African countries. Kenya's ranking reflects an impressive performance. The main reasons why Kenya scored so well is probably its ratification of most of the international human rights instruments and their domestication through the Children Act and concomitant domestic policies. In terms of services, the introduction of free primary education in 2003, as well as the cash transfer programme targeting orphans and vulnerable children (OVCs) probably counted heavily.

4.2.2 Donor interventions: findings and conclusions

Altogether 12 interventions were investigated in depth, the majority of them child-targeted while some did not target children at all but were part of the sample to assess the mainstreaming approach. One was not strictly speaking a conventional intervention – 'Mainstreaming in Action' – but rather an initiative to enhance the ability of staff at the Swedish Embassy, in the Kenyan civil service and civil society

8 Based on an interview with the Director of the Dept. of Children's Services and corroborated by other informants.

to implement the mainstreaming policy. We list the interventions below:

Interventions supported by Norway:

- African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN);
- Counter-trafficking (IOM);
- Deaf Aid;
- Korogocho Community Radio (KOCH FM);
- Maasai Education Discovery (MED);
- Mathare Youth Sports Association (MYSA).

Interventions supported by Sweden:

- Empowering Youth for Development (Diakonia);
- Governance, Justice, Law and Order Sector (GJLOS) Reform Programme;
- Mainstreaming in Action;
- Nyanza Roads 2000 Programme;
- Diversion Programme for Children in Conflict with the Law (Save the Children);
- Building a Child Protection System (UNICEF).

The main facilitating factor for child rights promotion in the past decade was the change of government after the 2002 elections. The new government proved far more child-friendly than the previous regime and a number of steps were taken (legislation and policies) by which the foundation for further action was laid. The political will exists but much remains to be done in terms of policy implementation and law enforcement. The constraining factors are lack of budgeted funds, weak institutional capability, and low child rights awareness in society. The donor community is prepared to assist in addressing those weaknesses.

The aid portfolios of both Norway and Sweden have employed all available channels: bilateral and multilateral state-to-state as well as through civil society. UNICEF has been a key multilateral partner all along and many CSOs have received funding, often through Norwegian and Swedish conduits. However, we are concerned over UNICEF acting as a conduit for bilateral support to domestic CSOs. While this may have been motivated by a wish to cut administration costs at the embassy level, we doubt whether costs are really reduced in the aggregate. We are furthermore concerned that such an over-

sight function may constrain the autonomy of domestic CSOs and make civil society less pluralistic.

The general principle receiving most attention has been *the right to life, survival and development*. Interventions related to education fall under this principle, e.g. Maasai Education Discovery. To the same broad category belong the Mathare Youth Sports Association; Empowering Youth for Development implemented by Diakonia; and the Deaf Aid project, which also has a protection aspect because it addresses the rights of children with disabilities. This principle also subsumes protection which has been the objective of several interventions: counter-trafficking (IOM); those addressing improvement of the judicial system under the government-run GJLOS programme, such as child protection units at police stations and children's courts; and the diversion programme for children in conflict with the law under the auspices of Save the Children. Not least are the efforts by UNICEF in building a child protection system worth highlighting.

With regard to the *general principle of non-discrimination* the MED intervention is worth mentioning because it targets through affirmative action disadvantaged girls who have suffered discrimination by the cultural practices of the local community. Apart from its educational and non-discriminatory nature, this intervention also has a protection element in that it defends young girls against FGM and early marriage. The Deaf Aid intervention also has a protective purpose with respect to deaf children who are subjected to discrimination and denigration in society.

Although the *general principle of participation* by children or the right to express views and be heard has received attention at the rhetorical level, it has not been heeded seriously by the interventions, or at best as a tangential activity producing a 'side effect'. The community radio in Korogocho did broadcast debate sessions with school children as part of its transmission programme. There is little evidence of children's direct involvement in decision-making but efforts are being made through schools and the circulation of a child participation guide. So far, however, child participation has been rather tokenistic.

Towards giving modest effect to the right of children to be heard the country team had two focus group discussions – one in Narok with girls who were direct beneficiaries of an aid intervention, and another at Milimani Primary School in Nairobi, unrelated to aid interventions. The primary school pupils who had gone through the

alternative rite of passage to the conventional FGM practice and enrolled in the school with a scholarship provided through the Maa-sai Education Discovery (MED) expressed gratitude for being part of the project and for getting an opportunity to go to school which otherwise would probably not have been a realistic option. Their awareness of the adverse implications of FGM and early marriage was impressive. A measure of assertiveness was gradually emerging and increasingly bolder statements were made about their aspirations and future plans. This assertiveness was particularly evident with regard to their plans for continued education at secondary level.

The same kind of assertiveness was evident at the primary school in Nairobi. The members of a club calling itself *Ambassadors of Children's Rights* held meetings once a week for the purpose of learning about child rights and planning other club activities. The members practiced internal democracy and elected officers by secret ballot for positions of trust after campaigning. Their grasp of basic democratic principles was impressive. They also showed remarkable knowledge about child rights and awareness about the obverse side of rights: the responsibility of children. They engaged in various types of activity, including debates on salient issues such as freedom of expression, child abuse and corporal punishment and counselling as its alternatives. They had made a simplified version of the Children Act to make it easier for children to understand what it means for them.

The *general principle of the best interest of the child* is, as pointed out in the introduction, a cross-cutting concern that ought to inform all interventions, i.e. mainstreamed. General awareness-raising and advocacy interventions would fall under this principle such as KOCH FM community radio which has an advocacy role which addresses child rights indirectly. Similarly, advocacy in favour of improved child-friendly legislation and policy formulation in specific areas could be expected to advance the best interest of the child. In this regard, the counter-trafficking law by the IOM and the policy work by UNICEF are cases in point.

Commendable efforts were made by the Swedish Embassy in Nairobi to enhance the capabilities of its staff and those of Kenyan stakeholders to mainstream no-targeted interventions. Whereas the 'Mainstreaming in Action' initiative no doubt had noticeable effects, at least in the short run, it is doubtful whether those positive effects have endured the turnover of staff at the Embassy and in the Kenyan institutions. Other structural factors internal to Sida have also militated against lasting beneficial impact. The Nyanza

Roads 2000 Programme warrants highlighting, however, as a fairly successful example of mainstreaming by finding a pragmatic solution to the child labour challenge.

All the examined interventions were *relevant* in terms of the obligations of the CRC, the ‘Concluding Observations’ of the treaty body, and the general aid policies of Norway and Sweden. It applies to all country contexts, however, that donors – such as Norway and Sweden or the international donor community at large, for that matter – cannot be expected to fill all the gaps unattended by the state in terms of its obligations as the principal duty-bearer. Again, the interventions came about in a somewhat arbitrary manner. There is no indication that the ‘Concluding Observations’ had served as a guideline for prioritising support as far as Norad/MFA and Sida are concerned.

In the case of Sweden, the arbitrariness could be ameliorated through the mainstreaming posture. Some evidence was found that Swedish interventions had been mainstreamed in terms of child rights, i.e. the Nyanza Roads 2000 Programme. The HIV infection rate is higher in Nyanza Province than elsewhere in Kenya. As a result, the number of AIDS orphans is comparatively high. Many orphans are indeed heads of household with a number of other children in their care. The child labour issue was addressed at the design phase and a difficult dilemma thus arose. Adhering strictly to the CRC definition of a child would uphold the norm that labourers under the age of 18 could not be offered employment because they would be considered children. On the other hand, by denying children as heads of household the opportunity to earn an income would effectively deny them and their fellow siblings the right to a livelihood.

The Nyanza Roads 2000 programme sought a pragmatic solution through the community-based Road Committees which solved the dilemma by arrangements under which under-aged labourers were imparted skills related to road construction and maintenance, almost like an apprenticeship or on-the-job training, so as to provide the children with the wherewithal of earning an income in the future. Similarly, efforts were made to confine the involvement of child labourers to weekends only, when school was not in session. Such arrangements were met with approval in the local communities. This flexible involvement of children in remunerative labour must be seen as an innovative solution to a seemingly intractable problem.

With regard to *effectiveness*, the tangible results emanating from the interventions were considerable. However, the results were not easy to measure, particularly not at the outcome level. Reports typically account for activities and to some extent outputs but rarely outcomes, let alone impacts. The exceptions are probably the outcomes of legislative and policy processes. UNICEF and the IOM were most successful in pushing the legislative and policy agenda on child rights forward. Furthermore, the effects of institution-building and awareness-raising will potentially make a difference in the long run, despite their ‘invisibility’ at an early stage owing to a long gestation period.

The weakness of all interventions is their shaky *sustainability*. Despite dramatic increases in budgetary state resources devoted to child-friendly policies and actions, the government’s ability to sustain such a rate of increase and to shoulder the present burden alone should the donors exit in the near future is doubtful. It should also be recalled that the amount of resources needed – in financial and personnel terms – ought to be much greater than at present to satisfy the standards of the CRC. Besides, beyond gap-filling in terms of services, there is a need for awareness enhancement and advocacy for a long time to come. Hence, donor support – financial and technical – would continue to be required in the foreseeable future.

The legal and policy framework with regard to child rights in Kenya has improved tremendously in recent years. Although this development is not attributable to the interventions of specific donors, it would be fair to say that the donor community – Norway and Sweden included – has made significant contributions to that achievement, in conjunction with the government of Kenya and Kenyan CSOs. The building of a functioning child protection system is in progress. The government has firmed up its commitment by increasing its budgetary allocations to the Dept. of Children’s Services, to the educational sector, mainly at the primary level, and to the cash transfer programme. Through the sector-wide GJLOS reform programme a large number of ministries and departments have begun working together towards the same objectives in the justice sector. Notwithstanding these great strides, huge challenges of implementation remain.

4.3 MOZAMBIQUE

The first sub-section provides a backdrop to the situation of children in Mozambique in terms of key parameters and an overview of the legal and policy framework. Thereafter a sub-section accounts for aid interventions by Norway and Sweden, followed by findings and conclusions.

4.3.1 Backdrop

Mozambique achieved independence only in 1975, preceded by over a decade of intermittent warfare against Portuguese colonial rule, followed by 16 years of civil war between the incumbent party FRELIMO and the erstwhile rebel movement RENAMO, now an opposition party. A peace accord was signed in 1992.

Mozambique remains one of the poorest countries in the world despite an average annual growth rate of about 6 per cent between 1996 and 2003 and even higher growth rates in recent years. The country is comparatively aid dependent: aid flows make up about 53 per cent of the national budget. Of its population, estimated at approximately 20.9 million, about 11 million (53 per cent) are below the age of 18. In terms of the Human Development Index (0.402 in 2007), Mozambique occupies the 172nd place out of 182 countries. It currently ranks number 25 among African countries with regard to child-friendliness according to a study by the African Child Policy Forum.

The Demographic Health Surveys show that the under-five mortality rate has dropped from 219 to 140 per 1000 live births between 1997 and 2008. In 2006, there were approximately 1.6 million people living with HIV or AIDS, of whom some 5 per cent were children under five years of age. Some 44 per cent of Mozambican children less than five years of age suffer from chronic malnutrition and 18 per cent are stunted. Chronic malnutrition is ultimately caused by insufficient access to food, inadequate maternal and child caring practices, poor breastfeeding practices (only 37 per cent of 0–6 month old babies are exclusively breastfed), insufficient access to clean water, and inadequate sanitation (43 per cent of the population have access to water and 19 per cent to sanitation) and poor health care in general.

In 2008, 81 per cent of children between 6 and 12 years were attending primary school (82 per cent of the boys vs. 80 per cent of the girls) and some 20 per cent of children aged 13–17 were

attending secondary school (21 percent of boys vs. 20 percent of girls). Despite the relatively high primary school enrolment rate, only 15 per cent of these pupils complete primary school within the stipulated seven years.

The health and education indicators show considerable disparities between regions. Similarly, urban-rural disparities are striking. For example, the proportion of assisted deliveries is 81 per cent in urban areas but only 49 per cent in rural areas. The proportion of the population with access to potable water is 70 per cent in urban areas and 30 per cent in rural areas. As far as education is concerned, 38 per cent of children (13–17 years old) in urban areas attend secondary school while this applies to only 10 per cent of children in rural areas.

The legal and policy framework with regard to child rights in Mozambique is rather robust. The new constitution that came into effect in 2005 improved provisions for children and a number of new laws and regulations on children has been adopted or is in preparation. Child rights were also brought into the second poverty reduction strategy, PARPA II (2006–2009/12). In 2006, the government also elaborated a Plan of Action for Orphaned and Vulnerable Children in the context of HIV and AIDS. The government has enacted a law against human trafficking, especially women and children in 2008. The enforcement of legal provisions has been limited due to scarce human and financial resources. While the key sectors affecting the realisation of child rights – education and health – were allocated 19.3 per cent and 11.9 per cent, respectively, of the state budget in 2009, the Ministry of Women’s Affairs and Social Action (MMAS) got less than one per cent.

The Government of Mozambique (GoM) ratified the CRC in 1994 and its two optional protocols in 2004. In 1998, the African Charter on the Rights and Welfare of the Child was also ratified. Mozambique has more recently also ratified ILO Conventions number 138 on the Minimum Age for Admissions to Employment and number 182 on the Worst Forms of Child Labour. Two state reports have been submitted to the CRC treaty body, the latest in 2009 covering the period 2000–2006. The constitution enshrines all the general principles of the CRC. Legislative measures include the Civil Registry Code which expands the period of free birth registration from 30 to 120 days after the birth of the child, as well as the new Family Law of 2004. Overall responsibility for inter-min-

isterial coordination rests with the Ministry of Women’s Affairs and Social Action (MMAS).

The budgets of the sectors affecting children most – water and sanitation, education, health and social welfare – have increased significantly. Water and sanitation increased by 673 per cent; education by 334 per cent; health by 310 per cent and social welfare by 168 per cent. During the period 2004–2006 the number of birth registrations increased sharply from 370,883 in 2004 to 1,532,610 in 2006. A Food Subsidy Programme has been established to provide for monthly payments to people unable to work. However, the total number of children assisted in the period 2002–2006 was only 36,137, which is merely 0.36 per cent of the total number of children.

In its response to Mozambique’s second periodic report the treaty body listed 13 issues to be considered.⁹ These included more information on the financial and human resourcing of the newly established National Youth Council; concern about the welfare and protection of children in the most disadvantaged provinces; how the principle of the best interests of the child has been included in legislation; and how complaints received from the national child parliament are being addressed. Furthermore, the Committee wanted an elaboration of child-abusive or – discriminatory traditions and customs mentioned in the report; measures to address violence, sexual abuse and harassment of children within the school system; how to address the significant increase in HIV and AIDS; measures to prevent and combat child labour; and measures to combat both domestic and international trafficking in children. It also raised questions about the persistently limited access to basic education and the low quality of education. Mozambican representatives admitted that the government was facing difficulties in ensuring quality teaching at the same time as it was trying to increase access to education for as many children as possible.

Since the information contained in the second report was largely outdated by 2009 when the report was submitted, the NGO ‘shadow’ report by a group of 67 NGOs included updated data and information. The NGOs gave the government much credit but found that a lot still needs to be done in implementation across the board.¹⁰ The

9 UNCR. Implementation of the Convention on the Rights of the Child. List of Issues to be taken up in connection with the consideration of the second periodic report of Mozambique (CRC/C/MOZ/Q/2) 26 June 2009.

10 Rede da Crianca. Report of the Civil Society on the Implementation of the Convention of the Children’s Rights in. Maputo, Mozambique. March 2009.

NGO report pointed out that the MMAS does not have enough financial resources to ensure adequate alternative care for children in need and that there are few activities responding to the needs of disabled children. While acknowledging significant improvements in health indicators (infant mortality, vaccination, childbirths in hospital) serious constraints remain for people in rural areas who have long distances to health facilities and a disadvantageous doctor-population ratio. The NGOs pointed out there is only one juvenile court in the capital city, and the limited number of judges specialised in children's issues is a significant weakness of the system. The report commends the government for the positive step taken by establishing units for women and children in the national police and police stations. Nevertheless, domestic child abuse, incest and sexual exploitation need to be addressed in a concerted manner.

In its 'Concluding Observations' the treaty body referred to a range of issues that need addressing:

- Take steps to implement new legislation;
- Organise the National Council on Child Rights to coordinate, monitor and evaluate the realisation of child rights;
- Strengthen the MMAS by increasing its budget and establishing offices at the local level;
- Mainstream the National Action Plan for Children (2006–2011) and the Action Plan for Orphans and Vulnerable Children;
- Support training and awareness-raising on child rights among the general public, in the media, professional groups, and in communities among children and adults;
- Involve communities and civil society including children's organisations in all stages of the implementation of the CRC;
- Take measures for the inclusion of children with disabilities.

4.3.2 Donor interventions: findings and conclusions

In the past 4–5 years Norwegian aid to Mozambique has averaged NOK 400–450 million annually. General budget support has been increasing and currently accounts for about 30 per cent of total aid flows. The strategic plans for Mozambique do not mention children or child rights specifically. Support to children and the promotion of child rights is subsumed under human rights, good governance, humanitarian aid, and, in the past, support to peace and reconciliation.

Sweden's total aid budget to Mozambique has averaged SEK 700–800 million annually in the last 4–5 years and is expected

to remain at that level until 2012. Six sectors have been prioritised: health, education, infrastructure, agriculture, democratic governance and energy. HIV and AIDS, gender equality, democratisation and human rights were key issues.¹¹ Children were specifically mentioned as a target group in the health sector and with regard to HIV and AIDS, as well as in primary education. The country strategy calls for prominence given to the rights of children and young people, in accordance with the CRC.¹² The Swedish country strategy for the period 2008–2012 has sharpened the focus on children by incorporating child poverty in the general goal of poverty reduction. The strategic issues for dialogue also include human rights.

Interventions supported by Norway:

- Health sector budget support (PROSAUDE);
- UNFPA: AIDS Adolescent Reproductive Health/Geração Biz;
- Save the Children: Strategic Partnership against sexual abuse of young women and girls;
- Bistandsnemda: Street Children Centre (CJIC);
- SOS Children Villages: Family Support Programme;
- ICDP (International Child Development Programme): Psycho-social Intervention;
- Right to Play: general programme support.

Interventions supported by Sweden:

- General budget support (also from Norway);
- UNFPA AIDS Adolescent Reproductive Health/Geração Biz (also supported by Norway);
- UNICEF 2007–2009 support to civil society project;
- Zambezi River Bridge;
- Human Rights League (also supported by Norway);
- European Parliamentarians for Africa – AWEPA (also supported by Norway).

The main facilitating factor towards the realisation of child rights is the political will of the government, expressed in an increasingly robust legal and policy framework, including the poverty reduction strategy (PARPA). This framework forms a good foundation for action. The constraining factors, however, remain lack of implementation of policies and laws owing to the shortage of funds and weak

¹¹ Swedish Ministry of Foreign Affairs. Country Strategy for development Co-operation Mozambique 1 January 2002–31 December 2006.

¹² *Ibid.*, page 31.

institutional capacity. The donor community has shown great willingness to fill the funding and capacity gaps, not least through the general and sector budget support mechanisms.

Norway and Sweden make use of all aid channels, i.e. through bilateral and multilateral (UNICEF and the UNFPA) state-to-state support as well as through civil society. In the case of Mozambique state institutions are more prominent as collaborating partners than in the other three countries under review.

General and sector budget support are special aid channels and were selected for scrutiny with a view to ascertaining how they contribute to fulfilling child rights. Mozambique is the only of the four countries to which general budget support is provided. One of its medium – to long-term objectives is to strengthen the institutional capacity of government. Currently, 19 donors provide general budget support which is linked to PARPA. In 2010, for the first time in many years, the share of domestic resources in the overall budget exceeded external resources; the latter represented some 44 per cent. In the same year, some 20 per cent of all the external resources were provided in the form of budget support.¹³ In 2003, the Ministry of Health (MoH) set up *Health Sector Support (PROSAUDE)* as the overall basket fund for the sector as a sector-wide approach (SWAP), with 16 development partners. The proportion of external funding to the health sector is considerable although it decreased from 66.4 per cent in 2008 to 62.7 per cent in 2009.

It is exceedingly difficult to attribute direct effects on children to general or sector budget support. It is even harder to measure the effects of specific development partners' individual contributions. Ultimately, the results of budget support depend on the advocacy of the partners with the systematic use socio-economic research data for policy analysis and dialogue. Some embassy staff find budget support counter-productive because it is perceived to lead to centralisation. The basket funding mechanism anchors the policy discussion at the central level and hence militates against public sector reform towards decentralisation. Some informants were of the view that the government's accountability is geared more to the development partners than to the citizens of Mozambique.

Budget support has some advantages. The most obvious one is the strengthening of government, the main duty-bearer responsi-

13 Ministério das Finanças: Cenário fiscal de médio prazo 2011–2013. Proposta a ser submetida ao Conselho de Ministros para apreciação. Maio, 2010.

ble for realising child rights. A positive consequence of basket funding is harmonisation among donors and reduced administrative burden on the government. Coordinated basket funding provides the government with predictable funding and contributes to improved public sector planning. It has reduced transaction costs considerably. Furthermore, the harmonisation of donor policies has made the government more aware of key elements of good governance.

Most of the examined interventions fall under *the principle of the right to life, survival and development*. This applies palpably to all interventions related to health and education, as well as to the right to play and the ICDP which also has a protective element. Since general budget support is linked to PARPA, in which the social sectors feature prominently, it is reasonable to claim that this form of support contributes to upholding this principle, notwithstanding the attribution problem. Likewise, health sector budget support is very likely to benefit children even if it also benefits adults. Similarly, the intervention on adolescents' reproductive health falls within this category. Child protection is also subsumed under this principle, and in this regard cases in point include those supported through Norwegian Missions in Development on street children; Save the Children against trafficking and sexual abuse; and SOS Children Villages in support of families.

Through collaboration with the Ministry of Women's Affairs and Social Action (MMAS), local MMAS offices identify and decide on placement of boys and girls in the Children Villages in accordance with the Children Act. In Norway SOS Children Villages has in recent years been controversial on account of its 'Children Village' concept. On the one hand, removing children from their parents, families and communities to grow up in isolated, artificially constructed villages with adult female staff acting as 'mothers' and 'aunts' instead of their parents and family members, may be regarded as violating the CRC. According to the CRC children have a right to grow up with their parents, both mother and father. It is internationally recognised that placement in foster families or smaller living units within the community is preferable to institutional life. On the other hand, the children in the Children Villages are provided with quality education, health care and a protective environment. One can thus regard the Children Villages as both in line with and in contravention of the CRC; hence the controversy over this model. Even so, we are concerned about projects supporting institutionalised care of children in view of the clear CRC emphasis

on family-based care. We recommend, therefore, that institutionalised care be a measure of last resort when no other option is feasible.

None of the sampled interventions addresses *the principle of non-discrimination* as a main objective. Indirectly, however, gender discrimination is a concern in several of them, e.g. anti-trafficking and sexual abuse. This does not mean that discrimination is a non-existent phenomenon in Mozambique, only that it was not an explicit concern in the sampled interventions. However, an example of possible discrimination was found among the sampled interventions. Two local church organisations received funding from Norad from 1995 until 2007 through the Norwegian Missions in Development ('Bistandsnemnda') to establish a centre for street children: Centro Jovenil Ingrid Chauwner (CJIC). This intervention was selected for scrutiny because it was implemented by faith-based organisations, and because it addressed the plight of particularly vulnerable children. Before the boys are admitted to the centre, they are told that it is a faith-based programme and asked if they want to live a Christian life. They are told that participating in worship sessions and going to church are requirements for living at the centre. Although a key informant maintained that none of the boys has been forced into the faith it would require an in-depth study to determine whether proselytising is such a prominent feature of the centre that it would be considered inappropriate. We are concerned about making services and benefits to children conditional upon religious service attendance. Hence, we recommend that careful thought be given to these issues so as not to contradict children's freedom of religion and worship, as well as their right to non-discrimination on religious grounds.

Like in the other countries under review, *the principle of participation* or the right on the part of children to express views and be heard does not occupy a central place in the donors' interventions. The exception is the Child Parliament of Mozambique, established in 2008 and supported through the LDH. This institution addresses violations against child and youth rights and seeks to raise the political awareness of youth through civic education. Indirectly, some interventions contain elements of participation and empowerment, such as the right to play. Child participation as a goal in itself did not feature in the available documentation, particularly not in decision-making contexts.

In the course of field work the country team met children who voiced their views on interventions, for example three girls and fam-

ily members who had participated in the family strengthening programme. Two of them had parents living with AIDS and had received vocational training as hairdressers and beauticians. Both of them would like to start their own salons, but their long-term future vision was more ambitious: one wanted to become a journalist and the other a doctor. They had attended school in the evenings and received in-kind support, such as poultry and books. The third girl, whose parents had died of AIDS, had received a loan to support the establishment of a small shop together with her grandmother and sisters with whom she lived. She and her grandmother received training on how to run a shop/business and made remarkable progress. They had already repaid 50 per cent of the loan. She made the following comment about her future:

Most girls don't want to study, but would rather be with boyfriends. For me, I would like to study because the thing with boyfriends or husbands always ends. If I study I will have my own thing. I can see this with my own eyes, what my girlfriends do and what happens to them. I can't say what exactly I will study, but something in the field of biology or medicine. But right now I will do what is available to me.

As pointed out in the introduction, *the general principle of the best interest of the child* is a cross-cutting concern expected to underpin all interventions. In other words, it is a mainstreaming principle. Nonetheless, specific interventions designed to enhance awareness of child rights could be subsumed under this principle. Examples include support for the Human Rights League and AWEPA, both of which engage in such activities. Similarly, advocacy for legislative and policy changes would also fall under this principle. The work by UNICEF is a particular case in point.

Since the best interest of the child is a mainstreaming principle, the efforts towards implementing this prong of Sida's approach are worth highlighting. Three interventions were considered examples of mainstreaming by Sida. The Human Rights League is engaged in advocacy against human rights abuse and for the promotion of human rights knowledge, including child rights. Second, AWEPA is active in awareness-raising among parliamentarians and politicians at the local level with a view to strengthening child rights within a governance system. The third example is the Zambezi River Bridge project around which was started a broader development programme that in various ways benefited children. It is doubtful,

however, whether the outcome of these three interventions came about as a result of deliberate mainstreaming on the part of Sida or rather by default. Sida's country strategy does not mention mainstreaming of child rights and no evidence was found of the operationalisation of the concept or its systematic application. None of the interviewed Sida personnel knew about tools, guidelines, policy decisions or instructions for mainstreaming in general or the mainstreaming of child rights in particular; nor had they received any training to that effect. They were ambivalent as to whether the mainstreaming policy is feasible. Thus, there appears to be a mismatch between policy espoused by Sida headquarters and country level practice as far as mainstreaming is concerned.

The *relevance* of the interventions is not in question in terms of CRC obligations, the 'Concluding Observations' of the treaty body, and the general aid policies of Norway and Sweden. As in the case of the other countries, however, the donor community can only be expected to complement the actions of the government of the country in which they operate, rather than filling all the gaps. It has not been possible to discern a particular pattern of the interventions which would suggest that the 'Concluding Observations' have served as guidelines for prioritisation. Since the mainstreaming policy of Sweden has not been applied systematically and consistently there was no evidence that child rights as a cross-cutting concern had ameliorated any biases of the targeting prong of the strategy. It might be argued that general and sector budget support has functioned as a mainstreaming mechanism – again by default – because it is linked to major social sectors such as education and health, but hardly as a result of deliberate child rights mainstreaming.

The *effectiveness* of the interventions in terms of tangible results is probably considerable, although they are difficult to gauge because reporting tends to centre on activities rather than output and outcome, let alone impact. Still, some achievements stand out: the child helpline; the centre for street children; the right to play, etc. With regard to advocacy, legislative and policy influence the results are not immediately observable because of a long gestation period; they are likely to make a difference only some time into the future.

Since state institutions are more heavily involved among the examined interventions, the *sustainability* prospects are likely to be better, even though it depends on sustained political will, budgetary provision, and institutional capability. To the extent the donor community continues to put trust in the government of Mozambique and

maintains a high level of budget support, this is also likely to buttress sustainability, particularly when linked to PARPA II and the National Action Plan for Children, as well as other topic-specific policies and guidelines, such as HIV and AIDS and human trafficking. Otherwise, CSO-managed interventions are vulnerable because of their dependence on external resources as is generally the case. Importantly, the very concept of sustainability needs to be problematised. While conventional notions of sustainability are applicable in terms of service provision (education, health care, etc.), it does not make sense to apply it to advocacy and watchdog activities. Similarly, awareness-raising is arguably a perennial necessity. In view of the fragile sustainability of interventions the need for donor assistance is unlikely to diminish in the near future.

Mozambique is on the right path towards greater observance of child rights, with assistance from donors such as Norway and Sweden and the rest of the donor community, for that matter. Both duty-bearers and rights holders have been strengthened. While considerable progress has been made in respect of legislation and policy, the challenges of implementation are formidable. CBOs play a key role in implementation but they lack capacity and resources. Even when working in partnership with central and local authorities the lack of capacity and resources is felt.

Norwegian and Swedish funding is appreciated because: (a) it generally has a longer time horizon than most other funding; (b) Sida and the Norwegian Embassy encourage working with and through the government, while some donors discourage or do not permit such a practice; (c) Norway and Sweden do not apply conditionality or earmarking and do not engage in micro-management.

4.4 SUDAN

The first sub-section gives a backdrop to Sudan and the situation of children in the country and what the government is doing to honour its obligations in terms of the CRC. The subsequent sub-section provides information about aid interventions supported by Norway and Sweden. The final sub-section lists findings and conclusions.

4.4.1 Backdrop

Sudan is a multi-religious and multi-ethnic country with a population of about 40 million. At independence in 1956 the civil war between the North and the South had already erupted and, apart

from a period of ten years from 1973 until 1983, relations had never been peaceful until the conclusion in January 2005 of the Comprehensive Peace Agreement (CPA) between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A). During the 21-year civil war in Africa's largest country, more than two million people died, four million were uprooted and 600,000 sought shelter beyond Sudan's borders as refugees. The CPA represents a major opportunity for positive change and sustainable peace in Sudan. But the implementation is slow and the outbreak of new conflict in eastern Sudan and Darfur and post-conflict violence in southern Sudan mean that peace is fragile and elusive. In 2011 there will be a referendum on southern Sudan's independence.

The last ten years have seen significant developments with regard to children in Sudan, but important challenges remain within the areas of education, health, protection and participation. The CPA marks a turning point in Sudanese history. But the ongoing conflicts in the country continue to hamper the enforcement of the CRC. Nonetheless, the Child Act 2010 is a major achievement, even though there are many challenges of enforcement. There are also huge coordination challenges between government and international and multinational organisations engaged in child rights promotion. Child rights are politicised and sensitive. The Humanitarian Assistance Commission (HAC) is responsible for the registration and performance of the non-governmental organisations but has failed to build trust and cooperative relations between these organisations and the government. The 2004 NGO Act was enacted to give more control by HAC over civil society organisations (CSOs), with authority to expel or ban or stop activities of any organisation. In March 2008 when the International Criminal Court (ICC) issued a warrant for the arrest of President Bashir on account of the government's atrocities in Darfur, several foreign organisations were expelled, including Save the Children US, Save the Children UK and the Norwegian Refugee Council (NRC).

There is a lack of reliable data/statistics provided by the Sudanese government. Without a baseline, it is difficult to trace developments over time and even to get accurate information about the status quo. The net primary school attendance rate is estimated at 53.7 per cent. Children have a right to free education but in reality school fees are charged; 34.9 per cent of the children stated inability to pay school fees as the main cause for not being enrolled.

In 2005, the public expenditure on education was reported to be merely 2.9 per cent (Alternative CRC Report 2010). The educational system is hampered by lack of trained teachers, corporal punishment, poor school premises and equipment, as well as considerable gender and regional disparities in enrolment.

Forty per cent of under-five deaths are caused by diarrhoea, owing to lack of access to clean water. The infant mortality rate in 2006 was 81 per 1000 live births. The under-five mortality rate is 112 per 1000 live births. Mortality rates among infants and children under five are among the highest in the world. The national maternal mortality rate is 1,107 per 100,000 live births. One of the main reasons is that only 20 per cent of Sudanese women deliver in a health facility. Generally, the accessibility and quality of health care is poor (SCS 2006). Sudan is in the early stages of a HIV and AIDS epidemic. The estimated HIV prevalence rate is 1.6 per cent among the adult population in Northern Sudan and 3.1 per cent in Southern Sudan (UNAIDS Reports 2008).

Despite changes in women's attitudes toward Female Genital Mutilation (FGM) in the last 10 years, data from the 2006 household surveys show that FGM is still widespread. About 89 per cent of women aged 15–49 in the northern part of the country have undergone some sort of FGM.¹⁴ In 1992, the National Programme for Eradication of Harmful Traditional Practices was established by the current Islamist government. The practice has been institutionalised as a custom integral to the social system. Arguments in favour of the practice (social, religious, cultural, etc.) are complex (Tønnessen et al. 2010). Its criminalisation will not be enough for eradication but is regarded by civil society and even governmental institutions as an important tool in combating FGM.

Sudan has the highest number of internally displaced persons (IDPs) in the world. An estimated five million people are displaced, of whom two million in conflict-ridden Darfur. An estimated 1.8 million children have been affected by armed conflict. No Sudanese legislation has been enacted to protect IDPs. Between 7,500 and 10,000 children remain associated with armed forces and groups. The optional protocol to the CRC on the involvement

¹⁴ It is important to note that not only Muslims currently practice FGM. Southerners have to some extent adopted the practice of female circumcision. It is still considered stigmatising not to be circumcised (*ghalfa*). Historically, female circumcision in Sudan was an attribute of female slaves (*ghalfa*, not circumcised) (Abusharaf 2009).

of children in armed conflicts raised the minimum age for taking part in hostilities, compulsory and voluntary recruitment to 18 years. In 2005, Sudan ratified the optional protocol. The Armed Forces Act of 2007, which was recently passed by Parliament, provides unequivocally for the protection of children affected by armed conflict and sets the age of recruitment at 18 years, in accordance with the Optional Protocol. The Child Act 2010 prohibits the recruitment of children in the armed forces or in armed groups.

The CPA obligated its signatories to demobilise all children in their ranks by July 2005. The National Council for Disarmament, Demobilisation and Reintegration (DDR) and the Northern Sudan DDR Commission and a DDR Commission for Southern Sudan were created in 2006. The DDR was hampered by the continuing conflict in Darfur and by the lack of basic infrastructure in communities. Large numbers of children were still held in military barracks beyond the CPA deadline.

The number of street children is increasing. Within the state of Khartoum the number reached 15,000 in 1991 and 34,000 in 2000. The majority of street children are boys, only about 15 per cent are girls (SCS 2001). The increasing number is mainly due to displacement because of war and conflict. Most of the street children are located in urban areas. These children are vulnerable to sexual abuse, violence, exploitation, etc.

The Labour Act (1997) prohibits employment of children below 16 years. But the Act allows for exceptions: children under 12 years may be employed in government-run training schools, non-profit workshops, businesses owned by the child's family, and when the child works under a contract of industrial apprenticeship (SCS 2006). According to 1996 data from the Ministry of Labour 46 per cent of children aged 6–9 were working. The Child Act (2010) prohibits work by children (except in agriculture) under the age of 14.

The Interim Constitution (2005) guarantees that every person born to a Sudanese mother or father has the non-alienable right to Sudanese citizenship. There are, however, several areas of concern on civil rights and freedoms which are in conflict with the principle of non-discrimination and the best interest of the child in the CRC. The legal minimum age of marriage is regulated by the Muslim Personal Status Law from 1991 and the Marriage of Non-Muslims Act from 1926. The former stipulates that boys and girls can marry when they reach puberty, which is generally recognised in girls between the age of 9 and 15 and boys between the ages

of 14 and 18. To get married a girl needs the permission of a *wali* (a male guardian). According to the Marriage of Non-Muslims Act from 1926, girls can get married at the age of 13 and boys at the age of 15. In practice, non-Muslims' civil rights (including marriage) in southern Sudan are regulated by non-codified customary law. The general rule is that girls can marry when they start menstruating. About 36 per cent of girls marry before the age of 18.

The Convention of the Rights of the Child (CRC) was signed by Sudan in 1991. Sudan's first periodic report to the treaty body was submitted in 1993, the second in 1999 and the third in 2007. Sudan signed the Optional Protocol on the involvement of children in armed conflict in 2005 and the Optional Protocol on the sale of children, child prostitution and child pornography in 2004. Sudan has also ratified the African Charter on the Rights and Welfare of the Child.

According to the second CRC state report, Sudanese girls and boys are given a range of opportunities to freely express their views. In a traditionally hierarchical society, however, children's participation is a new and unfamiliar concept. Introducing and implementing children's participation will require changes of deeply rooted traditional attitudes and practices; it will take time, effort and persistence, especially in the case of the girl child. Neither the CRC reports nor the alternative reports provide any information on children participating in the preparations of the reports.

4.4.2 Donor interventions: findings and conclusions

A total of 11 interventions were examined in some depth, most of them implemented by multilateral agencies and international civil society organisations. They are listed below:

Interventions supported by Norway:

- Female Genital Mutilation (Sudan Council of Churches/Sudan National Committee on Traditional Practices);
- Education and Rehabilitation (Sudan Council of Churches);
- HIV and AIDS Control and Management Project (Sudan Relief and Rehabilitation Association);
- Child-friendly Community Initiative in Eastern Sudan (UNICEF);
- Protection of Children affected by Conflict in Southern Sudan (UNICEF);
- Protection of Children affected by Conflict in Northern Sudan (UNICEF).

Interventions supported by Sweden:

- Juvenile Justice (Save the Children Sweden);
- Child Protection and Education in Emergency in Darfur (Save the Children Sweden);
- Post-conflict Humanitarian Response (International Aid Services);
- Protecting and Promoting Women’s Rights and Leadership in Sudan (UNIFEM);
- Building Capacity for Gender Equality in Governance (UNIFEM).

The main facilitating factors for child rights promotion are the accession by Sudan to key human rights instruments, in particular the CRC and its domestication through the Child Act and the setting up of institutions to implement the Act and its attendant policies. It was a setback, however, that the section of the Act that criminalised FGM was deleted at the last moment. The signing of the CPA in 2005 also helped to create conditions conducive to implementing child rights. The principal constraining factors include the repressive nature of the incumbent regime, epitomised by the ICC warrant for the arrest of Sudan’s head of state, as well as lack of resources and institutional capabilities to follow up policy commitments. Advocacy and awareness-raising is difficult and very sensitive. Persistent violent conflicts continue to hinder action in certain areas of the country, notably in Darfur. The fact that Sudan is effectively two systems of governance, yet so far one territorial entity, is furthermore creating obstacles to child rights realisation, logistically and otherwise. The low awareness on child rights in society at large, including persistent attitudes favouring the FGM practice, also inhibits action. Several donors are prepared to assist Sudan in overcoming these constraints.

In terms of aid channels Norway and Sweden appear to use multilateral agencies and international civil society organisations more than state institutions, probably on account of the repressive nature of the regime and a relatively weak domestic civil society. Among the multilaterals UNICEF and UNIFEM are key actors. Save the Children Sweden is a key player among the CSOs.

The general principle of the child’s right to life, survival and development is receiving much attention by both Norway and Sweden. Interventions pertaining to education and health feature prominently, but also protection aspects are central, sometimes in combination.

A case in point is child protection and education in Darfur which is designed to ensure that the right to education is not forfeited in a crisis situation. The objective of the NCA-assisted education and rehabilitation project is similarly to increase equitable quality education for all children, youth (and adults) with a special focus on disadvantaged groups in conflict-ridden areas. Other interventions seek to eradicate traditional harmful practices such as FGM, early marriages, widow inheritance, teeth extraction, tattooing and scarring. Demobilisation and reintegration of child soldiers are intended to build a protective environment for vulnerable children and to provide them with educational opportunities. The IAS-managed humanitarian post-conflict project is also geared to vulnerable groups through empowerment for a transition from emergency aid to development. Juvenile justice, addressing the plight of children exposed to violence, harmful labour and sexual exploitation, has been one of the main protective interventions by SCS in conjunction with the local NGO Sabah. Judges, police officers, legal councils, prison warders, and remand home personnel have been trained. Juvenile courts and child protection units have been set up under this programme.

In respect of *the general principle of non-discrimination*, several interventions address the discrimination of girl children, although often part of community-based interventions to counter gender discrimination. It is also justified to assert that action against FGM and early marriages are non-discriminatory in nature. The same can be said of the interventions in favour of children with disabilities. Otherwise, none of the sampled interventions had an overt anti-discrimination slant.

The general principle of participation or the child's right to voice and opinion and be heard was not a salient feature of any of the sampled interventions, with one exception. Both Norway's and Sweden's portfolios are weak on children's participation despite the fact that participation forms an important component in the Norwegian child rights strategy as does that of Sweden with emphasis on listening to children. Children themselves were not included as advocates for their own rights. Children's Parliaments exist in 13 states but their activities and efficiencies vary. In a traditionally hierarchical society, children's participation is a new and unfamiliar concept, which requires a transformation of deeply rooted traditional attitudes and practices, especially in the case of the girl child.

In the course of its field work the country team encountered children who voiced their views. For example, a deaf child said: “We know our rights and we have rights, but it does not matter as long as the government does not respect our rights.” The intervention on child-friendly spaces with child clubs, executed by the SCS, ostensibly afforded opportunities for children to speak their minds as a matter of priority. However, participation seemed to be confined to recreational and environmental activities, not empowerment in taking decisions and becoming agents of change. Children were treated as recipients, not as active subjects in their own right. A secondary school student in southern Sudan who participated in a meeting of the evaluation noted: “It is the first time that we sit with an elder to express our views and discuss our issues and needs.” Another girl added: “Our minds are exhausted with questions – Why have we lost our parents? Why are we poor? Why are we hungry? – but we have no opportunities to discuss our issues.” Similarly, a primary school girl explained: “We were told of our rights to express our views and needs and when we do that we get no responses.” The statements of these girls show that they are ready to communicate and participate but need to understand the context, their rights and responsibilities to manage their lives.

The general principle of the best interest of the child is considered one of mainstreaming. It was found that child rights were not mainstreamed in the selected projects. More importantly, the implementing agencies appear oblivious of Sida’s mainstreaming policy. Even the Swedish Embassy was unaware of this policy. The instruments seemed to be lacking for ensuring that child rights are integrated into Sweden’s country programme. The broad concept was not translated into practice. Child rights were not systematically addressed in assessment memos and the mechanisms for monitoring and evaluation were inadequate. There was only a formalistic, narrow definition of mainstreaming of activities not involving children directly.

Legislative and policy work would fall under the rubric of the best interest of the child. In that regard, UNICEF, the SCS, the SCC and the SCN in conjunction with local partners have made significant contributions to the drafting of the Child Act in South Sudan in 2008 and the National Child Act in 2010. As far as policy influence is concerned, the posture by the donors and their partners vis-à-vis the government seems critical. Some organisations and the Norwegian and the Swedish embassies alike describe their relations

with the government as strained. The expulsion of certain organisations in March 2008 can be attributed to their approach of confrontation rather than dialogue with the government. The SCS and UNICEF both prefer dialogue to confrontation. Similarly, Save the Children Sweden has been instrumental in setting up Child Rights Forums for dialogue between civil society and the government. This appears to have been a fruitful approach.

There can be no doubt that all the sampled interventions are *relevant* in one way or the other, whether considered in terms of the CRC, the ‘Concluding Observations’ of the treaty body or the policies of Norway and Sweden. But as stated repeatedly in relation to the other three countries, two donors or the entire donor community, for that matter, cannot be expected to fill all the gaps left by the state in terms of its legal obligations as the principal duty-bearer. And again, there is little evidence that the ‘Concluding Observations’ have served as guidelines to prioritisation by Norway or Sweden. Furthermore, it appears that Sweden’s mainstreaming approach has not been heeded so as to broaden the front of action in favour of child rights. The Swedish Embassy staff in Khartoum and other partners – whether Swedish or Sudanese – appeared oblivious of the mainstreaming policy and ill equipped with the requisite skills to implement it.

The *effectiveness* of the sampled interventions was considerable. Nevertheless, many of the results were difficult to measure, especially at the outcome or impact level. Notwithstanding these difficulties, it was possible to account for quantitative outputs such as 1,300 demobilised child soldiers, 1,500 beneficiaries of the education and rehabilitation project, etc. It needs to be underscored yet again that all awareness-raising activities have a long gestation period before coming to fruition. In the case of Sudan the road towards a more child-friendly society is long.

It is a finding of the country team that the *sustainability* of interventions is enhanced when government institutions are involved, whether at local, state or federal level. However, given pervasive harmful traditional practices, it does not follow that anchoring interventions in local communities will always yield quick results. Indeed, it may be justified to go against the grain – although with tact and circumspection – in order to counter such harmful practices. Furthermore, beyond gap-filling interventions there is a need for long-term and persistent advocacy and awareness-raising activities directed at the state and society at large. Only when the state is ready

to take on its responsibilities fully with the attendant budgetary and personnel resources will the sustainability prospects be improved to allow the donor community to contemplate their exit strategies. However, that prospect lies far into the future.

Commendable progress has been made in the past decade with regard to the legal and policy environment appertaining to child rights and the donor community – including Norway and Sweden – has made a contribution to that effect in conjunction with local partners, even though attribution is hard to establish. Yet, there are formidable challenges of implementation.

5 Conclusions

Based on the country case studies synthesised in the preceding sections of this report and appended in somewhat greater length a series of generic conclusions is drawn. These summarise the commonalities of the experiences from the four countries. Their validity applies across these countries, notwithstanding qualifications about the representativeness of the sampled interventions.

5.1 GENERIC CONCLUSIONS

We shall divide the general conclusions along two broad lines. The ToR ask how and to what extent a child rights perspective has been integrated into the policies and programmes of Sida and the MFA/Norad, specifically the process by which this is being done. Second, the ToR ask about the extent to which child rights have been strengthened as a result of this process. On the one hand, we have endeavoured to document both process results as well as development results. In order to gauge the process results, we have used the four main principles of the Convention on the Rights of the Child (CRC) as a guide and standard by which to assess the process results. Second, we have assessed development results in terms of effectiveness, relevance and sustainability for each of the four countries.

As the strategies of Sida and MFA/Norad differ, we have devoted some space to assessing the relative virtues and drawbacks of mainstreaming vs. targeting as modalities for advancing child rights in the four countries under study. We have also assessed the pros and cons of using different channels for child support, whether they are state-to-state support or support channelled through CSOs. We have also considered the role of multilateral organisations, in particular UNICEF.

5.1.1 Integration of a child rights perspective: relevance and process

In order to assess how and to what extent a child rights perspective has been integrated, we need to know what such a perspective would look like. In this report, we have taken the view that interventions supporting the advancement of child rights should reflect the four

main principles of the CRC. These are (i) non-discrimination; (ii) the right to life, survival and development; (iii) the right to express views and be heard; and (iv) the best interest of the child. We argue that a child rights perspective is integrated to the extent that interventions reflect these main principles. Furthermore, a child rights perspective is reinforced by the adoption of a general rights perspective and a general commitment to human rights norms. In the following, we draw some general conclusions on the integration of a child rights perspective, building on the four countries under study.

First, concerning *non-discrimination*, we are basically preoccupied with discrimination *among* children, particularly with groups of children whose rights may demand special measures. As we have only examined a small sample of interventions, we do not have a solid basis for concluding whether specific groups have not received the attention they deserve and whether this amounts to discrimination. Ideally, the entire aid portfolio would have to be examined in order to answer that question satisfactorily. However, one specific intervention appears to discriminate on the basis of religion which is a source of concern; projects services and benefits to children should not be made conditional upon religious service attendance. Among the projects reviewed, a fair number address the plight of vulnerable categories of children. These include Maya children in Guatemala, Maasai girls and deaf children in Kenya, trafficked children in Mozambique and girls subjected to FGM in Sudan. In all four countries, aid interventions target special groups on the basis of their vulnerability, whether it is poverty, negligence, exposure to exploitation or traditional practices considered harmful to children. These types of intervention are valuable and should be continued in the future.

Second, regarding *the right to life, survival and development*, we are concerned with interventions advancing the child's physical, mental, spiritual, psychological and social development in a broad, holistic manner. Large parts of the aid portfolio do address development in this broad manner and health and education are two such areas contributing to the multi-dimensional development of children as advocated by the CRC. It covers participatory pedagogy in Guatemala, the Maasai Education Discovery in Kenya, health sector support in Mozambique and education and rehabilitation in Sudan, combining humanitarian aid with long-term development aims. Child protection is also an important component of this general principle. It is addressed by seeking improvements of the juvenile

justice system in Guatemala and Sudan, by working towards a comprehensive child protection system in Kenya or by preventing trafficking and aiding street children in Mozambique. All in all, this general principle is well covered by aid interventions in the four countries. However, with reference to some interventions it should be underscored that institutionalised care of children should only be a measure of last resort when no other option is feasible. Similarly, if child labour is unavoidable in certain circumstances, appropriate measures should be taken to avoid adverse affects on children's schooling and health.

Third, regarding *the right to express views and be heard*, we are concerned with the role of the child in the promotion, protection and monitoring of his and her rights. On this score, the results are not very encouraging. Children may be heard, but whether they are heard well enough to have any say on decisions is another matter. In none of the countries surveyed do we find that this general principle has been sufficiently promoted. Child participation has been more tokenistic than substantial. There are child parliaments in Mozambique and Sudan and the one in Mozambique does appear to address issues of primary concern to children. There are projects with participatory elements, but we have not found evidence of children's influence in decision-making. This absence no doubt reflects general attitudes towards children and attitudinal change is essential to make headway towards children taking on a real participatory role.

Finally, regarding the general principle of *the best interest of the child*, we have argued that this is essentially a mainstreaming principle. As the General Comment cited in the introduction says: it is "a primary consideration in all actions concerning children." In fact, during the drafting of the CRC, even stronger language ("the paramount consideration") was suggested, but rejected in favour of the language finally adopted. As the principle covers both public and private bodies, it cuts across all decisions and actions assumed to concern children. Not only should this principle be heeded in all types of interventions, the principle should also be followed in advocacy, in legislation, in policy-making and in all sorts of administrative decisions. What this means is that donors should be ready to support any type of activity which abides by this principle and similarly be ready to refuse support to activities which clearly are potentially harmful to the best interest of the child. Activities of an advocacy nature or aiming at changing laws, policies, rules and

regulations would come under this principle and several examples are given in the four country studies. As these activities may not yield any quick results, yet they may in the longer term be immeasurably important in advancing the rights of the child and should be supported.

5.1.2 Strengthening the rights of the child: development results

With regard to *effectiveness*, we have found considerable results in all four countries, albeit with the caveat that activities have been measured and assessed in terms of outputs rather than outcomes. Another caveat is that results are likely to vary significantly according to the type of intervention examined. Service delivery of one sort or another is more likely to yield tangible results than interventions aiming at changing the general legal and policy framework. Therefore we are not in a good position to state unambiguously what works and what does not. What will work (or not) depends to a large degree upon the policy and political environment which is not uniform across all four countries. In Guatemala, abject poverty, crime, the legacy of a protracted and severe civil war and the presence of marginalised indigenous peoples are constraining factors. In Kenya, the facilitating factors include improved laws and policies, but lack of funds and weak institutional capabilities remain constraining factors. In Mozambique, there is a blend of facilitating and constraining factors similar to those found in Kenya. There is political commitment, but not enough resources and implementing capacity. Finally, in Sudan, the adoption of human rights instruments and the Child Act are positive signposts, but these have to be weighed against a repressive regime, ongoing regional conflicts and a highly uncertain future for the country as such. If effectiveness were the main consideration, an argument could be made in favour of allocating more resources to Kenya and Mozambique because in those countries inadequate resources and capabilities are the principal constraints rather than commitment. However, we shall not push that argument here.

In terms of *relevance*, we have taken the position that relevance should be assessed both in terms of the normative standards of the CRC, particularly its general principles (see section 5.1.1 above), and the general aid policies of Norway and Sweden. We have found that the aid portfolios are aligned with both the CRC and the aid policies of Norway and Sweden. Still, we have noted that the aid partners cannot be expected to fill every nook and cranny identified by the

CRC Committee. As the state is the main duty-bearer, it has the primary obligation of implementing the CRC. Aid partners can assist in filling gaps to the extent these gaps match their own aid priorities. However, we have found no evidence that the concluding observations of the CRC Committee and other relevant material are being used to guide the priorities of the aid programmes. We have argued that child rights promotion should be among the aid priorities of the donors. For Sweden, it is a priority through the approach of mainstreaming (see section 5.1.3 below). For Norway, it is dependent on the actual contours of the individual country programme. However, an argument could be made that Norway should adopt the mainstreaming approach to ensure that child rights are a priority in aid interventions across the board. Norway has incorporated the CRC into its own laws pursuant to Article 110c of the Constitution which states that “it is incumbent upon the State to respect and safeguard human rights. Further regulations regarding the implementation of relevant treaties will be determined by law” (unofficial translation). Existing law does not only impose an obligation to abide by the CRC in domestic affairs, but also to apply it to foreign affairs and particularly to its aid interventions. Norway practices gender mainstreaming and the Convention against all Forms of Discrimination against Women (CEDAW) has similarly been incorporated into Norwegian law. Hence, we see no reason why the application of mainstreaming should not be extended to child rights. Indeed, General Comment no. 5 of the CRC treaty body goes a long way towards making mainstreaming a requirement for CRC signatories. Besides, the CRC enjoys near universal acceptance. For a discussion on the pros and cons of mainstreaming vs. targeting, see section 5.1.3 below.

Finally, with regard to *sustainability*, we have noted that all four countries have ratified the CRC and are thereby bound to take legislative, policy, administrative and other types of action in order to abide by their legal obligations. That said, we have observed that the degree of commitment varies considerably across the four countries surveyed and that the general resource endowments for all four countries make external assistance a necessity for the foreseeable future if these four countries are to make headway towards implementing the CRC. In addition to financial resources, there is a continuing need for channelling support to advocacy and awareness raising efforts, particularly for those countries where government commitment is less evident. For CSOs, sustainability is more acute

as these organisations are often more dependent on external resources than are governments. However, we would argue that their contributions should not exclusively be seen in terms of service delivery. They often perform important advocacy functions as well and these tasks may be less tangible and measurable and less subject to common notions of what sustainability entails. We examine the sustainability issue in more detail in sections 5.1.3 and 5.1.4 below.

Even though it is strictly speaking not part of the terms of reference for this evaluation, mention must be made of the ethical aspects of abruptly discontinuing the funding of individual projects addressing the needs of particularly vulnerable groups. While it is appreciated that donors' country programmes need review and streamlining from time to time, care must be taken to avoid that vulnerable recipients suffer in that process – in this case children. The portfolios of both Norway and Sweden comprise projects that are at risk of termination in the near future. As evaluators we have noted considerable apprehension and nervousness about such gloomy prospects on the part of CSOs (and even UN agencies) that manage projects in that category. Some of them are struggling to diversify their funding sources while others have embarked on rather ambitious plans in the anticipation that funds will continue to flow. Few, if any, have prepared for the day when donors exit. For their part, neither Norway nor Sweden seems to have formulated exit strategies that provide some respite for the recipients to adjust to a new funding situation. We venture, therefore, to question whether it is ethically defensible (even if it is legally impeccable) to phase out projects that are clearly far from completion.

5.1.3 Mainstreaming vs. targeted interventions

The investigations paid considerable attention to the mainstreaming element of Sida's approach. It was important to consider the pros and cons of this endeavour. The discussion in the section on interventions below on the 'Mainstreaming in Action' initiative provides some insights but additional factors need to be taken into account. In 2007, Sida commissioned a synthesis report on the experiences with its mainstreaming policy and practice (Uggla 2007). The report covered the mainstreaming of three cross-cutting concerns: gender; the environment; and HIV and AIDS. Admittedly, it did not address the mainstreaming of child rights explicitly but in light of the findings of this evaluation we can confirm that many of the

observations made and the lessons learned apply to child rights mainstreaming as well.

Mainstreaming is a very ambitious approach indeed. Its underlying rationale is that certain policy issues are of such paramount importance that they need to inform all undertakings. In principle, mainstreaming requires the entire organisation to be capable of implementing it, e.g. possessing the requisite knowledge and practical skills to infuse every intervention with a child rights perspective. At that, the endeavour needs to be continuous to be effective, not a one-off exercise. Furthermore, the partners at the recipient end also need to buy into the approach and be up to speed on how to implement it. That is a tall order in any circumstance and these preconditions are not always fulfilled. Responsibility for mainstreaming – regardless of the issue – is often passed on to officers who may or may not have the competence, skills and inclination to carry out the task, and who are likely to consider other tasks to be of higher priority.

The 'Mainstreaming at Sida' report noted that "Sida has not managed to effectively implement any of the [mainstreaming] policies. Rather, treatments of these themes appear to be erratic, frequently disregarded, and often subject to the interest and commitment of individual staff members" (Uggla 2007:5). Sida has adopted bold mainstreaming policies and Sida staff appears highly committed to implementing them with the best of intentions. Yet, written guidelines and tools available in the organisation were seldom used or often found difficult to apply in specific circumstances (Uggla 2007:20). As a result, in practical implementation Sida falls short of its mainstreaming ambitions. In other words, there is a considerable gap between what Sida professes to do and what it actually does (Uggla 2007:19). The shortcomings are related to Sida's internal organisation. There is an overload of policies and guidelines, yet an absence of clarity about goals, lack of systems for follow-up and learning, and inadequate staff competence to undertake the necessary analyses (Uggla 2007:5). The 'crowded' policy agenda leads to competition for attention between policies and so far no rules and regulations have been introduced to handle prioritisation. At the end of the day, each programme officer is left to make up her/his own order of priority (Uggla 2007:22). Mechanisms for sharing lessons and learning are also deficient. The new aid architecture with donor harmonisation and alignment would add to the challenge of main-

streaming – especially when taking into account sector or general budget support as a key element (Uggla 2007:18).

The experiences with mainstreaming in the four countries studied suggest that mainstreaming has not been a resounding success. The Sudan country case study is perhaps clearest in pointing out the deficiencies. It found that the sampled interventions had not been mainstreamed. Indeed, the implementing agencies appeared oblivious of Sida's mainstreaming policy, including the Swedish Embassy. Child rights were not systematically addressed in assessment memos and the mechanisms for monitoring and evaluation are inadequate. The experiences were similar in Guatemala and Mozambique, even though some mainstreaming appeared to have come about unwittingly by default. Kenya was the only contrasting country case where an initiative was taken with the specific purpose of mainstreaming. Even then the results were not impressive, although they should not be dismissed entirely. Does this mean that the very concept of mainstreaming is useless? We think not. Conceptually, mainstreaming is sound but donors underestimate the resources required to make it work. The question, therefore, is not whether mainstreaming is feasible but whether the donors are prepared to make the necessary investment in it as part of a two-pronged approach.

The merits of targeted interventions are comparatively quick results while the main weaknesses are limited coverage, short duration and low sustainability. By contrast, mainstreaming is slower in producing results and more resource-demanding, though with better prospects of long-term sustainability. The experiences and lessons learned suggest that one approach – on either of the two policy issues – does not exclude the other, at least not in the short and medium term. It would seem advisable, therefore, to combine the two options. Mainstreaming would be the preferred long-term strategy to ensure that child rights are integrated in all donor and government policies and actions. However, acknowledging that mainstreaming is a resource-demanding and slower option, funds could be funnelled in the short and medium term through targeted interventions to fill gaps in a complementary fashion until child rights would inform all interventions across the board as a matter of routine resulting from mainstreaming efforts on a broad front. If and when opting for this two-pronged approach, donors such as Norway and Sweden must be prepared for the cost consequences. Not only is mainstreaming ambitious and costly in its own right, when combined with child-targeted interventions the costs would rise considerably.

It follows that, in view of Sida's experiences with mainstreaming of cross-cutting concerns other than child rights, a number of practical steps would have to be taken to overcome the shortcomings that were revealed. First, efforts would have to be made towards identifying synergies between the multiple mainstreaming issues (gender, environment, HIV and AIDS, child rights, etc.) with a view to handling them in conjunction, or alternatively establishing a hierarchy of policy priorities. Second, redoubling efforts would be needed to integrate experiences and lessons learned through training into daily routines, e.g. by producing better manuals and providing support facilities (a fast-responding help desk) for programme officers. Third, making the mainstreaming policies more applicable and practicable by clarifying concepts and objectives would be inescapable.

5.1.4 Modalities: state-to-state cooperation, multilateralism and engagement through civil society

Building a public system that respects, protects, promotes and fulfils child rights as enshrined in the CRC is a very demanding task. It takes considerable time and patience, not least if local ownership is to be nurtured. Hence, a long time horizon is required, probably a couple of decades. The interventions reviewed in the four countries suggest that headway is being made but formidable challenges remain before a functional system can be said to be in place. Arguably Kenya has reached the furthest on that route but even that country has a long way to go. With funding from Norway and Sweden among others UNICEF appears to have adopted a holistic approach to child rights that is bearing fruit. As a multilateral, inter-governmental agency it works principally in conjunction with state structures and we recommend continued funding along the same lines as hitherto. UNICEF also collaborates with civil society organisations but it should not be used as a conduit for channelling funds from bilateral donors to CSOs and as an overseer of CSO activities on behalf of multilaterals.

Resource constraints and lack of absorptive capacity in the civil service tend to slow down the speed with which one can move forward. Even so, it should be underscored that a functioning and sustainable system for ensuring child rights can only be state-based. No matter how dedicated and diligent CSOs might be, they will never be able to replace the state and carry and sustain a nationwide child protection system. This reasoning underpins a strong case for state-to-state cooperation.

However, state-to-state cooperation tends to move slowly and be affected adversely by a volatile political environment. Again, donors – such as Norway and Sweden – would be well advised to opt for a combination of modalities: state-to-state cooperation and interventions through CSOs as complementary modalities. While knowing full well that a fully-fledged state-based child protection system will be long in coming, there is considerable scope for CSO activities. Yet again, complementarity between the two modalities should be emphasised: state-to-state cooperation as the principal long-term, sustainable approach complemented by ancillary CSO interventions – whether targeted or not – in the short and medium run. The donors would then be able to chart exit strategies as the state-based child protection system is firming up and the CSOs gradually become superfluous. However, we do not argue that CSOs are basically service delivery agencies and even if state capacity is considerably expanded, it will not obviate the services of CSOs entirely, not even in the developed part of the world. There are additional advocacy and watchdog functions that can only be credibly performed by organisations independent of the government, not least when it comes to observing and monitoring the implementation of the CRC.

6 Recommendations

These recommendations are basically addressed to personnel at headquarters (HQ) of the Norwegian MFA and Norad/Sida, as well as to Norwegian and Swedish Embassy staff. This synthesis report has not made direct recommendations to other stakeholders, be they governments, CSOs or multilateral organisations.¹⁵ As governments are counterparts and multilaterals and CSOs are channels for assistance, we have given recommendations as to how Norad/Sida and the embassies should work with their state and civil society counterparts and pointed to the advantages and disadvantages of different channels of assistance. Most of the recommendations stem from our findings in the field. Some, however, stem directly from the principles of the CRC itself or from the authoritative General Comments by the treaty body. As such, they are based on the normative imperatives of the Convention rather than practical experiences.

GENERAL RECOMMENDATIONS

1. We strongly recommend using the Convention on the Rights of the Child (CRC), in particular the ‘Concluding Observations’ of the CRC Committee and other relevant sources of information, as an important source and guide for political dialogue as well as the programming of aid towards promoting child rights. The ‘Concluding Observations’ identify implementation gaps and frequently suggest that governments seek technical assistance from outside agencies as appropriate. Technical and financial assistance should be directed towards filling those gaps;
2. We reiterate that all interventions for the benefit of children should be informed by the general principles of non-discrimination, the best interests of the child, the rights to express views and be heard; and the rights to life, survival and development;
3. We generally recommend and reiterate that interventions should follow a rights-based approach whose core principles are participation, accountability, non-discrimination, empowerment and

100 15 Some of the country case studies have found it expedient to do so, however.

- linkage to human rights norms. Efforts to put these principles into actual practice should be strengthened;
4. We generally recommend that Norway adopt a mainstreaming approach similar to that of Sweden. Norway currently pursues a policy of gender mainstreaming in development cooperation and we see a strong case for extending it to child rights. As Norway has domesticated both CEDAW and the CRC through the Human Rights Act and thus made these human rights instruments part of Norwegian law, we see no argument of principle against extending mainstreaming to child rights. Given the legal status of the CRC in Norwegian law, there is a very strong case for applying it beyond domestic affairs to foreign policy and to development cooperation in particular. General Comment no. 5 of the CRC treaty body further underscores mainstreaming as a requirement. This recommendation of principle – as a second strategic prong – is made notwithstanding the operational challenges it entails;
 5. While many interventions have no doubt been beneficial to children, we are concerned about the extent to which these interventions have provided adequate space for the participation of children in all phases of the project cycle. We recommend that Norad/MFA and Sida give serious thought as to how children should become more involved in all project activities, from design to evaluation, to and utilise tools and methodologies developed for this purpose;

SPECIFIC RECOMMENDATIONS

6. We are concerned about projects supporting the institutionalised care of children in view of the clear CRC emphasis on family-based care. We recommend, therefore, that institutionalised care be a measure of last resort when no other option is feasible;
7. We are also concerned about projects making services and benefits to children conditional upon religious service attendance. Hence, we recommend that careful thought be given to these issues so as not to contradict children's freedom of religion and worship;
8. Similarly, we are concerned about projects involving child labour. However, if child labour is unavoidable in certain circumstances, we recommend that appropriate measures be taken to avoid adverse affects on schooling and child health;

MANAGEMENT

9. We recommend consolidating the information pertaining to interventions into one comprehensive database and to devise an information system whereby documentation can be easily retrieved. When information is scattered, it is very difficult to get an overview of Norad/MFA and Sida activities in the field of child rights (or any other field of aid, for that matter);
10. We recommend that better policy compliance procedures urgently be put in place between HQ and the embassies. As embassies assume many operational functions, they should be made aware of HQ priorities with regard to the promotion of child rights and accord them appropriate priority in field operations. Our view is that child rights are not given enough attention in field operations and this has to be rectified if Norway and Sweden are to make advances in the promotion of child rights. Tools, briefings and guidelines should be developed and applied in order to make embassies better prepared to deal with both policy and operational issues;

EMBASSIES

11. In view of the above, we recommend both Norwegian and Swedish embassies to take an active interest in interacting with the governments concerned, both in following and engaging in law and policy issues and in discussing with government counterparts how Norwegian and Swedish assistance could best be utilised in order to advance the rights of the child. This should be a component of the political dialogue and we would also advise dialogue with and support to human rights commissions and ombud institutions – both general and specifically for children – to the extent that such institutions exist;

OPERATIONAL RECOMMENDATIONS

12. We recommend that exit strategies for interventions benefiting children, particularly vulnerable categories of children, be communicated well in advance and that decisions regarding the termination of funding always be considered from the viewpoint of the best interests of the child. Such projects are often implemented by CSOs, and Norad/MFA and Sida should advise

- them to approach alternative funding sources if Norad/MFA and Sida are no longer able to provide funding;
13. We note with appreciation the ‘Mainstreaming in Action’ initiative in Kenya, which addressed human rights on a broad basis. However, if such initiatives are to have lasting effect we recommend that they be repeated on a regular basis and replicated in other countries with a view to ensuring that child rights become a permanent feature of all programmes;
 14. We recommend that a proper balance be struck between the hardware (equipment, infrastructure) and the software (human resources) components of interventions as some projects have emphasised one component at the expense of the other;
 15. In situations of armed conflict and humanitarian crisis, child rights are at risk of being crowded out due the urgency of other matters of high priority. We recommend that in such circumstances, concern for the well-being of children be prioritised as children are often innocent victims of these adverse conditions;
 16. Notwithstanding progress made to date in advancing child rights formidable challenges remain. We recommend, therefore, that Norad/MFA and Sida continue taking a long-term perspective in interventions in the field of child rights.
 17. While observing a balance between autonomy and control, avoidance of detailed earmarking and abstention from micro-management are features of Norwegian and Swedish assistance that are highly appreciated by civil society partners. The same posture should be maintained in the future;
 18. We argue that the concept of ‘sustainability’ may not be applicable to interventions that are basically advocacy in nature and recommend that Norad/MFA and Sida take this into consideration when making funding decisions. Results of advocacy in terms of law and policy changes may be uncertain and take considerable time. Donor emphasis on producing quick results should not lead to advocacy activities being disadvantaged. Interventions rooted in local community structures may produce quicker tangible results and be more sustainable, but may not necessarily be more important in advancing child rights generally;
 19. Notwithstanding the importance of anchoring interventions in local communities to enhance sustainability, we would warn against romanticising communities as always being supportive

of child rights; it should be recalled that many harmful practices are deeply rooted in local cultures, e.g. FGM, early marriages and corporal punishment. We recommend, therefore, that even interventions that have little support in local structures may be justified if they are in conformity with the CRC. Care should be given to identifying interventions combining knowledge of child rights standards with knowledge of local contexts;

MODALITIES

20. We have found no conclusive evidence whether or not general budget support has had beneficial effects in terms of child rights promotion. Any resource transfer is, of course, to the advantage of the recipient state as the main duty-bearer for promoting child rights, but we have no way of tracing these transfers to ultimate beneficiaries such as children. Hence, we offer no clear recommendation on the utility of general budget support as a tool for promoting child rights, notwithstanding whatever other merits this mode of aid may have;
21. We have noted that mainstreaming – the consideration of child rights in all aid operations – has not been a resounding operational success thus far. However, we recommend that it be retained with regard to Swedish aid (see corresponding recommendation 4 with regard to Norway), provided sufficient financial and human resources are made available for this demanding approach. As a way of ensuring that child rights are kept at the centre of aid policies mainstreaming is to be welcomed, provided the aid agencies have the requisite capacity to follow it through;
22. We do not see state vs. civil society support as an either/or proposition. State engagement is likely to be successful only if the state has the will and capacity to effect changes for the realisation of child rights. In the absence of either, CSOs may respond to urgent needs but would normally not be in position to ensure a lasting impact comparable to that of state engagement. Still, there is room for supporting targeted interventions by CSOs as these interventions fill gaps identified by the CRC Committee, the government and their aid counterparts;
23. In addition to their role as service providers, CSOs have important watchdog and advocacy functions in lobbying for legislative and policy changes. Donors should be prepared to support these

activities as well, which may be harder to assess in terms of tangible results, yet important in the long term;

24. We acknowledge the key role of UNICEF as an agency for advancing child rights at the domestic level in the countries surveyed and recommend continued funding along the same lines as hitherto.
25. UNICEF collaborates with civil society organisations. However, it is not appropriate for a multilateral agency to act as a conduit and overseer of bilateral support to CSOs. We recommend, therefore, that Norway and Sweden desist from using UNICEF as a conduit for support to domestic CSOs.

Annex 1: Country Case Study: Guatemala

The first sub-section gives a backdrop to the situation of children in Guatemala. The subsequent sub-section accounts for selected interventions supported by Norway and Sweden. The final sub-section lists findings and draws conclusions which are revisited in the overall conclusions drawn on the basis of all country cases.

BACKDROP

Guatemala ratified the United Nations Convention on the Rights of the Child in 1990 and both its attendant optional protocols on (a) the sale of children, child prostitution and child pornography; and (b) the involvement of children in armed conflict. At the time of writing (August 2010), the ‘Concluding Observations’ with reference to the fourth periodic state report from 2008 were not yet available and we had no choice but to use the somewhat dated ‘Concluding Observations’ from 2001 to assess compliance.

The CRC Committee was concerned about the postponement of the entry into force of the Children and Adolescent Code of 1996. The Act on Comprehensive Protection of Children and Adolescents eventually came into force in July 2003. The treaty body expressed concern that the general principles of non-discrimination, the best interests of the child, and respect for the views of the child were not fully reflected in legislation, judicial practices, policies and programmes. This applied specifically to indigenous groups, poor children, especially girls, children with disabilities and displaced children. The Committee was also concerned about the insufficiency of resources committed to children in view of the very high poverty rate among children. The 2008 periodic state report stated that 2.8 per cent of the budget was allocated to children and adolescents in 2007, up from 1.3 per cent in 2004.

It was noted by the Committee that data collection had been strengthened through the setting up of a social indicator system and that a national survey on maternal and child health had been conducted. The Committee thus recommended that a system of indicators and data collection covering the entire gamut of child rights be established. The government stated in its 2010 written response

that a report of statistical data on the rights of children and adolescents had been published by the UNDP and UNICEF.

The CRC Committee recommended that information material be translated into indigenous languages and that the minimum marriage age be raised to 18 years for both boys and girls. It was also concerned about the non-registration of a large numbers of children, in particular girls in poor rural and urban areas. Furthermore, the Committee was deeply concerned about the lack of supervision of adoption, as there are high rates of inter-country adoptions with reported allegations of the sale and trafficking of children in these processes. Therefore, the Committee recommended full suspension of adoptions until a system had been put in place for the prevention and elimination of the sale and trafficking of children. The Adoption Act entered into force in 2007, which made adoption conditional on authorisation by a juvenile court judge after first having considered the medical, social and psychological aspects of the child's case.

Several of the Committee's observations concern issues relating to the life, survival and development of children in general. It noted discrimination against children with disabilities who to a large extent tend to be institutionalised; the inadequate health standards of children, particularly in poor rural and urban areas; malnutrition among infants and children under five; early pregnancies, sexually transmitted diseases, drug abuse and the rising number of HIV and AIDS cases among adolescents; high drop-out rates, high pupil-teacher ratios, high incidence of absenteeism in the school system; and that bilingual education was offered only in a few indigenous languages.

The Committee recommended special protective measures for children affected by armed conflict, and was concerned about the rising phenomenon of commercial sexual exploitation of children, girls in particular. Finally, it expressed serious concern over the juvenile justice system, especially the practice of prolonged pre-trial detention during which children with no previous criminal record were incarcerated together with children with criminal records.

The CRC instrument was domesticated in 2003 with the approval of the Law on the Integral Protection of Children and Adolescence (Ley PINA) in which the Guatemalan state defines children and adolescents as subjects of law. It was further complemented in 2007 by the approval of the Law of Adoption and Convention

on Protection of Children and Co-operation in Respect of International Adoption.¹⁶ By means of government decree no. 333–2004, the Integral Protection of Childhood and Adolescence became official public policy and the National Action Plan in Favour of Children and Adolescents for the period 2004 to 2015 was approved. Moreover, in March 2009 Congress ratified Presidential Decree No. 9 and the law against sexual violence, exploitation and trafficking of people. This norm created a penal code that complemented the adoption law and the law against organised crime. It is also important to note the importance of the Law of National Registry – RENAP, Decree No. 90 (2005), that guarantees rights to both name and identity.¹⁷

Guatemala is a multicultural and pluri-linguistic country, with 22 different ethnic groups. Demographically the country has a total population of 11.2 million, of which the majority live in rural areas (53 per cent). Nearly 7 million children and adolescents in the 0–18 age bracket make up 51 per cent of the total population. Approximately 65 per cent of Guatemalans are younger than 24 years of age – a youthful population indeed.

Guatemala occupies the 122nd place in the Human Development Index. The country is characterised by deep inequalities with the very high Gini index (indicating inequality in the distribution of individual and household incomes) of 53.7 in 2006.¹⁸ Until 2000 this indicator was among the highest in Central and Latin America.¹⁹ Exclusion and inequality represent two of the greatest obstacles to development. Poverty and extreme poverty affect the entire country. However, it manifests itself in the most severe manner in social groups that have been historically most vulnerable: indigenous peoples, women and children. More than half of the Guatemalan population (57 per cent) lives in conditions of poverty and 22 per cent in extreme poverty. It is estimated that approximately 67 per cent of children and adolescents are poor. The

16 UNICEF, *El Sistema de Protección de la Niñez en Guatemala*, 2007.

17 International organisations estimate that one in ten Guatemalans are born without registration, implying that about 1.3 million Guatemalans (adolescents and adults) lack registration papers, and in the case of children 600,000 have not been registered. Ligia Flores. *Diario La Hora*, Nacionales, 03/07/2009.

18 World Bank, *World Development Indicators 2010*, Washington D.C.: World Bank, 2010, p. 95.

19 Peace and Development Association. *Boletín Informativo* N° 26. Guatemala, septiembre 2004.

number of single mothers is rising, aggravating the vulnerability of children. In the metropolitan area 20 per cent of mothers are single, while the figure rises to 28 per cent in the rural areas.

Infant malnutrition is widespread (43 per cent, of which 16 per cent is severe). Indigenous children are the most affected by malnutrition (59 per cent), and six out of every ten indigenous children are severely malnourished. Furthermore, it has been observed that six out of ten children whose mothers lack any education have chronic problems of malnutrition, while only two out of ten children to mothers with secondary or advanced education show signs of chronic malnutrition.²⁰

Despite Guatemala's legal basis for the protection of children and adolescents the system has many weaknesses. Children remain a low priority of the state. On a daily basis they encounter situations that threaten their fundamental rights and dignity: poverty, the lack of access to education, health services and housing; violence, sexual abuse; work and exploitation, malnutrition, hunger and preventable diseases, etc.

Extreme violence has grown in recent years resulting in the deaths of 4 children per month on average. Not only are children being killed, many become orphans as a result of the high level of violence in the country. Orphanhood often leads to the drifting of children and youth into gangs (*pandillas/maras*) that operate in slums in search of identity and a sense of 'family'.

About 95 per cent of children have access to primary education but only 50 per cent have access to pre-school education.²¹ While the coverage of basic education is quite good, the quality of education is questionable. As a result, half of the enrolled children do not complete primary school; one out of two children cannot write when they leave primary school; and one out of five secondary school leavers fails the test in mathematics.

The above information shows that there are multiple threats to the fundamental rights of children in Guatemala. Although the country has an adequate legal framework, the capacity of public and private institutions to implement these laws is weak. The formalisation of the protection of children is minimal and overly centralised. The regions are largely left with severe budget constraints and without necessary human resources. For example, there are only three

20 Preliminary Report, National Mother Child Survey 2008/09 (ENS-MI-2008/09). Ministerio de Salud Pública, Guatemala, octubre 2009.

21 Ibid.

children's judges to attend to the entire central region and its municipalities. The Attorney-General has only three investigators to follow up all cases. Furthermore, there is a tendency to treat children in a highly patronising and bureaucratic manner, instead of basing strategies on a rights perspective and offering opportunities for children to be heard.

Child protection is an integral part of the country's social welfare system, in which many government offices are implicated. Yet, there is currently poor coordination between government offices working on child protection issues. Private institutions providing protection are also not linked with the state and the state is not linked with them. This creates serious problems because the challenge of child protection is multi-faceted and complex.

Politically, the electoral power of the young population is increasing. In the 2007 election, the young voters between the ages of 18 and 25 who had registered to vote accounted for about 23 per cent of all Guatemalans who had registered.²² As a result, political parties have approached the youth to gain their vote. However, it has not meant that any of the parties have formed any clear platform to defend the legal basis of the rights of the child or generated public policies aimed at children and young people.

DONOR INTERVENTIONS

Altogether ten interventions were investigated in some depth. Most of them were child-targeted while some did not target children at all but were included to assess mainstreaming.

Interventions supported by Norway:

- Child Rights Programme (Save the Children Guatemala) 2006–2009
- Educational Programme (Save the Children Guatemala) 2006–2009
- Bilingual Education (UNICEF) 2004–2008

22 In the national elections in 2003, a total of 834,487 young people between the ages of 18–25 registered to vote, i.e. 18 per cent of the total number of registered voters. See Gustavo Berganza (2008); Berganza, Gustavo. *Los jóvenes, los medios y las elecciones*. En publicación: "Diálogo, Nueva época", No. 64. FLACSO, Facultad Latinoamericana de Ciencias Sociales, Sede Guatemala: Guatemala, mayo 2008. Access to the complete text: <http://www.flacso.edu.gt/dialogo/64/dialogo.pdf>

- Community Health Programme (Norwegian Red Cross) 2006–2012
- Arms Control (Norwegian Church Aid) 2005–2009

Interventions supported by Sweden:

- Protection of children and mothers in Guatemala (UNICEF) 2005–2008
- Institutional Strengthening of the Indigenous Women’s Ombudsman (UNDP) 2003–2006
- Rural Citizenship, Democratic Participation and Development with Equity: Phase 2 (Swedish Cooperation Centre) 2009–2011
- Integrated Care for Children and Adolescents whose Human Rights have been Violated (Plan International Sweden) 2008–2010
- Formation and Youth Connection (Diakonia) 2007–2010

Sida’s general strategy for development cooperation with Guatemala (2008–2012) aims to create the conditions necessary for consolidating peace and reducing poverty from a perspective of fundamental rights and a bottom-up understanding of poverty (i.e. from the perspective of the poor). A key theme of this strategy is the encouragement of political will to achieve peace, national reconciliation, human rights, inclusion, and poverty reduction – with a specific focus on women, children and indigenous peoples.²³

In 1999, Sida developed a strategy for integrating the perspective of children’s rights into its bilateral cooperation with Guatemala. The official policy document included ten practical points, e.g. social reform, health, education for all, combating HIV and AIDS, and assistance to children with disabilities. With respect to humanitarian aid, Sida accepted the contents of the CRC as the basis for all this work. The Swedish strategy can be summarised in four areas of action: (i) social reform; (ii) health and health services; (iii) education; and (iv) vulnerable and disadvantaged children. Sweden has decided to mainstream child rights in all of its interventions. Indeed, it insists on negotiating with its partners for the inclusion of children’s rights perspectives and reporting with reference to the CRC.

Sweden has, like Norway, a long history of commitment to and cooperation with Guatemala. A multi-year strategy is the principal

23 Ministry of Foreign Affairs, Sweden. *Estrategia de Suecia de Cooperación para el desarrollo con Guatemala*. September 2008–December 2012.

document, from which operational plans are updated on an annual basis. For the period 2008–2012 it is focused on peace, the rule of law and democratisation, action against sexual discrimination, support of indigenous rights, and structural economic changes that affect the distribution of wealth. The Sida-supported projects and programmes seek to strengthen individual fundamental rights, to combat impunity, and to promote access to basic services in health and micro credit. During the period 2007–2009 Sweden approved an annual cooperation budget for Guatemala of USD 26 million (SEK 181 million).

The Norwegian Embassy in Guatemala does not produce a yearly strategy, but has established a series of general principles governing its cooperation with the country. Norway is currently in the process of gradually dismantling its cooperation with Guatemala. Consequently, a decision has been made not to assist bilateral projects involving state institutions directly. Previously, a series of agreements of this kind were common, for example with the National Civilian Police (2004–2007) and the Institute for Public Prosecution (2002–2004). Cooperation is now confined to Norwegian NGOs operating in Guatemala and/or multilateral agencies of the United Nations; the Maya Programme is a joint undertaking between the UN and the Embassy.²⁴

The history of Norwegian involvement in Guatemala comprises a number of interventions. The Maya Programme was the result of a Norwegian initiative based on over 25 years of cooperation with indigenous communities in Guatemala (1983–2008) and the participation of Norway in the Peace Accord process. The general objective was to contribute to the improvement of the protection of indigenous rights, i.e. the rights of the Maya, Garífuna and Xinca peoples, and the exercise of these rights in the legal, educational and political system.²⁵

Save the Children Guatemala – Alliance for Communitarian Youth Development (ADEJUC) is an institution that promotes the rights of the child and citizen participation with the following objectives: (a) promotion of child rights; (b) strengthening citizen participation and local power; (c) institutional strengthening; (d) development of knowledge and technology. To achieve these objectives, Save the Children uses dif-

24 Norwegian Ministry of Foreign Affairs. Maya Programme, Mayib' Chak.

Para el pleno ejercicio de los derechos de los pueblos indígenas de Guatemala. Guatemala, enero 2009.

ferent strategies, e.g. strengthening the municipal and local development councils (COMODES, COCODES) which are assisted in making development plans and municipal policies. The aim is to develop capacity at the municipal level. This process also involves cooperation with the communities' inhabitants in order to create ownership.

In addition to supporting municipal development planning, Save the Children carries out a series of other projects and programmes: quality education, rights of the child, citizen participation; protection from violence and sexual abuse; participation of the child and communication; education for working children and adolescents, etc. In the context of this evaluation, two interventions have been chosen to demonstrate the work of Save the Children in some depth: (a) the educational programme 'Re-writing the Future' and (b) 'Programme for the Rights of Children'.

Through 'Rewriting the Future', Save the Children Guatemala (SCG) aims to strengthen the work of the Guatemalan Ministry of Education to fulfil the right of the child to quality education. The intervention has five elements: (a) opportunities for education which provides training on the care of children aged 0–6; (b) pre-primary education which provides teacher training, libraries and educational resource centres and produces educational manuals and materials; (c) primary education; (d) basics and diversified skills, e.g. refresher teacher training, computer centres and student newspapers; exchanges and inter-cultural festivals; (e) literacy, aimed at parents and mothers to strengthen their community leadership and improve literacy. The SCG promotes an interactive methodology in this work that permits the teachers to modify the rigid criteria of earlier teaching, in order to create a more active, democratic and participatory pedagogy.

UNICEF and Sida have been working together on infant protection since 2005. The first phase of the programme was developed in the period 2005–2008 and the second during 2009–2012. The central aim was to assist in the formation of a system of protection, inclusion and development for children, adolescents and women. This system is meant to be based on legal mechanisms and efficient institutions that guarantee the sustainability and active participation of children, adolescents and women as subjects of law.

UNICEF has played a central role in strengthening this system of protection by providing advice and training, assisting the discussion of the focus of legal rights versus the patronising and instrumen-

tal approach still prevalent in many institutions; carrying out lobbying and consultations for the approval of laws in favour of children, training technician and creating networks for the protection, etc. The strategies applied were:

A. Decentralisation of Services

One of the main problems of the system of protection of children and adolescents in Guatemala is its centralised nature. The majority of services and discussion of the theme takes place in the capital city. Faced by this problem UNICEF promotes the organisation of Protection Commissions for Children and Adolescents at the municipal level and the creation of a municipal public policy in favour of children.

B. Articulation of a Protection System for Infancy at the Municipal Level

Many public institutions are involved in child protection. UNICEF promotes and facilitates inter-institutional coordination between these offices and the establishment of cooperation agreements between them. It has also assisted in the formation of protection networks in a number of municipalities. It furthermore guides this process by carrying out diagnostic studies at the level of local communities. These studies help to raise public awareness and understanding of the issue as well as provide important information: the number of children not enrolled in the school; the number of violent attacks, rapes, child and youth suicides; and the number of children promised in marriage, at work, or in conflict with law, etc.

C. Strengthening the Legal System

UNICEF also aims to increase the number and coverage of judges specialised in representing the interests of children and adolescents in the regions of the country.²⁶ The number of these specialised judges has increased in recent years, but there is still insufficient coverage in most regions. For example in the Department of Guatemala there are only three judges.²⁷ In addition, UNICEF promotes direct attention and follows up cases dealing with children and adolescents. The Agencia Española de Cooperación Internacional (AECI) in Guate-

²⁶ Before 1998 there were only 3 Judges specialized in Children and adolescents, in 1998 there were 8, and now there are 20 throughout the country. Information Justo Solórzano, Protection Specialist, UNICEF.

²⁷ Information from interview with Jueza Noemi Téllez, June 2010.

mala and UNICEF have developed a new model for the management of cases that is more rapid, effective and direct than previous used approaches. It encourages the use of the Cámara Gesell²⁸ for children and adolescents so that they can express themselves more freely and without inhibition.

The project supported by Plan International Sweden with its partner Children's Refuge was designed to be carried out over a period of two years (2008–2009) and was developed within a context in which violence against children, physical and sexual abuse were elements in the general context of Guatemalan society. In Guatemala seven out of every ten children between 2004 and 2005 reported abuse either at home or in the classroom.²⁹ In the same period a total of 976 cases of sexual abuse were registered in the departments of Escuintla and Guatemala alone, of which 32 per cent were cases of incest.³⁰

In this situation Plan International, in collaboration with a network of development institutions, developed a programme for the protection of children and adolescents against physical and sexual abuse. The project *PPIII: A Just Country for Childhood and Adolescence*³¹ aims to contribute to the appropriate conditions necessary to guarantee children and adolescents protection by the state and society. In 2009 the Children's Refuge became a partner in the project. The programme covers 20 communities in Escuintla, 19 communities in Bajo Verapaz, three communities in Alta Verapaz, five communities in Izabal and ten communities in Jalapa. However, as a result of state of emergency following natural calamities the evaluation team was only able to visit the Central Region.

28 La Cámara Gesell (Gesell chamber) is an air conditioned room designed to permit the observation of people. It is formed as two separate spaces with a window between, each with audio equipment so that they both can be taped and listened to. The aim of the chamber is to avoid the victimisation of women, underage children, people with disabilities, etc. who are witnesses or victims in different cases. See: www.poder-judicial.go.cr

29 CONACMI, *Mistreatment of Infants Guatemala, 1992–1995*, Guatemala, 1997. The research project gathers information from the National Hospitals and Departments of Forensic Medicine in the 22 departments de Guatemala.

30 Prevention network and treatment of child mistreatment and sexual abuse. *Red de prevención y atención del maltrato y abuso sexual a niños, niñas y adolescentes en Guatemala*, Guatemala 2006.

31 *Un País Justo para la Niñez y Adolescencia*. See Campang, José. *Plan Guatemala/Sweden*. Guatemala, 2007.

The Children's Refuge includes a residential programme which the evaluation team visited in the course of its work – currently sheltering 18 girls and young women from the age of 12 upwards. These girls and women have been the victims of various kinds of abuse. One of the main aims of the Refuge is to try and avoid long-term institutionalisation of the girls by looking for ways to reintegrate them with their wider families.³² The accompanying support given to those involved in such processes includes professional and technical assistance, coordination and the establishment of agreements with local authorities and legal representatives: judges, the Attorney-General's office, the police, and the Home Office.

At the level of prevention and political impact, the Refuge proposes that it is necessary to strengthen the state so that it can meet its obligations to children and youth. In the processing of cases of abuse and exploitation they coordinate with the local authorities, and the legal and penal system. The Refuge cooperates with UNICEF and other organisations in the process of elaborating a proposal for a law to regulate Children's Homes and another for Alternative Care. In the latter, the aim is to create opportunities for non-institutional care.

In relation to awareness raising and training, the Refuge also organised workshops with up to 800 adolescents from the districts most affected by inter-family violence: the Verapaces and the East. In 2009 the Refuge also worked with several other institutions to organise a public discussion forum on 'Childhood in Extreme Conditions'³³ in which the realities of extreme poverty was discussed, the restoration of human rights in conditions of extreme violence, exploitation, mechanisms of prevention and challenges for the attention of children's rights.

The Indigenous Women's Ombudsman (DEMI), was established in 1999 as an entity of the government under the jurisdiction of the Presidential Commission for Human Rights (COPREDEH).³⁴ The creation of DEMI fulfilled one of the commitments expressed in the Peace Accords. The agreement on identity and the rights of indigenous peoples recognises the special vulnerability of indigenous women as a result of sexual and ethnic discrimination. DEMI is the first

32 The family programme is assisted by Plan and UNICEF.

33 Niñez en Situación Extrema.

34 This was governed by the Governmental Decree 25–99, with respect to the proposal presented by the Permanent National Commission for the Rights of the Indigenous Woman CNP-DMI in December 1997.

institution in Guatemala with the mandate to defend the rights of indigenous women.³⁵

The project *Institutional Strengthening of the Indigenous Women's Ombudsman Phase II (2003–2008)*, financed by Sweden³⁶ aimed to assist the institutional consolidation of DEMI through a process of internal decentralisation, autonomy, legal, social and psychological attention, the defence of indigenous women's rights and the training of personnel. This also included inter-institutional coordination, mechanisms for internal and external communication and the dissemination of information on the rights of indigenous women.

The execution of the second phase resulted in a number of important achievements, among which was the expansion of the coverage provided by DEMI from three to seven locations in the country by 2007.³⁷ Another important achievement was increased sustainability through the public matching of the funds from Sweden. In 2005 the Guatemala government provided GTQ 1.9 million. By the end of the project its annual budget was GTQ 11 million (with 6 million from international cooperation).³⁸

Another important result was the design and practice of a model of psychological treatment for the beneficiaries that integrated elements of Mayan cosmology. The model was designed by psychologists from the DEMI team and aims at empowerment, commitment and capacity. The model considered the cases in an integrated fashion across the fields of psychology, law and sociology.

The mainstreaming of children's rights was not a formalised aspect of the project, nor was the DEMI team aware of this perspective in the assistance provided by Sweden. However, when asked about this in the context of the evaluation, DEMI responded that while not explicit in their work with women who are victims of violence, their children were also recognised as being similarly affected and in need of specialised care. During the period of the project's execution the study 'Intra-familial violence towards indigenous

35 PNUD, Proyecto del Gobierno de Guatemala: Fortalecimiento institucional de la Defensoría de la Mujer Indígenas, Fase II. Guatemala, August 2003.

36 The first phase of the project was also financed by Sweden (2000–2003) and was oriented to contributing to the commitments to indigenous women in the Peace Accords and to international commitments on the elimination of all forms of discrimination against women.

37 Quiché, Alta Verapaz, Suchitepéquez, Quetzaltenango, Huehuetenango, Cobán and Guatemala.

38 Ex DEMI Ombudsman, Teresa Zapata. Guatemala, 16 de julio de 2010.

women' was carried out for DEMI by Sida and the World Bank.³⁹ As a result of this study the publication *Look at me: the situation of indigenous girls in Guatemala* was released by UNICEF and DEMI in 2007. Both the research and the publication were important elements in making the reality of indigenous women and children visible in the country.

The Swedish Cooperative Centre (SCC) was established more than 50 years ago to assist poor women and men to improve their conditions of life in different parts of the world. The work of the SCC is based on the principle of help for self-help, and the goal of assisting democratic organisations and associations to develop the capacity to articulate their rights and needs.⁴⁰

In Guatemala the project *Strengthening the democratic capacities for citizenship, economic and social participation of organized women and men in connection and impact on spaces of political decision* was carried out by the SCC in conjunction with several local partners: the Peasant Union Committee, Integral Association of Guatemala Indigenous Women, National Committee of Cooperative Women and the Guatemalan Association of Community Forestry Ut'z Che.⁴¹ In turn, these four organisations further represented about 300 local committees, associations and cooperatives comprising 40,000 peasant and indigenous women and men in the rural areas.⁴²

The project included three central programmatic foci: rural development; democratic participation; and gender equality. It comprised three levels: individuals, organisations and society, and focused at the level of local territories to strengthen participation between the local, regional and national levels. In this work the project prioritised the Western Highlands of the country in order to respond to the strong presence of indigenous communities and small landowners (*minifundios*) in this area.

39 De la Cruz, Marisela et al., Evaluación externa de medio término del Proyecto "Fortalecimiento institucional de la Defensoría de la Mujer Indígena, Fase II". Guatemala, agosto 2006.

40 SCC, Estrategia Regional para América Latina, 2007–2011. Costa Rica, febrero de 2007.

41 Comité de Unidad Campesina (CUC), Asociación Integral Guatemalteca de Mujeres Indígenas Mam (AIGMIM), Comité Nacional de las Mujeres Cooperativistas (CNMC) y la Asociación de Forestería Comunitaria de Guatemala Ut'z Che. SCC. Programa Regional de Ciudadanía Rural, Informe Final, Anexo B, Informes por Proyecto. Abril, 2010.

42 SCC. Programa Ciudadanía Rural: Participación Democrática y Desarrollo con Equidad. Proyecto Guatemala Fase II, (2009–2011).

The SCC has made gender mainstreaming a priority in all its activities, as well as making it a basic requirement in its partner agreements. While gender is mainstreamed, children's rights are not a deliberate part of SCC projects and plans. Work with children is seen, however, as an indirect effect of the work in the education and nurturing of female leaders. Educational material for children was designed to be used in parallel to the training of women. Violence against women is seen as directly connected with their children.

The International Red Cross and Red Crescent are the largest non-governmental humanitarian organisations in the world aimed at providing protection and assistance to people affected by natural disasters and armed conflict. Red Cross Norway has operated in Guatemala since 2005 in response to the effects of Hurricane Stan. In the aftermath of the hurricane that destroyed much of the southern region of the country the Red Cross introduced a programme of rehabilitation of the water and sanitation systems, financed by Norway. The programme included three key components (a) community health; (b) HIV and AIDS prevention; (c) organisation development for better management of volunteers, administrative and financial systems.

In 2008, the Red Cross started a new project – *Public Health and Emergencies (AIEPI)* – aimed at increasing the capacity of communities to respond to natural disasters, as well as the strengthening of Red Cross Guatemala and its abilities to respond to crises and distribute drinking water. To date Red Cross Norway has also assisted Red Cross Guatemala to respond to a series of subsequent disasters: Hurricane Felix (2007); Tropical Storm 16 (2008), the landslide at San Cristóbal, Chicamán (2009), the outbreak of the flu virus A-H1N1 (2009), and the earthquake at Izabal (2009).⁴³ In 2010 Red Cross Norway has also collaborated with their national partners in response to the volcanic rain produced by the eruption of Pacaya and tropical storm Agatha.

To assist with the implementation of the community component of the AIEPI strategy the Regional Alliance AIEPI was established in January 2000. This was based on a five-year agreement between the Pan-American Health Organisation, Red Cross USA and its International Federation, the national office and a network of volun-

43 See: <http://www.noruega.org.gt/Embassy/Cooperacion-Noruega-en-Guatemala/ONGs-Noruegas-en-Guatemala/Cruz-Roja-Noruega/>

teers. Guatemala is the first Latin American country to identify the AIEPI as a best practice and to develop the only officially sanctioned model of family planning. In the south of the country the AIEPI community strategy aims to ensure that “women and men are capable to take informed decisions about the size of their families and the spacing of children”.

The Red Cross emphasises that the methodology used includes both mothers and their children. The women receive 16 practical teaching sessions: breast feeding, nutrition, vitamins, care of children in the home, hair cutting, budgeting, etc. In offering these classes the Red Cross takes into account the ethnicity and gender of project members. This has helped to guarantee acceptance of the project in indigenous communities. Again young people have been employed for their language skills and abilities to act as cultural intermediaries between local and national society. The organisation has designed materials which are aimed at explaining the goals of the project to children and young people. They have used puppets, balloons, face painting, theatre, books and stories with children’s pictures to address the issues of nutrition, hygiene, etc.

The Red Cross has worked with partners to develop an HIV and AIDS prevention programme since 2003. It uses the methodology ‘Together we can’ that has been developed by Red Cross Jamaica and has demonstrated some success in the Caribbean area. It has now been adopted by the Red Cross Federation as well as Red Cross Guatemala.⁴⁴ The programme is implemented by Red Cross Guatemala with financing from Red Cross Norway. It is carried out in the districts of the country with the highest infection rate: Quetzaltenango, El Palmar, Retalhuleu, Coatepeque and Petén. In Guatemala, 94 per cent of the HIV-positive have contracted the virus through unprotected sex, and five per cent through transmission from their mothers.⁴⁵ The target population of the project includes school children and children out of school, people with HIV and AIDS, sex workers, homosexuals and other vulnerable groups including indigenous peoples and youth at risk. In 2009 the programme managed to assist 29,346 beneficiaries.

Childhood issues are directly related to the HIV and AIDS programme, which offers training in methodologies aimed at school

44 Nordic Consulting Group. Draft Final Report. Organisational review of Norcross. Oslo, 31 October 2008.

45 Information collected from visit to HIV and AIDS Programme, South West Region. Retalhuleu, June 2010.

children from 10 years upwards. A series of agreements have been made with the directors of schools and public institutions in order to encourage the dissemination of knowledge: they choose two or three children or youths in each class, who will be capacitated with a view to teaching their class mates later.

Another concern of the programme is children who have been orphaned as a result of one or both of their parents' contracting the virus. Efforts are made to prevent the transmission of the virus from HIV-positive mothers to their children, through the provision of information. Attention is also given to children who have contracted the virus. Red Cross units and vehicles are used to transport nurses, and the cost of other travel is covered so that these children receive attention wherever they might be living. The programme also indirectly benefits many other children and adolescents through the training of their mothers, the promotion of voluntary HIV testing and integrated health assistance.

In the course of its work it was evident to the local evaluation team that the Red Cross has managed to significantly raise awareness of HIV and AIDS among young people in Guatemala and encouraged a frank debate about sexuality as a result of the guarantee of respect and confidentiality under which the Red Cross programme is run.

Norwegian Church Aid (NCA) is an Ecumenical Christian organisation, and one of the 'big five' Norwegian NGOs working in Guatemala in the area of development. Guatemala was the first country in Latin America to receive assistance from the NCA, following the 1976 earthquake. In addition to development cooperation, the NCA provides humanitarian assistance in situations of emergency. The NCA is one of the few Norwegian NGOs that still has a country office in Guatemala.⁴⁶

The Institute for Sustainable Development Teaching (IEPADES), an NGO funded in 1991, has partnered with the NCA. It works for the construction of peace and democracy based on social justice and communitarian self-development. It works with two specific areas of research – action and local power; credits. IEPADES has its main office in the capital city, but also has headquarters in a number of departments (Petén, Alta Verapaz, Baja Verapaz) and coverage

⁴⁶ See: <http://www.noruega.org.gt/Embassy/Cooperacion-Noruega-en-Guatemala/ONGs-Noruegas-en-Guatemala/Ayuda-de-la-Iglesia-Noruega/>

in 25 municipalities in seven departments (Alta Verapaz, Baja Verapaz, Huehuetenango, Petén, Sololá, Sacatepéquez and Guatemala).

The NCA started its assistance to the IEPADES project *Working to Control Arms in Guatemala* in 2008, with the objective of educating young people to spread knowledge about peace and incentives for participation activities to prevent violence. Key initiatives under this project include a children's painting competition 'Hands without arms, hands without violence', and legal procedures to deal with cases involving young people and firearms. The people benefitting from this work included about 15,000 children aged 7–12, some 5,000 aged 13–15 and another 5,000 of various ages. One of the key elements is the establishment of networks of partners working on the issue of youth and strategic alliances with diverse civil society organisations addressing justice.⁴⁷ One of the central actions of IEPADES is the targeting of young people at risk of recruitment to the *mara* youth gangs as a result of their residence in marginalised peri-urban and urban areas.

Diakonia started working in Central America in 1980,⁴⁸ with a regional headquarters in San José, Costa Rica. The organisation is focused on victims of internal armed conflicts, i.e. refugees, displaced peoples, returnees, grassroots organisations, and victims of natural disasters. The Mayan Association Uk' u'x b'e started its relationship as a partner with the Diakonia in 2007 with the approval of the Project 'Youth Formation and Impact *Kemon K'aslem*'.⁴⁹ Uk' u'x b'e defines itself as a Mayan organisation with the necessary capacity and connections with different social actors and Mayan communities to create and promote a political current leading to the reconstitution of the Mayan People (Mayab' Tinamit).

The political formation programme "Kemon K'aslem" is aimed at children and young people between the ages of 7 and 25. The project is directed by children and young people selected for their capacity to demonstrate leadership in their communities and centres of education. The formative process is systematic, with regular monthly meetings over a period of three years. The project has cov-

47 Red por la Vida, Red de Acción Juvenil por la Vida y la Paz: la Red de Acción Juvenil por la Vida y la Paz AJUVIP, Asamblea Nacional de Jóvenes de Guatemala, Caja Lúdica, Centro Cultural Universitario, other organisations specialised in the issue of youth justice, Departmental Justice Centres, Civil Society Organisations at the departmental level.

48 See <http://www.sa.diakonia.se/guatemala.html>

49 *Formación e incidencia juvenil Kemon K'aslem*.

erage of three linguistic areas in the west of the country: kiche', kaqchiquel y tz'utujil. It is also located in the following municipalities: Chimaltenango, Chichicastenango, Santa Cruz del Quiché, San Pedro Yepocapa, Sololá and Sacualpa.

The general objective of the project is to strengthen the capacity and impact of young Mayan leaders in defence of the collective and historic rights of the Mayan people. The project specifically highlights the objective of “creating the political foundation of politics that respond to the needs of young people and permits the intergenerational transmission of knowledge and historic struggles of the Mayan People”.

The programme aims to transform the Guatemalan education system because of its failure to take into account ethnic and gender perspectives. The first group included 80 young people, which increased to 280 following evidence of local demand for Mayan youth training and previous success of the project. The programme produces education materials which are distributed in schools and private and public institutions. These materials include magazines aimed at children and young people about the history and culture of the Mayan people, as well as other relevant contemporary themes such as mining, exploitation, sexuality, etc. The methodology used in the formative modules are participatory, and contemplate activities such as literature and dance festivals, audio-visual materials, radio programmes and sports, a Mayan lottery, stories and legends, and art workshops. In order to encourage the participation of young people, the programme has created Youth Councils to validate and develop the content and methodology of its modules as well as the calendar of activities. The project also encourages members of this committee to participate in exchanges between young people at the international level, e.g. the First Indigenous Meeting of Abya Yala, the IV Summit of Indigenous Peoples and Nationalities, and the UN Permanent Forum for Indigenous Peoples. This is also promoted through a series of strategic alliances with other indigenous organisations.⁵⁰

50 E.g. Comité de Unidad Campesina CUC, Asociación de Forestería Comunitaria Utz' Che', Coordinadora de Viudas de Guatemala CONAVIGUA, Movimiento Mojo Maya, Asociación Ak' Tenamit.

FINDINGS AND CONCLUSIONS

Sweden and Norway have assisted a diverse range of organisations working with vulnerable and marginalised sectors of the population: children and young people, women, indigenous peoples, and peasants. They both profess to have integrated child rights into their work. There are many similarities between Sida, Norad and their partners with respect to their perception of political necessities and challenges of the country, their identification of actors that can generate change, and the key strategies needed for this work. Both Sida and Norad share similar democratic principles and are poised to assist in the building of a more just, equal and peaceful Guatemala.

The support and results of the organisations funded by Sida and Norad are considerable, and in line with the Millennium Development Goals and the Peace Accords.⁵¹ The strengthening of the rule of law, better knowledge and social capacity to exercise rights, better conditions for political participation by civil society, and the empowering of children, young people, women and indigenous peoples are all important contributions to building and consolidating peace.

While the strengthening of children's rights is part of the strategy of both Swedish and Norwegian cooperation, it is still not visible in the key areas of work covered by Sida's and Norad's partners. However, while mainstreaming has not yet occurred, there is a lot of openness and interest to discuss and consider this idea among partners. However, Sweden and Norway have so far not encouraged an explicit discussion of this issue with their partners. As a result, there are no requirements to include children's rights, as is the case with other issues such as gender and the environment. In general terms there is a need for more dialogue and self-reflection on mainstreaming between Sweden and Norway and their partners.

It is interesting that Sweden and Norway in the majority of cases take a long-term view, allowing for the formation of programmes, not only projects. The partners expressed their preference for this mode of planning, but also mentioned that in some cases budgetary constraints had stopped them from more programmatic initiatives.⁵² According to the partners, work on the strengthening of the rights

51 In the case of organisations that work directly with children (UNICEF, Plan and Save the Children) there is clear coherence with the CRC.

52 IEPADES has an annual budget of GTQ 150,000 and Uk' u'x b'e an annual budget of GTQ 100,000.

of children, protection and children's participation requires an integrated strategy that is developed over the long run.

The organisations working with children and young people argue that participation is both a fact and a necessity. They demonstrate the value of efforts for children and adolescents' participation such as student councils, municipal commissions, networks for children, etc. However, they emphasise that these organisations are new and still in a process of consolidation and that they have still not securely established the participation of children and young people in decision-making processes. It is also important to note the element of ethnicity in discussions about childhood and youth which until recently was not present in the discussion of child rights.

As a result of the level of support given to the country, both Sweden and Norway are recognised and well positioned politically with regards to the Guatemala state, multilateral organisations and the diplomatic corps. This status affords them considerable influence on issues such as legal reform and the application of the law. In this sense it is important to consider the establishment of strategic political alliances with partner organisations to push for further change. The consultations that Sweden carried out resulted in the Adoption Law, which transcended the pre-existing level of respect for child rights. The technical assistance and financial cooperation granted partners could be further strengthened through strategic political assistance on issues of common interest and relevance to the country.

All the examined interventions were *relevant* in terms of the obligations of the CRC, the 'Concluding Observations' of the treaty body, and the general policies of Norway and Sweden. It should be acknowledged, however, that donors such as Norway and Sweden or the international donor community in general cannot be expected to fill all the gaps left by the Guatemalan state in terms of its obligations as the principal duty-bearer. There is an element of arbitrariness in how interventions come about. As far as Norad/MFA and Sida are concerned there is no indication that the 'Concluding Observations' have served as guidelines to prioritising support.

In the case of Sweden the arbitrariness could be ameliorated through the mainstreaming posture. However, no evidence was found that the Swedish interventions had been mainstreamed in terms of child rights. It appears that embassy staff and partners were inadequately equipped with skills for applying a mainstreaming approach. They seemed largely unaware of the notion and policy of mainstreaming.

With regard to *effectiveness* there is no doubt that the tangible results emanating from the interventions were considerable. However, the results were not easy to measure, particularly not at the outcome level. Most reports account for activities and to some extent outputs but rarely outcomes, let alone impacts. There was some but less involvement in the legislative and policy processes. Among the external actors UNICEF was probably most successful in pushing the legislative and policy agenda on child rights forward, even if attribution was difficult to establish. Even so, the work on the Indigenous Women's Ombudsman (DEMI) is noteworthy. Otherwise, the effects of institution-building and awareness-raising would potentially make a difference in the long term, despite being 'invisible' at an early stage because the gestation time is long.

The Achilles' heel of all the interventions is their shaky *sustainability*. In view of the meagre budgetary state resources currently devoted to child-friendly policies and actions, it is unlikely that the government would be willing or able to shoulder the present burden alone should the donors exit in the near future. It should also be recalled that the amount of resources needed – in financial and personnel terms – ought to be much greater to satisfy the standards of the CRC. Besides, beyond gap-filling in terms of services, there is a need for awareness enhancement for a long time to come. Hence, donor support – financial and technical – would continue to be required in the foreseeable future.

Annex 2: Country Case Study: Kenya

The first sub-section gives a backdrop to the situation of children in Kenya and what the government is doing to honour its obligations in terms of the CRC. The subsequent sub-section provides information about aid interventions supported by Norway and Sweden. The final sub-section draws some conclusions which are revisited in the overall conclusions drawn on the basis of all country cases.

BACKDROP

Kenya ratified the United Nations Convention on the Rights of the Child (CRC) in July 1990. In order to domesticate the CRC Kenya enacted the Children Act in 2001 which entered into force on 1 March 2002. This statute is a pioneering human rights law in Kenya's legislative history. It contains many provisions regarding economic, social and cultural rights (notably free primary education) alongside the protection of civil liberties. Under the Act, the National Council of Children Services was established, charged with the responsibility for supervision and control over the planning and coordination of child rights and welfare activities, while the Department of Children's Services was tasked with providing services for children and securing their rights.

As a state party to the convention, Kenya is required to submit reports every five years and did submit its second periodic report in 2005 (CRC 2006a). Although this report is an official government document it was produced with the assistance of a number of CSOs working in the field of child rights; it is generally of high quality. The report notes that the Kenya National Commission on Human Rights (KNCHR) was set up in 2003 and that budgetary provisions towards the fulfilment of child rights had increased substantially, even if it is difficult to separate expenditures targeting children directly from those that only indirectly benefit children. The report reviews progress in some detail with reference to one substantive CRC article after another, pointing out what has been done so far and what remains to be done. However, the text is replete with statements to the effect that achievements have been made but many

challenges lie ahead. In many respects the report is quite frank in admitting shortcomings.

The treaty body requested Kenya to provide disaggregated statistical data on the situation of children with regard to a series of parameters, as well as on budget allocations and trends over time (CRC 2006b). The committee evidently found the information provided in the original report as being too general. In its response Kenya did provide the detailed statistical information as requested to the extent such statistics were available plus other clarifying answers (CRC 2006c). The treaty body also pointed out the inconsistency of the definition of a child in various domestic laws. The CRC and the Children Act defines a child as a person below the age of 18. So does the new constitution that was recently adopted by a referendum. However, the Marriage Act and the Hindu Marriage and Divorce Act have not been harmonised with the Children Act to protect children from early marriage. Likewise, customary law and Islamic law allow persons under the age of 18 to be married. The age for sexual consent has been raised from 14 to 16 years for girls but the corresponding age of sexual consent for boys has not been defined. With regard to labour, it is proposed that children aged 13 may engage in light work while those between 16 and 18 years may engage in any kind of employment. The age of criminal responsibility remains 8 years (Kenya NGO CRC Committee 2006).

In its concluding observations the treaty body urges Kenya to continue its efforts to harmonise all legislation pertaining to children and to make every effort to effectively implement the Children Act. Furthermore, the committee recommends that Kenya allocates adequate resources to the KNCHR so as to enable it to discharge all of its tasks in line with the Principles Relating to the Status of National Institutions (Paris Principles). Moreover, it recommends that budgetary allocations be increased for the implementation of the rights of the child. The committee also recommends that the system for data collection be improved as a basis for better monitoring of progress. Not least does the treaty body urge Kenya to expedite the ongoing review and amendment process of the Children Act. A number of other requests are also made towards implementing policies and enforcing legislation already in place. Finally, Kenya is invited to submit a consolidated third, fourth and fifth report by 1 September 2012 – which is the date for submission of the fifth

regular report – because Kenya has been lagging behind in its reporting (CRC 2007).

A coalition of CSOs submitted a ‘shadow’ report in 2006 and dubbed it complementary as distinct from an alternative report, ostensibly to signal a collaborative rather than an adversarial posture (Kenya NGO CRC Committee 2006). It is interesting to note that although the KNCHR is a government institution – albeit autonomous in its operations – the CSO coalition was convened under its auspices in order to produce the parallel report. Thus, the KNCHR played a dual role: *both* as a key contributor to the official report by Kenya as a state party to the CRC *and* as the convenor and contributor to the ‘parallel’ report produced by civil society. Although a state institution, in effect the KNCHR has to a large degree acted as a watchdog on the government, sometimes voicing sharp criticism. This posture probably reflects the fact that some commissioners and many staff members have a background from civil society rather than from the civil service.

While commending the government for taking numerous steps in the right directions, the overall message of the parallel report is that most of the legal child rights instruments are in place. What is lacking is implementation. Reiterating the concluding observations of the treaty body and the Kenya government’s own admissions in the official report the shadow report points to a number of gaps that need to be closed. In particular, it urges the government to enact a number of pending bills and to launch draft policies. Furthermore, the CSO coalition draws attention to the fact that 52 primary pieces of legislation dealing with issues related to children have not been reviewed to bring them into conformity with the provisions of the CRC. Moreover, the KNCHR is resource-strapped and therefore unable to discharge its mandate fully. Notwithstanding its resource constraints, the KNCHR managed to address child rights within its broad human rights mandate. Currently, it has tasked two commissioners to handle child rights specifically.

As a key institution in the field of child rights the Department of Children’s Services (DCS) has justifiably listed a number of achievements (partly in conjunction with other state institutions, CSOs, UN agencies and other donors):⁵³

53 Based on an interview with the Director of the Dept. of Children’s Services and corroborated by other informants.

- a) Providing inputs to the ongoing review of the existing Children Act in order to produce an amendment bill incorporating a series of elements that were left out previously and to introduce clearer language;
- b) Harmonising other acts with the provisions of the CRC and the Children Act when amended;
- c) Promoting the establishment of Area Advisory Councils (AACs) in the districts, even though the entire country is not yet covered and not all councils operate satisfactorily;
- d) Enhancing the voices of children by producing a child participation guide;
- e) Contributing with others to the production of the anti-trafficking bill that is now pending before parliament;
- f) Contributing to the production and submission of Kenya's report on the African Charter on Human and People's Rights;
- g) Helped to establish the cash transfer programme for orphans and vulnerable children that is enjoying increasing support and in a process of scaling up;
- h) Contributing to the establishment of the toll free help line (116) for children which is now operating well;
- i) Contributing to capacity building within the department and in other ministries;
- j) Partnered with the Teachers' Service Commission about training of teachers and the issuance of a circular on child protection (including corporal punishment which is still commonplace in the schools);
- k) Contributing in conjunction with civil society to the establishment of Child Protection Units (CPUs) in selected police stations;
- l) Contributing to awareness-raising with regard to child rights in Kenyan society at large.

Current priorities, reflecting gaps, include: (i) continued work towards establishing a functioning child protection system involving all stakeholders and coordinated by the National Council for Children's Services (NCCS); (ii) finalising the review of the existing Children Act; (iii) preparation of new regulations for children in institutions after a three-year assessment period; (iv) continued efforts to create opportunities for children to stay in families or foster care; (v) scaling up the cash transfer programme; (vi) continued awareness-raising among all stakeholders across the board, including in the educational system; (vii) continued capacity building, training

and expansion of infrastructure (equipment) in relevant departments of the civil service.

As a reflection of the government's commitment to child rights the budgetary allocations to the DCS have increased dramatically in recent years, albeit from a low level. Many donors have also contributed to the increased flow of funds in favour of children. One might say that there is a consortium of major donors supporting child rights.

Through the multi-donor Governance, Justice, Law and Order Sector Reform Programme (GJLOS) the DCS has benefited greatly from training and capacity building for officers. In terms of supplies and equipment GJLOS also provided 15 vans that are being used e.g. to transport children from police stations to remand homes; 60 computers and some photocopiers, as well as stationary. Apart from tangible equipment and training provided, GJLOS served to bring together agencies in the justice system that otherwise would be unlikely to work together. Close liaison is important for enhancing a greater appreciation of the interdependence and indivisibility of child rights throughout the justice system and society at large.

The challenges ahead to law enforcement and policy implementation are many. Foremost is the need to expand the capability and capacity of the implementing institutions to perform the tasks incumbent upon them. The police service represents a particular challenge. Officers need greater awareness of child rights. And not least, awareness of child rights in society at large leaves a lot to be desired. With regard to the passage of legislation, the speed with which parliament is moving may be an impediment.

In 2008, the African Child Policy Forum published its African Report on Child Wellbeing 2008 (African Child Policy Forum 2008). A composite Index of Child-Friendliness was constructed based on two dimensions: (a) protection and (b) provision. Each dimension was broken down into sub-components and indicators. With regard to protection the accession to or ratification of international legal instruments was given weight, as was enacted domestic legislation towards the same end. The dimension of provision was broken down into two sub-components: (i) budgetary commitment, and (ii) child-related outcomes. Indicators of budgetary commitment included government expenditure on health as a percentage of total expenditure; total expenditure on education as a percentage of GDP; budget percentage for the routine Expanded Programme on Immunisation (EPI) financed by government; military expendi-

ture as a percentage of GDP; and percentage change in government expenditure on health since the year 2000. The child-related outcomes were measured in terms of access to basic services (health and education); access to other services (water and sanitation, etc.); and other outcomes for children (nutritional status, mortality rates, etc.).

In terms of this index Kenya was rated number six of all African countries, trailing only Mauritius, Namibia, Tunisia, Libya and Morocco (in that order). While criticism may be levelled against the weighting of the various components and indicators of this composite index, Kenya's ranking nevertheless reflects an impressive performance. The main reasons why Kenya scored so well is probably its ratification of most of the international human rights instruments and their domestication through the Children Act and concomitant domestic policies. In terms of services, the introduction of free primary education in 2003, as well as the cash transfer programme targeting orphans and vulnerable children (OVCs) probably counted heavily.

Against the above backdrop the present evaluation seeks to investigate whether and how the interventions of the donor community, specifically those of Norway and Sweden, are complementary to the action taken by the government of Kenya – either by supporting government directly or through Kenyan civil society organisations (CSOs) or multilateral agencies. Are the donors living up to key principles of the Paris Declaration: harmonisation, alignment, and ownership? Moreover, performance will be judged against the standard evaluation criteria of *relevance* in terms of the Millennium Development Goals (MDGs), *effectiveness* in terms of results at the outcome level; and *sustainability* in terms of durability of efforts. However, it is acknowledged in the ToR that *impact* assessment in terms of very long-term and widespread effects is not a primary focus. Still, sustainability prospects are closely linked to lasting results.

DONOR INTERVENTIONS

Altogether 12 interventions were investigated in some depth. The majority of them were child-targeted while some did not target children at all but were part of the sample to assess the mainstreaming approach. One was not strictly speaking a conventional intervention – ‘Mainstreaming in Action’ – which was rather an initiative to enhance the ability of staff at the Swedish Embassy, in the civil

service and civil society to implement the mainstreaming policy.

We list the interventions below:

Interventions supported by Norway:

- African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN);
- Counter-trafficking (IOM);
- Deaf Aid;
- Korogocho Community Radio (KOCH FM);
- Maasai Education Discovery (MED);
- Mathare Youth Sports Association (MYSA).

Interventions supported by Sweden:

- Empowering Youth for Development (Diakonia);
- Governance, Justice, Law and Order Sector (GJLOS) Reform Programme;
- Mainstreaming in Action;
- Nyanza Roads 2000 Programme;
- Diversion Programme for Children in Conflict with the Law (Save the Children);
- Building a Child Protection System (UNICEF).

Each of these interventions is described and analysed below. It is important to bear in mind, however, that taken together they constitute *one* body of evidence and findings that forms the basis of the conclusions and lessons learned. Similarly, the recommendations are also formulated at the aggregate level. We do not suggest recommendations for each of the separate interventions.

Headquartered in Nairobi, the *African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN)* has national chapters in 22 African countries. ANPPCAN Kenya was established in 1989 and became fully operational in 1995 when a secretariat was opened. It is a non-governmental organisation registered in terms of Kenyan legislation. It operates as a national resource centre on child abuse and neglect. It promotes children's rights by providing information and technical expertise on child protection and child rights issues, by carrying out research on emerging children's issues and by lobbying the government, donors, other NGOs and communities on behalf of children.

ANPPCAN Kenya was selected for closer investigation as it engages in activities orientated directly towards the protection of children, although addressed within a community setting. Sup-

port has been provided by Norway through an exchange programme of volunteers ('Fredskorpset') at a total expenditure of NOK 585,000. Its purpose has been to exchange personnel, ideas and experiences, and to strengthen the capability of ANPPCAN to perform better. Six countries have taken part in the programme: Ghana, Liberia, Nigeria, Uganda, Zambia and Zimbabwe. This exchange programme contributed to enhancing the capacity of ANPPCAN Kenya in several respects, notably in the preparation of project proposals for funding and recruitment drives in 2007 and 2008. Furthermore, research work was expanded, resources increased and advocacy improved. Moreover, a spin-off was the enhanced stimulation of interest in other national chapters and networking activities, as well as more frequent interaction between the national chapter and the regional secretariat. While there is no doubt that the exchange programme has contributed to enhancing the capability of ANPPCAN to fulfil its task of promoting child rights, it could be said that the programme has been a learning process for ANPPCAN.

The International Organisation for Migration (IOM) has since 2005 been managing a project known as *Countering Human Trafficking in Kenya* through capacity building, awareness raising and assistance to victims. The current phase II (2006–2010) – with Norwegian funding (NOK 2,134,000) – has been completed. This project does not only address children as victims of trafficking but a large proportion of those being trafficked are in fact children and young women. A number of bogus employment agencies operate in Kenya, recruiting mostly young women for domestic work in the Gulf, in Europe and the US. Domestic work is difficult to monitor and hence children are very vulnerable. Furthermore, domestic service is often linked to sexual abuse and prostitution. Refugee children from Ethiopia and Somalia are particularly vulnerable to trafficking.

The project has six components, the first one being legislation. An anti-trafficking bill was tabled in parliament as a private member's bill and passed by parliament in July 2010. Creating awareness on human trafficking was the second component as awareness about trafficking was initially low but has improved as a result of deliberate efforts at the institutional level to train of relevant actors and engage in community outreach activities in different parts of the country. The third component was contributing to the preparation of the National Plan of Action which was drafted in 2007. It is not clear what budgetary resources will be required for the plan's implementa-

tion. With regard to anti-trafficking, victim assistance (including time-consuming psycho-social counselling) is particularly costly. Massive training will be needed in the next two years but collaboration with CSOs will help to overcome the challenges. In the fourth component a counter-trafficking network has been set up, comprising government institutions, CSOs and community-based organisations (CBOs) alike. The network provides an avenue for stakeholders involved in combating human trafficking to share experiences and best practices in prevention, protection and prosecution efforts. The fifth component involved direct assistance to up to 20 cases (half of whom were children between 13 and 17 years of age) who were provided services ranging from shelter for a specified period of time, medical, psycho-social support, vocational training, and family reunification services. Victim assistance is costly and must be integrated into the budget allocations by the Ministry responsible. This important provision has been incorporated in the recently enacted counter trafficking law. The last component sought to increase the capacity of the GoK in managing its labour migration practices in order to prevent labour-related trafficking.

An envisaged phase II would include setting up a referral system for victims of trafficking. It is costly to operate rescue centres. In the interest of economy, it could be an option to set up rescue centres catering for multiple vulnerable groups, not only dedicated to trafficking victims. Family reunification is also important. Above all, operationalising the National Plan of Action is a top priority including providing the necessary resources for its implementation, and developing guidelines to assist in the enforcement of the new law against trafficking.

Deaf Aid was started in 2006 and is registered as an NGO in terms of Kenyan legislation. Its objectives include raising awareness about deafness to counter the widespread misperception among parents and teachers alike that deaf children are mentally retarded; many Kenyans treat deaf as illiterate. Deaf Aid has set up a school in Kisii and is operating a resource centre for deaf people with a website. Much effort has also been devoted to developing a Kenyan sign language, largely using volunteers. Norway has been supporting Deaf Aid with NOK 850,000 per year through a three-year agreement covering the period of 2010–2012. In 2008 and 2009 the Norwegian contribution accounted for about 36 per cent of total turnover. Cognizant of its vulnerability, Deaf Aid has adopted a financial sustainability plan to diversify its dependence by reduc-

ing the Norwegian share of its funding and seeking support from other sources.

Kenya has no specific government policy covering the deaf, only one addressing people with disabilities in general, reflected in the Disabilities Act of 2003. Deaf Aid works with the Ministry of Education in a complementary fashion and focuses on the special educational needs of deaf children. Collaboration has been developed with the Kenya Institute of Education to develop a curriculum for a diploma course in sign language interpretation because there is a severe shortage of interpreters and teachers who master the sign language.

This intervention was selected for closer examination on account of its orientation towards a special category of children: those with the disability of deafness. Although not exclusively geared towards children, Deaf Aid nevertheless addresses the plight of disabled children whose needs are often neglected, especially in the educational system. By also targeting parents and the local community, Deaf Aid contributes to creating an environment conducive to schooling for children. The challenges are formidable, even though the size of the deaf community in Kenya is not known. The issue of the integration of disabled children has been extensively discussed by the CRC Committee, resulting in General Comment no.7.⁵⁴

Korogocho Community Radio (KOCH FM) was started in 2006 in a Nairobi slum which used to be infamous for its high crime rate. Potentially contributing to redressing some of the social ills that were rampant in the area a local radio station was set up at a modest cost through Norwegian Church Aid (NCA); a total amount of NOK 265,000 has been disbursed. Although the target group is the community, children have been given a voice and participated in debates on issues affecting them. An FM community radio station is an effective means of mobilising the residents, especially the youth into constructive pursuits. After operating a stint as a pirate radio without a licence, the Communications Commission of Kenya eventually granted a licence and allocated a frequency.

Priority issues addressed in the radio programmes include:

- (i) governance (corruption, the management of local funds such as the Constituency Development Fund (CDF), the School Bursary Fund and the Local Authority Transfer Fund);
- (ii) insecurity (theft, robbery and harassment);
- (iii) rape which was a common occurrence;
- (iv) female genital mutilation (FGM) which was practiced

in the area; (v) HIV and AIDS prevention and treatment. Transmissions are made 24 hours a day but at night only music is played. A two-hour children's programme is aired from 10–12 a.m. on Saturdays giving voice to children, sometimes bringing in entire school classes for discussion – interspersed with music – on such issues as water and sanitation, health, and child labour after school.

KOCH FM has gradually evolved into a mouthpiece for the residents of the area and taken on the role of a watchdog to demand accountability from politicians, be they local councillors or the member of parliament for the constituency that covers Korogocho. Although attribution is difficult to establish, KOCH FM has contributed to the decline in the incidence of rape; to improved security and the elimination of extortion; to greater transparency of political processes; and to the democratic election of all the elders in the community. Apart from radio transmissions KOCH FM also produces a newsletter called 'Korogocho Mirror'. While many politicians own FM radio stations and use them for propaganda purposes in election campaigns, KOCH FM has maintained a strictly impartial line in terms of party-political affiliation and steered clear of manipulation by political forces.

There is little doubt that KOCH FM is playing a major role in awareness-raising on a host of issues in the community, even contributing to the creation of a positive community identity for residents who used to be ashamed of living there. In terms of child rights it has contributed not only on key issues affecting children but also by giving children voice and an opportunity for participation. Its sustainability is in question, however. External funding is critical as long as KOCH FM has no independent revenue base of its own.

Maasai Education Discovery (MED) was started in 2001 and been supported by the Norwegian Embassy in Nairobi with a total of NOK 1.7 million over the 2007–2010 period. The project seeks to prevent female genital mutilation (FGM) by promoting an alternative rite of passage with all the elements of transition into womanhood retained, except FGM, which is a prevalent practice deeply rooted in the Maasai culture – about 96 per cent of the women have been circumcised and early marriage is common (MED 2006). A programme was drawn up which, in addition to the traditional elements, included training in 'life skills' – i.e. a broader orientation to enable the girls to cope in society, including teaching in reproductive health (MED n.d.). For this purpose special *manyattas* were constructed as mentoring camps, where up to 15 girls would spend stints

under the supervision of a mother figure as a mentor. Educated women were brought into the programmes as role models.

Altogether 120 girls ranging from 9 to 17 years of age have undergone this alternative rite and are part of the programme – some in primary school and some in secondary. A critical element is the linkage to educational opportunities. For this purpose the Maasai Girls' Scholarship Programme was set up. In 2009 three girls graduated from Form 4. In 2008 one dropped out because of pregnancy but she was not circumcised. One got a scholarship abroad. In 2010 two dropped out but later returned to school; one got pregnant. Overall, the retention rate has been 96 per cent since inception. Altogether 32 girls are now in secondary school. One has just entered Egerton University. An encouraging development is the changing attitudes of parents. But the project is facing a serious sustainability challenge in that the scholarship fund is in dire need of replenishment.

Mathare Youth Sports Association (MYSA) was formed in 1987 as a small self-help project to organise sports and environmental clean-ups in Mathare Valley, one of Nairobi's largest slums. MYSA is currently a broad-based self-help youth programme linking sports with community services. Some 25,000 young members and volunteers are involved. MYSA's headquarters currently has a staff compliment of 63 in total. Norway has been a significant donor, contributing NOK 10.5 million over the years 2003–2008, with the Strømme Foundation acting as a conduit of funds from Norad through a framework agreement since 1995. This contribution is likely to be reduced to KES 30 million (equivalent to NOK 2.25 million) per year, which is less than 30 per cent of MYSA's total revenue. The government of Kenya has recognised MYSA, which is registered as an NGO under the NGO Council, but has provided no funding.

Football is the most popular sport among youth in Kenya, including in Mathare. Therefore, it serves as a good basis for mobilisation of youth for community service. Initially football was linked to environmental projects because poor sanitation was a major health hazard. The activities were subsequently expanded to multiple other activities such as environmental clean-ups, HIV and AIDS prevention, leadership training, etc. However, football is used deliberately as a vehicle for mobilisation into other pursuits. Apart from environmental clean-up, scores of Mathare youth leaders aged 13–20 have been trained on HIV and AIDS prevention and counselling; countering substance abuse is high on the agenda; small libraries and

study halls have been established and are being used by local schools; young artistic talent is being encouraged through cultural groups; children in police custody are being assisted with food and improved facilities – combined with a savings and loan scheme – with a view to reuniting them with their families. Furthermore, changing gender relations are promoted through girls football teams and half of all elected MYSA leaders are girls; an international football tournament for girls is organised every year at Easter and in 2010 the theme is safe motherhood; youth exchange programmes with European countries (principally Norway and the Netherlands) and within Africa are contributing to the broadening of horizons and worldviews. MYSA has developed a collective ethos with the motto of ‘one for all, all for one’ and is promoting a democratic culture by practicing internal democracy in the organisation. Mindful that MYSA would be susceptible to being misused for party-political purposes, the organisation has maintained a strict impartial line and steered clear of political interference.

The sustainability prospects of MYSA seem rather good. First, it is supported by a large number of sponsors and does not rely on one or a few large ones. This diversification of financial dependence reduces short-term vulnerability. Second, the diverse range of activities in which MYSA engages and the organisation’s history over nearly 25 years attest to its resilience.

In 2005, Diakonia, in conjunction with its partners the National Council of Churches (NCCK) and the Kenya Episcopal Conference (KEC) – Catholic Justice and Peace Commission (CJPC), embarked on a *Youth Empowerment Programme*. Diakonia Sweden acted as a conduit with funding from Sida through a framework agreement. A survey showed that many youths come from poor backgrounds, broken families with violent and alcohol-abusing fathers, and a history of abuse themselves (Diakonia 2006). The initial funding was for three years (2005–2007) but a no-cost extension was later granted to allow activities to continue until 2010. Even before the post-election violence in 2008, gangs had emerged to engage in political harassment, intimidation and violence. Unemployed youth were susceptible to manipulation and could easily be bought by politicians ‘for a small fee’ to advance their political ambitions. Indeed, violence and political thuggery for a fee was their ‘business’. The project provided an alternative to gang life by offering opportunities for rehabilitation through skills acquisition and the starting of income-generating activities.

The legacy of hand-outs from unscrupulous politicians proved difficult to overcome when small loans to be repaid were suggested as an alternative. Even parents were sceptical to starting businesses and a time-consuming process was needed to persuade both youth and parents that the concept was viable. The Small Micro Enterprise Programme (SMEP) under the NCCK was brought on board to customise loan schemes suited to the needs of the targeted youth who needed terms and conditions on a more concessional basis than was common in micro credit institutions. After long negotiations and delay, a revolving fund was set up with a low interest rate (1 per cent per month) and lenient conditions for repayment; SMEP would also provide training for the borrowers.

This Diakonia project was selected for examination on account of its targeting of a vulnerable group of youth whose role in political violence had been devastating. The difficult background of these youth rendered the project particularly challenging but no less important. It has had considerable success (Kinyua and Nturibi 2007). Youth previously engaged in reprehensible behaviour have been transformed into responsible citizens who have turned their back to political manipulation. Some have even become members of Constituency Development Fund (CDF) committees. Some have married and formed families. A new ethos appears to be emerging. The youth have involved themselves in income-generating activities which have provided livelihoods and opportunities for saving. They have exhibited creative entrepreneurship and found business niches yielding profits. Among non-economic effects of the project that warrant mention are awareness-raising on issues confronting youth, such as HIV and AIDS; promoting a peace culture through the running of peace clubs; acquisition of a wide range of leadership skills; mutual trust and attitude change in the communities within which they live.

These achievements have not come easy and there is still a certain risk of relapse. The culture of hand-outs is resilient and adversely affects the youth's attitude to their own income-generating activities. The sustainability prospects are reasonable due to the revolving nature of the fund and negligible defaulting. There could also be ripple effects with other micro credit institutions which might be prepared to lend to borrowers not perceived to be trustworthy. The government youth enterprise fund has the potential for scaling up these activities to other parts of the country. Similarly, CSOs with grass-roots in communities might also adopt this idea.

The *Governance, Justice, Law and Order Sector (GJLOS) Reform Programme* was a large sector-wide approach (SWAP) aimed at reforming the entire justice system in Kenya. It was supported by 15 international donors (Norway and Sweden included) through a combination of basket funding and direct bilateral support or a mixture of both. The total budget for the GJLOS programme for all phases (2003–2009) was KES 5,791 million or roughly equivalent to SEK 527 million, of which about half emanated from the basket fund (Deloitte 2009:9, 21 and 58–59). Overall, the GoK has contributed about 20 per cent while the donors have contributed the balance (Sida 2005:3). Led by the Ministry of Justice and Constitutional Development altogether 33 government institutions and units were involved in its implementation. Owing to its complexity and comprehensive nature (363 planned outputs) an elaborate steering structure was established which in retrospect exhibited shortcomings.

The GJLOS programme was selected for closer investigation on account of its size and in order to ascertain how the mainstreaming of child rights had been done. As a SWAP the programme was not directed towards children specifically. Rather, it addressed the full range of challenges facing the justice sector but as such it had considerable indirect repercussions for children. The Department of Children's Services was able to access GJLOS funding. It is noteworthy that space was created for civil society to become involved in justice sector reform.

According to the end evaluation the intervention logic, although basically sound, proved inadequate as it did not focus on the outcomes and impact sought, especially in establishing indicators and means of verification. The objectively verifiable indicators were all numerical, which led to a bias and oversimplification of results reporting that sidelined the rights-based approach expressed through less tangible aspects such as accountability, empowerment, community participation, and attention to vulnerable groups (Deloitte 2009:34). Moreover, baseline surveys were not conducted which made the measurement of results difficult (Deloitte 2009:10).

The GJLOS programme was controversial throughout its lifespan (Andreassen 2007:299–303). In the course of its implementation there were several interruptions and suspensions of disbursement of funds due to allegations of corruption and disagreement over the use of funds. A frequently heard criticism among stakeholders was that GJLOS was too focused on the hardware side of reform and institution-building, i.e. procurement of equipment such as vehi-

cles, computer, etc. Similarly, it has been asserted that the programme focused largely on the ‘supply side’, i.e. the needs of the institutions involved while neglecting the ‘demand side’, i.e. the citizens. There was minimal attempt to accommodate the interests of ‘Wanjiku, Atieno and Halima’ within the programme design (Deloitte 2009:31).⁵⁵ As a result, institutions were strengthened but the benefit accruing to the citizens was not correspondingly great.

Nevertheless, the GJLOS end evaluation maintained that the protection of children against abuse, exploitation and trafficking did improve in the course of its implementation. The visibility of the Dept. of Children’s Services was enhanced. A tangible outcome was the adoption of the Children Act which entrenches child rights and the formulation of policies regarding adoption and foster care. Furthermore, the juvenile justice system was improved, mainly through the improvement of living conditions for child offenders (Deloitte 2009:88).

The GJLOS final report similarly lists a number of achievements:

(i) children’s officers were trained with respect to child rights; (ii) child rights perspectives were incorporated into performance contracts for certain categories of civil servants; (iii) a code of conduct for government officers dealing with children was adopted; (iv) the procedures for child adoption were streamlined; (v) the staff of children’s institutions were trained; (vi) standard rules for child care institutions were developed; (vii) preparatory work was undertaken regarding a National Action Plan for Children; (viii) a helpline for children was set up with a toll-free number – 116; (ix) a cash transfer programme was implemented for orphans and vulnerable children (OVC) in poor households; (x) public awareness of child rights has been heightened; (xi) coordination between institutions addressing child rights in various aspects has been enhanced; and finally, reflecting the above, (xii) significant steps have been taken towards creating a child protection system across the country (GJLOS 2009:17).

Notwithstanding notable improvements in child protection, much remains to be done and gaps have emerged in accessing basic services. External funding for the GJLOS reform programme has now ceased. It is hard to say what the sustainability prospects are in the absence of donor support. Several reviews have concluded that

55 Wanjiku, Atieno and Halima are common women’s names from different groups in Kenya that denote ordinary citizens at the grassroots.

the sustainability of the programme depends on financial support and political will. For that to happen GJLOS needs to be incorporated into the GoK budgeting cycle (Deloitte 2009:99). Efforts are currently being made to resuscitate the programme.

'Mainstreaming in Action' was an atypical initiative in comparison with the other interventions that are addressed in this report. Initiated in 2003 by the Swedish Embassy in Nairobi, this project was designed to raise awareness about mainstreaming the rights perspective – including child rights – into Sida's development cooperation with Kenya, and to develop methods whereby this could be achieved. Now concluded, it dealt with the method of mainstreaming, which was the very rationale for selecting it for in-depth scrutiny. It takes on particular importance because mainstreaming is a key component of Sida's approach to child rights promotion. Total disbursement was SEK 1,715,000 over the 2004–2006 period. A thorough evaluation was undertaken in 2008 (Brun et al. 2008).

Three categories of stakeholders were targeted: (a) government institutions as the principal duty-bearers and implementers of programmes; (b) civil society organisations in a variety of functions, e.g. as rights holders, watchdogs, facilitators, trainers, and project implementers; and (c) embassy staff involved in the design, appraisal, implementation, monitoring and evaluation of interventions funded fully or partially by Sweden.

In the absence of an elaborated programme theory or a logical framework the Embassy embarked on the project in a 'learning-by-doing' fashion (Brun et al. 2008:19). Considerable time and effort were invested in training and awareness-raising among the three categories of stakeholders. For this purpose the Kenya National Commission on Human Rights was brought in as the appropriate institution with the requisite expertise to design training programmes and conduct training sessions. Without actually providing hard documentary evidence, the evaluation report draws the following conclusions in terms of achievements and shortfalls with regard to capability at the Swedish Embassy (Brun et al. 2008: 48–49):

- a) Generally, knowledge and awareness of the rights perspective have increased;
- b) There are disparities in the perceptions of the mainstreaming approach and of the relationship between the rights perspective and cross-cutting issues as part of the approach;

- c) The principles of participation and non-discrimination appear to have received more attention than transparency and accountability;
- d) The main emphasis was put on the planning and design phases. An explicit strategy was lacking for integrating the principles of the rights perspective throughout the entire project cycle;
- e) Leadership was strong and committed and an important facilitating factor;
- f) Institutionalisation was enhanced through training and regular internal feedback. However, there was a shortfall of continual training of programme officers;
- g) The routines for documenting the mainstreaming process were inadequate. This hampered institutionalisation, exchange of experience and institutional learning;
- h) Links to Kenyan resource institutions were established but remain weak and erratic. The linkages were not solidified or institutionalised but remained *ad hoc*;
- i) The organisational framework of Sida headquarters was an enabling factor;
- j) The Kenyan political context since the 2002 elections was conducive to promoting the integration of the rights perspective in sectors and programmes.

Notwithstanding the attribution problem, there is little doubt that ‘Mainstreaming in Action’ made a significant contribution to awareness-raising about mainstreaming and to enhancing the capability of staff to operationalise the principles of a rights-based perspective. The greatest shortcoming lies in its one-off nature, which affects its sustainability. It focused on training as a means of heightening awareness in *ad hoc* workshops for various categories of personnel (Brun et al. 2008:146). In view of the high staff turnover at the Embassy, in the civil service and in civil society there is a need for continuous training efforts, involving the KNCHR to ensure institutionalisation. A second serious shortcoming was the undue emphasis on the appraisal and design phases of interventions to the detriment of other phases of the project cycle.

The *Nyanza Roads 2000 Programme* came on stream in January 2006 and is still ongoing. It covers most districts in Nyanza Province. Sida’s projected total contribution by the end of 2011 is KES 1,893 million (Max & Partners Ltd. 2009:20) – approximately SEK 172 million. The Swedish contribution has accounted for about

30–40 per cent of yearly funding. The GoK contribution derives from the road fuel levy. The programme's purpose is to build and rehabilitate rural roads by means of labour-intensive methods and by using local resources, as well as building capacity for road maintenance on a sustainable basis through training. By the end of the programme 70 per cent of the rehabilitated roads are expected to be in a maintainable condition. The programme falls under the Kenya Rural Roads Authority (KeRRA) and is headquartered in Kisumu and supervised by a private consortium under contract with Sida.

This intervention was selected for closer scrutiny with a view to ascertaining the degree to which the mainstreaming of the human rights based approach to development is being applied, in particular with regard to the rights of children. The programme is not specifically orientated towards child rights but its implementation affects children directly and indirectly. The mainstream of the programme was anchored in the communities through Road Committees that were formed at the divisional level, consisting of women's groups, faith-based organisations, youth, people with disabilities, chiefs, village elders and councillors. These Road Committees were the main vehicles for local participation, ownership and accountability as a basis for a sustainable maintenance system.

The HIV infection rate is higher in Nyanza Province than elsewhere in Kenya. As a result, the number of AIDS orphans is comparatively high. Many orphans are indeed heads of household with a number of other children in their care. In some districts of the province the practice of child marriage is also prevalent. The child labour issue was addressed at the design phase and within the Nyanza Roads 2000 Programme a difficult dilemma thus arose. Adhering strictly to the CRC definition of a child would uphold the norm that labourers under the age of 18 could not be offered employment because they would be considered children. On the other, by denying children as heads of household the opportunity to earn an income would effectively deny them and their fellow siblings the right to a livelihood.

The programme sought a pragmatic solution through the community-based Road Committees which solved the dilemma by arrangements under which under-aged labourers were imparted skills related to road construction and maintenance, almost like an apprenticeship or on-the-job training, so as to provide the children with the wherewithal of earning an income in the future. Similarly, efforts were made to confine the involvement of child labourers

only during weekends when school was not in session. Such arrangements were met with approval in the local communities.

Overall, it may be concluded that the Nyanza Roads 2000 Programme has made commendable attempts to mainstream human rights in its activities. In terms of child rights specifically, the flexible arrangements to involve children in remunerative labour must be seen as an innovative solution to a seemingly intractable problem and to the promotion of the rights of particularly vulnerable children.

The Diversion Programme for Children in Conflict with the Law (Save the Children – Sweden) was initiated in 2001 and grew to include altogether 14 programme areas in Nairobi, Nyanza, Rift Valley and Western Provinces. Key government partners were the Department of Children's Services and the Police Department. In addition, three civil society partners played major roles (Rutere and Kiura 2008). Between October 2004 and the end of 2008 Sida provided a total of SEK 9 million through the Kenya chapter of Save the Children Sweden as a conduit under a framework agreement.

Diversion is defined as a process whereby young people who come into conflict with the law, particularly first-time offenders, are dealt with outside the formal criminal justice system (Renstrom 2008:10). Diversion seeks to prevent the stigmatisation of children who have committed minor offences or, more often, have been abandoned, neglected, exploited and sexually abused and are therefore in need of protection and care rather than punishment. The purpose is to reintegrate them into their families and communities.

The end evaluation and completion reports list a number of notable achievements of the diversion programme (Rutere and Kiura 2008; Save the Children Sweden 2009):

- Child Protection Units have been established in 14 police stations, although not all are fully functional and adequately equipped and staffed;
- From inception until 2003 altogether 2,591 children were rehabilitated and reintegrated into their communities. Between 2004 and 2008, when Sida funding was forthcoming, a total of 7,385 children have been supported;
- The programme has been an active advocate for including diversion in the amended Children Act;
- The Dept. of Children's Services has incorporated diversion activities in its operations;
- A provisional budget line has been included in the national budget, although no funds have so far been allocated;

- The police practice diversion with caution as it is not yet provided for in law;
- The programme has produced a good climate for government and civil society collaboration on a sustainable basis;
- Children benefiting from the programme have been given voice and exercised their rights to education, play, information, dignity and respect. With counselling the risk of recidivism has thus been reduced;
- Computers and software for processing data on children in conflict with the law have been provided to the Dept. of Children's Services and the collaborating CSOs. This has contributed to better monitoring and a more accurate overview of the situation;
- Through considerable training programmes the awareness of child rights and the rationale underpinning diversion has been raised in government departments and in the targeted communities. It is particularly noteworthy that a course on child rights has been introduced at the college. In 2005 alone, a total of 375 police officers, 200 civil servants, 100 members of the District Diversion Core Teams; 200 community members and 40 media personnel underwent training;
- A number of success cases have been used as role models for children going through the programme.

It augurs well for the sustainability and scaling up of diversion activities that the programme to date has been coordinated and championed by the Dept. of Children's Services in close collaboration with Kenyan CSOs. However, the needs are formidable and scaling up will require substantial funding.

The *United Nations Children's Fund (UNICEF)* is arguably the most important non-Kenyan stakeholder in child rights promotion in Kenya. It is a multilateral inter-governmental agency that relates primarily to Kenyan authorities in its activities – as an integrated, holistic programme for the realisation of child rights. Not only is UNICEF directly involved as a partner in the implementation of a series of projects and programmes, it also produces a wealth of information on the situation of children and related topics. Most of its funds derive from contributions from bilateral agencies but also from the private sector and national UNICEF committees. Both Norway and Sweden are major contributors to UNICEF's global budget, totalling USD 1,240 and 1,029 million, respectively, for the

2001–2009 period. While money is fungible, UNICEF applies an allocation formula which suggests that a fair share of the contributions to the global budget finds its way to Kenya. Sweden has also channelled support for local NGOs through UNICEF (Nyamweya et al. 2007) and both countries provide funds for so-called multi-bi projects. The above are the main reasons for including UNICEF as part of this evaluation.

UNICEF's current country programme in Kenya is multifaceted and wide-ranging. It comprises four main components (Government of Kenya and UNICEF Kenya 2009): (a) Child Survival and Development; (b) Education and Young People; (c) Child Protection; and (d) Policy, Planning, Advocacy and Communication. This evaluation focuses on the efforts to build a child protection system.

UNICEF sees a child protection system as comprising the totality of laws, policies, regulations and services across all social sectors – especially social welfare, education, health, security and justice – designed to promote the welfare of children and to protect children through risk prevention as well as *ex post* intervention to assist children who have been adversely affected by abuse or neglect. A child protection system forms part of a wider system of social protection. It aims at supporting and strengthening families in order to reduce social exclusion and the risk of separation, violence and exploitation (UNICEF 2008).

In the broad area of policy development and planning, UNICEF Kenya has contributed to the implementation of the five-year strategic plan (2008–2012) of the Ministry of Gender, Children and Social Development (MoGCSD) as well as those of other social sector ministries such as health, education, water, sanitation and hygiene. A Social Protection Policy has been drafted. Similarly, a policy has been elaborated on FGM and an FGM bill is expected to be tabled in parliament soon. The National Plan of Action for Orphans and Vulnerable Children has been disseminated widely within government structures. In collaboration with the National Council for Children Services, the Department of Children Services and CSO partners, UNICEF has assisted in defining the parameters of a functioning child protection system, including the identification of gaps and priorities.

Child Protection Centres (CPC) have been set up in selected locations to enable street children vulnerable to violence, abuse, exploitation and family disruption to get access to basic services. UNICEF supported the government in developing harmonised standards and

procedures for the operation of CPCs in respect of administration, management, service provision and referral. By the end of 2009 1,792 children (1,430 boys and 362 girls) were registered at those centres. Altogether 910 of them were provided services by the CPCs – psycho-social and educational assessment; feeding; hygiene; and counselling – while 403 were reunited with their families. A total of 403 children returned to school, of whom 27 were at nursery, 162 at primary and 14 at secondary levels, plus 200 in vocational facilities (UNICEF Kenya 2009: 7–8). In the same vein, the national helpline for children (116 toll free call) is a major achievement. Originally a CSO initiative but now operated by the government, the number of monthly received calls is about 28,000, of which 5–6,000 cases were referred for counselling or legal aid. Furthermore, UNICEF has assisted in the drafting of a training manual for police officers on child rights, child protection and child-friendly procedures to be included in the curriculum of the police training college, and in the drafting of operational standards for Child Protection Units (CPU) at police stations.

In 2008, a collaborative programme was started with the Dept. of Children's Services (DCS), the Child Welfare Society of Kenya (CWSK) and the National Council of Churches of Kenya (NCCK), to identify, trace and document the reunification of separated children with their families. With UNICEF support a total of 8,008 such children had been identified by the end of 2009 – 998 put in boarding schools, 1,082 placed in Charitable Children Institutions (CCI), and 5,928 living in child-headed households across the 15 most affected districts. Even though UNICEF is working towards the de-institutionalisation of children in favour of family-based care, it is acknowledged that CCIs will continue to operate for some time to come. Therefore, UNICEF has supported the elaboration of Standards for Best Practice to provide guidelines for CCI management.

A key element of the child protection system is the cash transfer programme for orphans and other vulnerable children (OVC) that was launched in 2004 (Alviar and Pearson 2009). The basic concept was to contribute through direct cash transfers to alleviating the burden of poverty borne by ultra-poor households, whose members comprise orphans and other vulnerable children. Largely owing to a high incidence of HIV infection and deaths resulting from AIDS, there are an estimated 2.4 million orphans in Kenya. Initially, 500 households were targeted in three parts of the country with

diverse profiles: pastoralist, urban slums, and a poor agricultural community. Cash transfers were a novelty in Kenya and indeed a radical departure from previous practices to a new mode of delivery with comparatively low transaction costs. For low-cost cash delivery the post office system was used with its 400 outlets throughout the country. The monthly flat rate cash transfer per household was pragmatically set at the equivalent of USD 21 in Kenyan currency. This was considered adequate to make a difference yet low enough to forestall dependency.

The pilot programme was run by the Government of Kenya (GoK) in conjunction with UNICEF, with partial funding by Kenyan taxpayers and co-funding from Sida. DFID began making financial contributions in mid-2007. The second phase scaled up to 37 districts by 2008, with an anticipated number of 75,000 households to be enrolled by mid-2009. Significantly, the GoK increased its contribution dramatically from about USD 800,000 in 2005 to more than USD 9 million in the 2008/2009 budget year. The GoK share of the total cost of the programme is currently about half. In 2009 the World Bank provided an IDA loan of USD 50 million over five years from 2010.

Despite the danger of creating dependency on cash hand-outs and concern that the recipients might not spend the money for the 'right' purposes or squandering it, previous evaluations have found little evidence of misuse. The money was spent on rent, school uniforms, food and sometimes anti-retroviral drugs. Selling assets to buy consumption items is a common yet destructive coping mechanism because it undermines future income generation. However, fewer households reported selling assets during the six-month period since they received the first lump-sum transfer. Beneficiary households were also more likely to have acquired assets over the same six-month period (Alviar and Pearson 2009:15). There was also evidence of secondary effects that cash transfers stimulate economic growth when being injected into the local economy – hence stimulating demand for goods and services that help small businesses to grow, creating employment, generating income, and thus expanding the tax base (Alviar and Pearson 2009:10).

A number of the building blocks of a child protection system in Kenya are already in place; the embryo is discernible and growing. The legal and policy framework is particularly advanced, even though gaps remain. Furthermore, significant steps have been taken with regard to giving operational substance to the implementation

of policies and the enforcement of legislation. Pilot programmes have been started in selected locations and are subsequently scaling up in terms of geographical coverage and number of recipients. This is a painstaking process because the awareness of child rights is still generally low; both government departments and society at large need to be sensitised to the challenges of child protection. In view of the long-term nature of building a functioning child protection system, considerable progress has been made and the prospects appear good for seeing a fully-fledged system in the medium-term future.

VOICES OF CHILDREN

Towards giving modest effect to this right of children to be heard we had two focus group discussions – one in Narok comprising girls who were direct beneficiaries of a Norway-funded intervention and another at a primary school in Nairobi unrelated to any aid intervention.

The primary school pupils who had gone through the alternative rite of passage to the conventional FGM practice and enrolled in the school with a scholarship provided through the Maasai Education Discovery (MED) expressed gratitude for being part of the project and for getting an opportunity to go to school which otherwise would probably not have been a realistic option. Their awareness of the adverse implications of FGM and early marriage was impressive. A measure of assertiveness was gradually emerging and increasingly bolder statements were made about their aspirations and future plans. This assertiveness was particularly evident with regard to their plans for continued education at secondary level.

The same kind of assertiveness was noticed at the primary school in Nairobi. Although not part of any of the interventions, the members of a club calling itself *Ambassadors of Children's Rights* held meetings once a week for the purpose of learning about child rights matters and planning other club activities. The members practiced internal democracy and elected by secret ballot officers for positions of trust after campaigning. Their grasp of basic democratic principles was impressive.

They also showed remarkable knowledge about child rights and awareness about the obverse side of rights: the responsibility of children. They engage in various types of activity, including debates on salient issues such as freedom of expression, child abuse and cor-

poral punishment and counselling as its alternatives. They had made a simplified version of the Children Act to make it easier for children to understand what it means for them.

FINDINGS AND CONCLUSIONS

The legal and policy framework with regard to child rights in Kenya has improved tremendously in recent years. Although this development is not attributable to the interventions of specific donors, it would be fair to say that the donor community – Norway and Sweden included – has made significant contributions to that achievement, in conjunction with the government of Kenya and Kenyan CSOs. Second, although the improvement of service provision for children and child protection has been lagging behind the legal and policy framework, considerable improvements have been seen in that regard as well. Notable cases in point are the introduction of free primary education in 2003 and the cash transfer programme as from 2004.

The building of a functioning child protection system is in progress. Significant initiatives have already been taken but will have to be developed further to be sustainable. UNICEF and the IOM are working with the government on a broad front towards that goal. In the same vein, the government has firmed up its commitment by increasing its budgetary allocations to the Dept. of Children's Services, to the educational sector, mainly at the primary level, and to the cash transfer programme. Through the sector-wide GJLOS reform programme a large number of ministries and departments have begun working together towards the same objectives in the justice sector.

Notwithstanding the great strides that have been witnessed towards the fulfilment of child rights, huge challenges of policy implementation and law enforcement remain. However, the legal provisions put in place can be used to leverage further action by the government and to increase budgetary allocations to meet international obligations as a duty-bearer and to give substance to domestic legal commitments. Nonetheless, the financial and human resource constraints are bound to persist. The sustainability of what has been achieved to date can only be secured if commensurate budgetary and human resources are provided. The donors can only provide a short-term respite by supplying funds and technical advice.

At some stage the donors will have to exit, while the long-term obligations rest on the government's shoulders.

From the point of view of the donors, choices have to be made as to the level and channel of intervention. Interaction at the level of the state has at least one main advantage: the potential for long-term sustainability by establishing state structures with adequate resources and a policy and legal environment conducive to fulfilling child rights. But this level of intervention also carries risks and disadvantages: undue political interference and corruption coupled with a lethargic civil service.

The alternative level of intervention is that of civil society. There is some merit to the argument that CSOs are more effective than government institutions in satisfying immediate needs in the short and medium term and in responding quickly to new challenges. The downside of the CSO mode of operation is the typical intervention by means of discrete and disparate projects with limited and/or uneven coverage. At that, the financial sustainability of CSOs is a perennial problem because they are seeking funding from the same sources and competing among themselves for those funds. To date, both Norway and Sweden have adopted a two-pronged approach as far as aid channels are concerned. While interacting and supporting state institutions directly they have at the same time channelled considerable funds through CSOs. Apparently, they see the two channels as complementary rather than contradictory. The relationship between the government and civil society remains ambiguous, however. On the one hand, large parts of civil society have adopted a stance of collaboration and complementarity. On the other hand, other parts of civil society prefer to maintain a more confrontational watchdog position vis-à-vis government institutions and are wary of being co-opted.

Apart from the choice of intervention level, the donors – in this case Norway and Sweden – have to consider the pros and cons of mainstreaming and targeted interventions in favour of children. The above discussion on mainstreaming reveals that it is a very ambitious approach that requires continuous attention by staff across the board, not only within Sida but also by recipient partners in the South. Previous evaluations of mainstreaming (Uggla 2007; Brun et al. 2008) have shown that it has proven exceedingly difficult to live up to the high level of ambition. It would not necessarily be correct, however, to discard mainstreaming as a failed approach. Its justification, rationale and potential impact are compelling argu-

ments in favour of retaining mainstreaming as one prong of intervention. But any donor must be aware of and acknowledge the resource requirements involved to make it work. It seems that Sida has not yet taken that insight fully on board; in practice it continues to hobble along while the lofty ambitions remain largely at the rhetorical level.

The child-targeted approach appears to have produced better tangible results, whether the channel is state-to-state or through CSOs. This is understandable because these interventions are generally more focused and often limited in scope, size and time horizon. Therefore, they are neater to manage efficiently. It does not follow, however, that targeted interventions are preferable to the exclusion of mainstreaming. For their neatness in terms of scope, size and duration is also their greatest weakness. While such interventions are no doubt capable of producing tangible results, they often lack strategic direction and sustainability. CSO interventions tend to be discrete and disparate without integration into a coherent whole. Above all, their sustainability is in serious doubt.

There is no doubt that all the interventions assessed are highly relevant in assisting Kenya to honour its obligations as the principal duty-bearer in terms of the CRC. Beyond the framework of the CRC, the assistance provided by Norway and Sweden is also contributing towards the achievement of the MDGs, generally towards poverty reduction with emphasis on child poverty (MDG 1) and especially with regard to primary education (MDG 2). Moreover, key principles of the Paris Declaration – harmonisation, alignment, and ownership – have by and large been observed, albeit variably so. While alignment has been achieved to a considerable degree, and harmonisation among donors is reasonably good, the ownership aspect is less satisfactory, especially when considering sustainability.

In terms of effectiveness, most of the interventions assessed have performed satisfactorily, some even very well. But again, the performance is uneven. The challenge is rather the patchy nature of interventions. The strides made in creating a legal and policy framework conducive to child rights observance represent a formidable challenge of implementation and enforcement – both with respect to financial and human resources.

The greatest shortcoming is no doubt sustainability. Even though the government budgetary provision has increased considerably there is still a long way to go before financial sustainability has been reached. Above all, the awareness of child rights in different seg-

ments of the population, in civil society and the civil service needs to be enhanced to buttress action towards fulfilling Kenya's CRC obligations. The long-term impact of achievements to date hinges to a large extent on sustainability and if sustainability is in question the impact will *ipso facto* be questioned.

RECOMMENDATIONS

Two overriding policy choices emerge from the Kenya country study: (a) mainstreaming vs. child-targeted interventions; and (b) state-to-state cooperation vs. engagement through CSOs.

MAINSTREAMING VS. TARGETED INTERVENTIONS

The merits of targeted interventions are comparatively quick results while the main weaknesses are limited coverage, short duration and low sustainability. By contrast, mainstreaming is slower in producing results and more resource-demanding, though with better prospects of long-term sustainability. The experiences and lessons learned in Kenya suggest that one approach – on either of the two policy issues – does not exclude the other, at least not in the short and medium term. It would seem advisable, therefore, to combine the two options. If and when opting for this two-pronged approach, donors such as Norway and Sweden must be prepared for the cost consequences. Not only is mainstreaming ambitious and costly in its own right, when combined with child-targeted interventions the costs would rise correspondingly.

STATE-TO-STATE COOPERATION VS. ENGAGEMENT THROUGH CSOS

The efforts to build a functioning child protection system has yielded results, notwithstanding resource constraints and challenges of absorptive capacity in the civil service that slow down the speed with which one can move forward. It should also be added that building a child protection system is no quick-fix matter in any circumstances. It takes considerable time and patience, not least if local ownership is to be nurtured. Hence, a long time horizon is required, probably a couple of decades. That said, it should be underscored that a functioning and sustainable child protection system can only

be state-based. No matter how dedicated and diligent CSOs might be, they will never be able to replace the state and carry and sustain a nationwide child protection system. This reasoning underpins a strong case for state-to-state cooperation.

However, state-to-state cooperation tends to move slowly and be affected adversely by a volatile political environment. Again, donors – such as Norway and Sweden – would be well advised to opt for a combination of state-to-state cooperation and interventions through CSOs. While cognizant that a fully-fledged state-based child protection system would take long to establish, there would be considerable scope for CSO activities in the interim. Yet again, complementarity between two approaches would be emphasised: state-to-state cooperation as the principal long-term, sustainable approach complemented by ancillary CSO interventions – whether targeted or not – in the short and medium run. The donors would then chart exit strategies as the state-based child protection system is firming up and the CSOs would gradually become almost superfluous in service delivery and protection.

We hasten to add that civil society will continue to serve key functions as far as child rights promotion is concerned. However, the relative importance of the three main functions of CSOs – service provision; advocacy; and watchdog activities – is likely to change. The role of CSOs in the provision of tangible services parallel to that of the state would probably diminish in relative terms as the state assumes full responsibility as the duty-bearer. But that role is not likely to be obviated altogether. CSO interventions are likely to continue to play a role, albeit at a reduced level, in the foreseeable future. Arguably, there will be some scope for permanent CSO involvement in child protection and service delivery for children.

By contrast, the advocacy and watchdog roles of CSOs will remain of pivotal importance. Immediately after the 2002 elections in Kenya when the Kibaki government took over the political reins, the atmosphere in civil society was euphoric. Some even went as far as to say that there was no need for civil society any longer since the new incumbent government was ‘ours’. They soon discovered that a state is always a state. The need for vigilance and advocacy in order to hold the government to account was not redundant. The lesson was learned that unless the government is kept on its toes it could slide into inactivity. To forestall such a development civil society is indispensable for keeping child rights high on the agenda.

Annex 3: Country case study: Mozambique

The first sub-section provides a backdrop to the situation of children in Mozambique in terms of some key parameters and an overview of the legal and policy framework. Thereafter a sub-section accounts for aid interventions by Norway and Sweden, followed by conclusions and recommendations.

BACKDROP

Mozambique gained its independence only in 1975. This important milestone was preceded by over a decade of intermittent warfare against Portuguese colonial rule, followed by 16 years of civil war between the incumbent party FRELIMO and the erstwhile rebel movement RENAMO, now an opposition party. A peace accord was signed in 1992.

Mozambique remains one of the poorest countries in the world despite an average annual growth rate of about 6 per cent between 1996 and 2003 and even higher growth rates in recent years.⁵⁶ The country is comparatively aid dependent: development cooperation makes up about 53 per cent of the national budget. Of its population, estimated at approximately 20.9 million⁵⁷ about 11 million (53 per cent) are below the age of 18. In terms of the Human Development Index (0.402 in 2007), Mozambique occupies the 172nd place out of 182 countries.⁵⁸ It currently ranks number 25 among African countries with regard to child-friendliness according to a study by the African Child Policy Forum.⁵⁹

The overall social development context has improved considerably since the 1990s, but major challenges remain, especially for

56 Second periodic reports of States parties due in 2001 – Mozambique. Committee on the rights of the child. Consideration of reports submitted by States parties under article 44 of the convention. 23 March 2009.

57 INE website “População e indicadores sociais”:
<http://www.ine.gov.mz/populacao/indicadores/pop2008>

58 Human development reports website: http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_MOZ.html

59 The African Child Policy Forum. The African Report on Child Wellbeing 2008. Addis Ababa, Ethiopia 2008.

children. The Demographic Health Surveys shows that the under-five mortality rate has dropped from 219 to 140 per 1000 live births between 1997 and 2008. Despite this remarkable improvement, the current rate is still one of the highest in the world. The infant and maternal mortality rates and the level of assisted deliveries show positive tendencies, but all three indicators are still far from the national targets set against the MDGs. The limited coverage of assisted deliveries is also one reason for the relatively high rate of paediatric AIDS cases. In 2006, there were approximately 1.6 million people living with HIV or AIDS, of whom some 5 per cent were children under five years of age.⁶⁰ Malnutrition is one of the root causes of high child mortality. Some 44 per cent of Mozambican children less than five years of age suffer from chronic malnutrition and 18 per cent are stunted.⁶¹ Chronic malnutrition is ultimately caused by insufficient access to food, inadequate maternal and child caring practices, poor breastfeeding practices (only 37 per cent of 0–6 month old babies are exclusively breastfed), insufficient access to clean water, and inadequate sanitation (43 per cent of the population has access to water and 19 per cent to sanitation) and poor health care in general.⁶²

The education sector has also seen major improvements in the past decade. In 2008, 81 per cent of children between 6 and 12 years were attending primary school (82 per cent of the boys vs. 80 per cent of the girls) and some 20 per cent of children aged 13–17 were attending secondary school (21 percent of boys vs. 20 percent of girls). Despite the relatively high primary school enrolment rate, only 15 per cent of these pupils complete primary school within the stipulated seven years. School attendance, especially at the secondary level, is strongly correlated with household income.⁶³ In order to improve the teacher-pupil ratio, the government has reduced the duration of teachers' training from three years to an intensive one-year course.⁶⁴

60 United Nations in Mozambique: Childhood poverty in Mozambique: A situation and trend analysis, 2006.

61 Instituto Nacional de Estatística: Inquérito de Indicadores Múltiplos 2008. Moçambique – Sumário.

62 United Nations in Mozambique: Childhood poverty in Mozambique: A situation and trend analysis, 2006.

63 Instituto Nacional de Estatística: Inquérito de Indicadores Múltiplos 2008. Moçambique – Sumário.

64 Consideration of reports of States Parties (continued). Second period report of Mozambique (continued). Summary record of the 1431st meeting. Committee on the Rights of the Child. CRC/C/SR.1431. 24 September 2009.

The health and education indicators show considerable disparities between regions. The southern part of the country scores highest, followed by the Central Region whereas service provision in the North is generally poorer. Similarly, urban-rural disparities are striking. For example, the proportion of assisted deliveries is 81 per cent in urban areas but only 49 per cent in rural areas. The proportion of the population with access to potable water is 70 per cent in urban areas and 30 per cent in rural areas. As far as education is concerned, 38 per cent of children (13–17 years old) in urban areas attend secondary school while this applies to only 10 per cent of children in rural areas.⁶⁵ One of the main concerns is the government's incapacity to provide access to basic services for children in difficult circumstances. A constraining factor is the lack of data about the number of children who would need basic support, which, in turn, hampers planning.⁶⁶

The legal and policy framework in Mozambique is rather robust. The new constitution that came into effect in 2005 improved provisions for children and a number of new laws and regulations on children have been adopted or is in preparation. Child rights were also brought into the second poverty reduction strategy, PARPA II (2006–2009/12),⁶⁷ which includes several health, education and protection indicators measuring the wellbeing of children in line with the CRC and the Millennium Development Goals (MDGs). In 2006 the government endorsed the National Action Plan for Children (2006–2010) that identifies the child-related priority actions of different sectors. In 2006, the government also elaborated a Plan of Action for Orphaned and Vulnerable Children in the context of HIV and AIDS. In 2008, parliament passed the Law of Promotion and Protection of the Rights of the Child that reinforces the existing legal instruments and that also puts forward the creation of a National Council of Child Rights. In addition, the government has enacted a law against Human Trafficking, especially women and children in 2008.

However, many different sources concede that the enforcement of the legal provisions has been limited due to scarce human and financial resources. While the key sectors affecting the realisation

65 Instituto Nacional de Estatística: Inquérito de Indicadores Múltiplos 2008. Moçambique – Sumário.

66 Key informant interview with the National Director of Social Action and the Head of Department of the Child, held on 28.07.2010.

67 There is no Joint Assistance Strategy (JAS) in Mozambique.

of child rights, education and health was allocated 19.3 per cent and 11.9 per cent, respectively, of the state budget in 2009, while the Ministry of Women's Affairs and Social Action (MMAS) got less than 1 per cent.⁶⁸

The Government of Mozambique (GoM) ratified the CRC in 1994 and its two optional protocols in 2004. In 1998, the African Charter on the Rights and Welfare of the Child was also ratified. Mozambique has more recently also ratified ILO Conventions number 138 on the Minimum Age for Admissions to Employment and number 182 on the Worst Forms of Child Labour. The GoM has reported twice to the United Nations Committee on the Rights of the Child since the ratification of the CRC. The latest report was submitted in 2009 and covers the period 2000 to 2006. The second report was actually due in 2001 but was delayed for several years.

During the reporting period constitutional provisions for children have been put in place as well as legal reform. The new constitution includes stronger provisions for children compared to the previous one, and it observes the principle of equality between the CRC and Mozambican domestic law in the event of conflict. The constitution enshrines all the general principles of the CRC: non-discrimination; the right to life and development; the best interests of the child; and the right to be heard. Political measures have been taken to follow up the 1998 Social Welfare Policy which addresses protection and care, gender equality, social inclusion and poverty issues. The National Action Plan for Children is effective for the period 2006–2011. Legislative measures include the Civil Registry Code which expands the period of free birth registration from 30 to 120 days after the birth of the child, as well as the new Family Law of 2004 which strengthens the commitment to child rights, and a decree regulating the alcohol and tobacco consumption of minors.

Existing mechanisms at central, provincial and local level for coordinating child-related policies and monitoring the implementation of the CRC are mainly the two planning instruments: the Five Year Programme (PQB) and PARPA. These two documents are reflected in the annual Economic and Social Plan (PES) and the State Budget (OE). The PES contains macro-economic objectives and indicators by sector and budget policies. The PES is annual and based on the PARPA.

Institutional coordination takes place between the ministries through the Council of Ministers and technical meetings related to various topics. However, the overall responsibility for coordination has been delegated to the Ministry of Women's Affairs and Social Action (MMAS). Its responsibilities are to ensure the application of the rights of the child; to take action to protect children against exploitation and violence; to promote decentralisation and partnership with civil society; to define quality standards and methodologies for interventions; to guide, supervise and inspect all activities for children of pre-school age, abandoned children, disabled children, child victims of violence and street children; to promote and conduct studies on the situation of children; to train staff involved in activities that benefit children and to mobilise resources; and to regularly centralise and systematise information for monitoring the implementation of the CRC.⁶⁹

During the reporting period the budgets of the sectors affecting children most – water and sanitation, education, health and social welfare – increased significantly. Water and sanitation increased by 673 per cent; education by 334 per cent; health by 310 per cent and social welfare by 168 per cent. In 2006 the total budget amount for the three sectors was around MZM 8 million for water & sanitation, health and education while only a meagre MZM 268,000 to social welfare.

Among the civil rights and freedoms, birth registration is an important issue. During the period 2004–2006 the number of birth registrations increased sharply from 370,883 in 2004 to 1,532,610 in 2006. With regard to torture or other cruel, inhumane and degrading treatment measures have been taken against domestic violence by, *inter alia*, establishing special units in police stations to provide support to victims.

A Food Subsidy Programme (PSA) has been established to provide for monthly payments to people who are unable to work. Women who care for children and who have been benefiting from the PSA join the Income Generation Programme (PASD). However, the total number of children assisted by these two programmes in the period 2002–2006 was 36,137, which is only 0.36 per cent of the total number of children.

69 Committee on the Rights of the Child. Second periodic reports of States parties due in 2001 Mozambique. CRC/C/MOZ/2. 23 March 2009.

Progress was also reported in the health sector, yet serious concerns remain. Although improvements were made in terms of the infant mortality rates (decreased by 15 per cent) and the mortality rate of under-fives (decreased by 18 per cent) between 1997 and 2003, the rates in 2003 remained very high. One in every five children died before the fifth birthday and one in every eight children before the first birthday. Maternal mortality showed a substantial reduction. Malaria (35 per cent), acute respiratory infections (31 per cent) and malnutrition (8 per cent) were the main causes of child mortality during that period. HIV and AIDS is also reported as a serious problem as more and more children become vulnerable to infection and become orphans due to the high prevalence of HIV and AIDS. During the period the prevalence rate was 13 per cent in the 15–49 age bracket.

School attendance increased at the primary level from 55 to 88 per cent and at the secondary level from 2.7 to 8.9 per cent. The gender disparity declined considerably mainly in terms of access but also in terms of completing primary education. The disparity fell from 9 per cent difference between girls and boys to 4 per cent. A new curriculum was introduced in 2004 with several innovations. Teacher training included special measures to encourage female teachers. The literacy rate among the population aged 15 and above was still more than 50 per cent with large gender, residential and geographical disparities. Education outside school includes a number of projects such as life skills ('My Future is My Choice' and 'Youth in Action Project') which involve vocational training for youth in carpentry, sewing, floriculture, shoemaking, basket making.

Limited data are available with respect to child protection, but the number of street children was about 400 in Maputo city. Special measures have been taken to combat sexual exploitation and abuse, trafficking in children, the worst forms of child labour and to provide care and protection for street children and working children. Measures have also been taken for children in conflict with the law to ensure more child-friendly treatment and to separate children from adults in prisons and detention centres.

In its response to Mozambique's second periodic report the treaty body listed 13 issues to be considered.⁷⁰ These included more infor-

⁷⁰ UNCRC. Implementation of the Convention on the Rights of the Child. List of Issues to be taken up in connection with the consideration of the second periodic report of Mozambique (CRC/C/MOZ/Q/2) 26 June 2009.

mation on the financial and human resourcing of the newly established National Youth Council; concern about the welfare and protection of children in the most disadvantaged provinces; how the principle of the best interests of the child has been included in legislation; and how complaints received from the national child parliament are being addressed. Furthermore, the Committee wanted an elaboration of child-abusive or – discriminatory traditions and customs mentioned in the report; measures to address violence, sexual abuse and harassment of children within the school system; how to address the significant increase in HIV and AIDS; measures to prevent and combat child labour; and measures to combat both domestic and international trafficking in children. They also raised several questions about the persistently limited access to basic education and the low quality of education. Mozambican representatives admitted that the government was facing difficulties in ensuring quality teaching at the same time as it was trying to increase access to education for as many children as possible.

Since the information contained in the second report was largely outdated by 2009 when the report was submitted, the NGO ‘shadow’ report by a group of 67 NGOs led by the organisation ‘Rede da Crianca’ included updated data and information. The NGOs gave the government credit where credit was due. However, the NGOs found that much is desired in implementation across the board.⁷¹ The NGO report pointed out that the MMAS does not have enough financial resources to ensure adequate alternative care for children in need and there are few activities responding to the needs of disabled children. While acknowledging significant improvements in health indicators (infant mortality, vaccination, childbirths in hospitals) serious constraints remain for people in rural areas who have long distances to health facilities and a disadvantageous doctor-population ratio. While improvements were noted in education, too many children remain deprived of education.

The NGOs pointed out there is only one juvenile court in the capital city, and the limited number of judges specialised in children’s issues is a significant weakness of the system. The report commends the government for the positive step taken by establishing units for women and children in the national

71 Rede da Crianca. Report of the Civil Society on the Implementation of the Convention of the Children’s Rights in. Maputo, Mozambique. March 2009.

police and in the police stations. Nevertheless, domestic child abuse, incest and sexual exploitation need to be addressed in a more concerted manner.

The ‘shadow’ report also underscores the need for a more effective and efficient dissemination of the CRC and awareness-raising on child rights. The newly established child or youth parliament needs sufficient human and financial resources to make a difference regarding child participation.

In its ‘Concluding Observations’ the treaty body referred to a range of issues that need addressing:

- Take steps to implement the new legislation;
- Organise the National Council on Child Rights to coordinate, monitor and evaluate the realisation of child rights;
- Significantly strengthen the MMAS by increasing its budget and establishing offices at the local level;
- Mainstream the National Action Plan for Children (2006–2011) and the Action Plan for Orphans and Vulnerable Children;
- Ensure that the newly established Human Rights Commission is able to monitor child rights;
- Increase budget allocations for child survival, development, protection and care;
- Establish a tracking system for the use of resources, address disparities between provinces, and provide budgetary items for disadvantaged and vulnerable children;
- Ensure that international development cooperation buttress programmes that can deliver quick impacts benefiting children directly in health, sanitation, education, and protection;
- Strengthen the statistical system and produce updated and new data;
- Support training and awareness-raising on child rights among the general public, in the media, professional groups, and in communities among children and adults;
- Involve communities and civil society including children’s organisations in all stages of the implementation of the CRC;
- Take measures to eliminate discrimination of girls and children of marginalised and vulnerable groups;
- Promote respect for the views of the child, support the child parliament, and improve access to information for children, especially in remote areas;
- Follow up the UN study on violence against children;

- Strengthen the child protection system to prevent abuse and neglect;
- Take measures for the inclusion of children with disabilities.

UNICEF also submitted a report to the treaty body with updated data.⁷² It recognised the progress made since the civil war ended, but emphasised that the gains are in jeopardy because of multiple challenges such as HIV and AIDS prevalence, widespread poverty and limited resources. These constraints put pressure on the duty-bearer and impede the fulfilment of child rights. Furthermore, improvements in policy and the legal framework do not necessarily translate into changes in the lives of children; nor does economic growth year after year.

UNICEF considers the HIV and AIDS pandemic the most significant threat to the country's development and to the advancement of child rights. Children becoming orphans, heads of household, infected and sick themselves are some of the stark realities in most communities. Sexual and other abuse in schools and families remain commonplace.

DONOR INTERVENTIONS

In the past 4–5 years Norwegian aid to Mozambique has averaged NOK 400–450 million annually, with a current sector focus on fisheries and energy. Governance, human rights, gender equality and climate change are seen as the main cross-cutting issues towards 2012.⁷³ Health sector support used to be significant but was discontinued in 2008. General budget support has been increasing and currently accounts for about 30 per cent of the total budget. Humanitarian aid and support to reconstruction, rehabilitation, peace and reconciliation have gradually been phased out as Mozambique's economy has improved. The strategic plans for Mozambique do not mention children or child rights specifically. However, support to children and promotion of child rights is subsumed under human rights, good governance, humanitarian aid and, in the past, support to peace and reconciliation. Sectoral budget support to health may

72 UNICEF report to the Committee on the Convention on the Rights of the Child on the Human Rights Situation of Children in Mozambique. Maputo, March 2009.

73 Norwegian Ministry of Foreign Affairs. Country Strategy for Mozambique 2010–2012. Oslo 2009.

benefit children, depending on how it is used. Support for gender equality and women's rights may also benefit children indirectly, e.g. through counter-trafficking in women and children.⁷⁴

Sweden's total aid budget to Mozambique increased gradually during the decade and has averaged SEK 700–800 million annually in the last 4–5 years and is expected to remain at that level of magnitude until 2012.

The overall goal of Swedish development cooperation with Mozambique for the 2002–2006 period has been to reduce poverty, with an emphasis on (a) democratisation; (b) sustainable economic growth; (c) social and human development; (d) increased production, sustainable development and reduced isolation in Niassa province. This involved support to six sectors: health, education, infrastructure, agriculture, democratic governance and energy. HIV and AIDS, gender equality, democratisation and human rights were key issues.⁷⁵ Children were specifically mentioned as a target group in the health sector and with regard to HIV and AIDS, as well as in primary education. The country strategy calls for prominence given to the rights of children and young people, in accordance with the CRC.⁷⁶

Significantly, the Swedish country strategy for the period 2008–2012 has sharpened the focus on children by incorporating child poverty in the general goal of poverty reduction. The development cooperation objectives are reduction of poverty through budget support (about 50 per cent of all support), democratic governance, economic development and research cooperation. Democracy and human rights remain a thematic priority, and refers to children or age and specifically to children as a vulnerable group. Child poverty is also mentioned with reference to malnutrition, mortality rates for under-fives, malaria and diarrhoea prevalence, birth registration, school attendance and completion rates.⁷⁷ The strategic issues for dialogue also include human rights.

A total of seven interventions supported by Norway were selected for closer scrutiny at the initial in-country workshop with stakeholders:

- Health sector budget support (PROSAUDE);
- UNFPA: AIDS Adolescent Reproductive Health/Geração Biz;

74 Reference is made to the Norwegian Ministry of Foreign Affairs' Mozambique country strategies for 2008–2010, 2009–011 and 2010–012.

75 Swedish Ministry of Foreign Affairs. Country Strategy for development Cooperation Mozambique 1 January 2002–31 December 2006.

76 Ibid., page 31.

77 Ibid., pages 11–12.

- Save the Children: Strategic Partnership with SCN against sexual abuse of young women and girls;
- Bistandsnemda: Street Children Centre (CJIC);
- SOS Children Villages: Family Support Programme;
- ICDP (International Child Development Programme): Psycho-social Intervention in Mozambique;
- Right to Play: general programme support.

As far as interventions supported by Sweden the following six were selected:

- General budget support (also from Norway);
- UNFPA AIDS Adolescent Reproductive Health/Geração Biz (also supported by Norway);
- UNICEF 2007–09 support to civil society project;
- Zambezi River Bridge;
- Human Rights League (also supported by Norway);
- European Parliamentarians for Africa – AWEPA (also supported by Norway).

General and sector budget support are special aid channels and were selected for scrutiny with a view to ascertaining how they contribute to fulfilling child rights. Mozambique is the only one of the four countries to which general budget support is provided. Budget support is seen as a mechanism for complying with the harmonisation, alignment and ownership principles of the Paris Declaration on Aid Effectiveness. Through this mechanism the Programme Aid Partners (PAPs) harmonise their policies and ensure predictability of their financial support. In reciprocation the GoM is expected to improve its financial management, its accountability to its citizens, and to develop planning instruments and define disbursement schedules. One of the medium – to long-term objectives of budget support is to strengthen the institutional and management capacity within the government structures.

There are currently 19 Programme Aid Partners (the so-called G19) who provide general budget support: the African Development Bank, Austria, Belgium, Canada, Denmark, European Commission, Finland, France, Germany, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom and World Bank. In addition, in 2009 the US and the UN became asso-

ciate members.⁷⁸ The relationship and the responsibilities of the parties are expressed in the Memorandum of Understanding (MoU) which defines a common performance assessment framework (PAF) that establishes 40 indicators used for monitoring the performance of the government. General budget support is linked to the implementation of PARPA. In 2010, for the first time in many years, the share of domestic resources in the overall budget exceeded the external resources; the latter represented some 44 per cent. In the same year, some 20 per cent of all the external resources were provided in the form of budget support.⁷⁹

In 2003, the Ministry of Health (MoH) set up *Health Sector Support (PROSAUDE)* as the overall basket fund for the sector. The management of the erstwhile Provincial Common Fund and the Common Fund for Drugs and Medical Supplies was formally integrated into PROSAUDE in 2008 and 2009, respectively. However, at the operational level the distinction between the three funds still exists. Yet, the integrated management of the funds enabled the Ministry of Health to take the lead in the distribution of the resources between these three areas. The integrated fund pool, or PROSAUDE II, operates according to the same principles and procedures as general budget support. PROSAUDE represents a sector-wide approach (SWAP) in the health sector and is guided by a Memorandum of Understanding signed between the Ministry of Health and 16 development partners: Canada, Catalonia, Denmark, European Commission, Finland, Flanders, France, Ireland, Netherlands, Norway, Spain, Switzerland, UK, UNICEF and UNFPA. The monitoring of PROSAUDE relies on 38 indicators that are complementary to those of the direct budget support.⁸⁰ The overall funding to the

78 Programme Aid Partnership website, visited on 04.08.2010:
<http://www.pap.org.mz/history.htm>

79 Ministério das Finanças: Cenário fiscal de médio prazo 2011–2013. Proposta a ser submetida ao Conselho de Ministros para apreciação. Maio, 2010.

80 Memorandum of Understanding between Republic of Mozambique represented by the Ministries of Health, Planning and Development, and Finance and Canadian International Development Agency, Catalan Agency for Development Cooperation, European Commission, Flemish Ministry of Foreign Affairs, French Development Agency, Irish Aid, Ministry for Foreign Affairs of Finland, Norwegian Ministry of Foreign Affairs, Royal Danish Embassy, Spanish International Cooperation Agency, Swiss Agency for Development and Cooperation, the Dutch Ministry for Development Cooperation, United Kingdom Department for International Development, United Nations Children's Fund, United Nations Population Fund regarding PROSAUDE II. July, 2008.

health sector decrease slightly in 2009 compared to 2008, probably due to the international financial crisis. The proportion of external funding to the health sector is considerable although it decreased from 66.4 per cent in 2008 to 62.7 per cent in 2009.

It is exceedingly difficult, if not well-nigh impossible to attribute direct effects on children to general or sector budget support. This difficulty was readily admitted by all the key informants. It is even harder to measure the effects of specific development partners' individual contributions. General and sector budget support mechanisms say more about good intentions than concrete actions. "We just hope that [the priorities] are well implemented through budget support", one of the key informants from the Norwegian Embassy stated bluntly. However, several informants claimed that the notable improvements in reduced child mortality, maternal mortality and malaria-related mortality should at least indirectly be considered as results of budget support mechanisms.

Ultimately, the results of budget support depend to some extent on the advocacy capacity of the partners. Although Norway has clear policies about promoting child rights in development cooperation⁸¹, in the opinion of one informant child rights have only been addressed as part of the MDGs and not as ends in themselves.⁸² It is up to the individual capacity of the country representatives to advocate these policy priorities. Sometimes, simple, mundane factors, such as lack of foreign language skills, were said to impede effective advocacy communication.⁸³ "I think Sweden with their mainstreaming approach is being more vocal [than Norwegians with budget support approach]" stated one key informant from the Norwegian Embassy.⁸⁴ In order to enhance the efficiency of the advocacy efforts, the senior economists and the policy analysts in the Norwegian Embassy are cooperating and exchanging information among themselves. They also seek to systematically use socio-economic research data for policy analysis and dialogue.⁸⁵

81 Norwegian Ministry of Foreign Affairs. *Three Billion Reasons. Norway's Development Strategy for Children and Young People in the South*. Oslo, May 2005.

82 Key informant interview with a representative of the Norwegian Embassy in Maputo, held on 31.05.2010.

83 Key informant interview with a representative of the Norwegian Embassy in Maputo, held on 27.05.2010.

84 *Idem*.

85 Key informant interview with a representative of the Norwegian Embassy in Maputo, held on 31.05.2010.

Some Norwegian and Swedish Embassy staff find budget support counter-productive in the sense that it leads to greater centralisation.⁸⁶ The basket funding mechanisms anchor the policy discussion at the central level and hence it works against public sector reform to decentralise public sector planning and management. Some key informants also pointed out that the government's accountability is more geared to the development partners than to the citizens of Mozambique. There are limits to what budget support can do; budget support alone is not sufficient, it should be considered along with the other channels and mechanisms of support.⁸⁷

Budget support has some clear advantages. The most obvious is the strengthening of the government, the main duty-bearer responsible for realising child rights. One obvious positive consequence of basket funding is harmonisation among development partners and the reduced administrative burden on the government. Coordinated basket funding provides the government with a predictable funding scheme and thus contributes to improved public sector planning. It has reduced the transaction costs considerably.⁸⁸ Furthermore, according to one key informant in the Ministry of Finance, the harmonisation of donor policies has made the government more aware of the key elements of good governance.⁸⁹

Three interventions were selected for consideration in terms of the mainstreaming prong of Sida's strategy: the Zambezi River bridge project; the Human Rights League; and AWEPA.

The Zambezi River Bridge project is an interesting example of how mainstreaming can lead to several positive outcomes for children, both intended and unintended. It was selected because the infrastructure sector has huge financial inputs and the presumption that the social consequences are considerable. The Zambezi River cuts across the Mozambican territory separating the Northern part of the country from the Central region. Construction started in 2006 and was concluded in 2009 at a cost of approximately EUR 80 million; the Swedish contribution was about EUR 18 million.⁹⁰ A social

86 Key informant interview with a representative of the Norwegian Embassy in Maputo, held on 27.05.2010.

87 Key informant interview with a representative of the Norwegian Embassy in Maputo, held on 31.05.2010.

88 Key informant interview with a representative of the Ministry of Finances, held on 08.06.2010.

89 Idem.

90 Key informant interview with ANE representative held on 29.07.2010.

impact study, two environmental impact studies, a poverty analysis, a baseline assessment of health and HIV-related needs and a stock-taking of the development projects in the vicinity were undertaken before construction started.⁹¹ The social impact study suggested that the bridge project should be complemented by a broad development programme that included several interventions in infrastructure, agriculture, trade and private sector development. An Environmental Management Plan was drawn up covering both environmental and social components. The latter focused mainly on HIV prevention through educative interventions targeting construction workers, local communities, sex workers, young girls, travellers, truck drivers and unaccompanied men in general. The Plan also identified the need to prevent child abuse in local communities and recommended action for the “reinforcement and training of local police to deal with suspected cases of child abuse” and “awareness campaigns targeted at local communities to fight against child abuse”.⁹² Despite the intention to curb child abuse, the social team of the project did very little to raise awareness to that end. The project appears to have had important positive effects on the living conditions of the local populations, including children, as the bridge speeded up the passage across the river and thus to slow down the local sex trade. The Japanese government started a district development project that contributed to improving infrastructure around the bridge area.⁹³ These improvements included territorial planning, establishment of formal market places, erection of an administrative building, a police post by the bridge and a health centre with a maternity ward. In addition, the bridge project attracted the construction of the Standard Bank, a petrol station and a number of lodges around the area.

91 Source: Minutes of meeting held on 18.05.2006 at the Embassy of Sweden, re: Estudos sobre a região de construção da ponte do Zambezi. Prepared by Programme Officer, Carlos Fortes.

92 ANE: Zambezi Bridge (between Caia and Chimuara). Detailed design and construction works contract N° 382/DG/05 (LC 05/05/EC), Volume 2-B, Environmental Management Plan. Financed by SIDA, European Development Fund and Italian Government. December, 2005.

93 Japan had expressed its interest in participating in the bridge-Project but could not do so due to the EU regulations that limited the venture to funding of European origin. Hence, Japan started the development project which was preceded by yet another study that focused on the infrastructural development in the bridge area and that was funded by Japan. Information source: Key informant interview with a representative of the Embassy of Sweden, held on 10.08.2010.

Apart from the bridge project, Sida provided funding through Save the Children which undertook a study in 2006 looking specifically into the needs of children in the context of the bridge project. The study came too late to influence the design of the social component of the project, but led to the deeper involvement by Save the Children in the area, including awareness-raising in local communities about child rights, theatre plays, debates, sports events, film projection, etc. Furthermore, Save the Children has supported and trained the police, especially the unit of women and child protection services, about the need to protect children against abuse and sexual violence.

In sum, the bridge project together with other infrastructure investments and civil society involvement significantly improved the local service provision and fostered the realisation of child rights. However, these results did not come about as a consequence of deliberate mainstreaming but rather by default. In fact, Sida's country strategy for Mozambique does not mention mainstreaming of child rights. Furthermore, there was no evidence of the operationalisation of the concept or systematic application at country level. None of the interviewed Sida personnel knew about any tools, guidelines, policy decisions or instructions for mainstreaming in general or the mainstreaming of child rights in particular; nor had they received any training or other capacity building to that effect. Several had admittedly been trained on gender issues and the topic of child rights and children's issues, but not linked to mainstreaming. Sida staff also revealed uncertainty and a certain degree of ambivalence as to whether the mainstreaming policy is actually feasible, what it means, how it should be dealt with and implemented, and at which level. Thus, there appears to be a mismatch between Sida headquarters and the country level regarding mainstreaming. Some interventions ostensibly do not lend themselves to mainstreaming. Moreover, there is uncertainty as to whether the mainstreaming prong of the strategy calls for a consideration of child rights in absolutely all interventions. Sida staff members expressed frustration over the confusion this creates.

Established in 1994, the *Human Rights League* (Liga dos Direitos Humanos – LDH) is considered the leading human rights organisation in Mozambique. It has grown into a forceful advocate against human rights abuse and for promoting human rights knowledge. It covers the whole country and has as total of 164 staff members and 26 paralegal centres. The LDH is a nationally registered NGO

and has been supported by both Norway (as from 1997) and Sweden (as from 2001), together with other donors. Currently, the LDH is supported through an agreement with the Norwegian and Swedish embassies, covering three and a half years from 2008 to 2011. Sida's contribution is SEK 17.5 million and is matched by the Norwegian Embassy.

The LDH specifically targets children – and women – in its access to justice component, which involves legal assistance for poor women and children. In 2008, the LDH started a programme component – supported by Sida – on combating trafficking of body organs. The victims of this horrendous human rights abuse are mainly children and the LDH is considered a child rights-focused component. The main activities include legal assistance to individual cases of women and children victims of domestic abuse and sexual abuse, monitoring of police stations and prisons, advocacy, civil education in schools in rural areas, human rights education of government officials, and combating trafficking in body organs. The LDH has also supported the Child Parliament of Mozambique which was established in 2008. This institution addresses human rights violations against children and youth, but its main objective is to raise the political awareness of youth through civic education. The Child Parliament receives human rights training and advisory services from the LDH.

The LDH does not report systematically on outcome or impact level results, but rather on activities undertaken. Furthermore, there is no disaggregation of activities by age group. Sida has pointed out that although the narrative reports are informative they are largely confined to activities. Hence, it is difficult to judge effectiveness. However, LDH informants claim (notwithstanding attribution problems) that the main outcomes include: (a) enhanced awareness on human rights among youth/children, the general public, government, police, and judiciary; (b) the government has realised that a vigilant civil society acts as a watchdog regarding human rights violations; (c) the National Commission on Human Rights was established in 2009; (d) a new Penal Code and Family Law has been developed; (e) a change of rights policy and mentality which has led to changing behaviour; (f) torture and extra-judicial killings have decreased; (g) the latest National Assembly session included youth; (h) the government is making progress on elaborating a new Youth Policy. These achievements have in part resulted from advocacy by the LDH and others.

The overall aim and objectives of the LDH are clearly in line with both Norwegian and Swedish development cooperation and country strategies. The LDH is especially relevant since it targets the poor part of the population, including children. This fits well with the government's objectives and the 'Concluding Observations' of the CRC treaty body. The greatest weakness of the LDH is its dependence on external funding which does not augur well for its sustainability as an organisation. However, in terms of the sustainability of the outcomes of LDH activities the organisation is engaging in human rights education and capacity-building for government officials, the judiciary and the police. Still, it takes a long time for people to understand that the government is a duty-bearer, and it takes a long time to change the consciousness of the public to acknowledge, understand and respect human rights.

Founded in 1984 by European parliamentarians for action against apartheid, the *Association of European Parliamentarians for Africa (AWEPA)* is an international NGO working with African parliaments to strengthen parliamentary democracy and to facilitate dialogue between African and European parliaments. AWEPA is headquartered in the Netherlands and has ten country offices in Africa, one of which in Mozambique. It was selected for this evaluation because it addresses democratic governance which may have a bearing on the realisation of child rights.

AWEPA's mission statement makes no special mention of children. However, its general historic overview states that "thematically, AWEPA promotes the achievement of the Millennium Development Goals in Africa with special focus on poverty reduction, women's and children's rights, HIV/AIDS and peace and security".⁹⁴ The Mozambique office was established in 1992 and has received support from Sweden since 2005, including core funding during 2007–2009. Sweden is currently the largest donor, but AWEPA has also received significant funding from Norway, Denmark, UNICEF and other donors. At present the budget is about EUR 2 million per year with ten staff members based in Maputo.

The Parliamentary Programme of AWEPA has a capacity-building component, which focuses on training related to representation, legislation and oversight of the executive branch of government. This includes awareness-raising on the cross-cutting themes, child rights and gender. AWEPA considers its most important achieve-

ment the adoption of three bills on child protection. Two parliamentarians and one governmental official attended a seminar in Lisbon on children orphaned or vulnerable as a result of HIV and AIDS. The purpose of the seminar was to increase parliamentary action towards orphans and vulnerable children.

AWEPA is part of UNICEF's Mozambique Joint Civil Society and Child Rights Programme. Under this programme workshops were organised in seven municipalities to disseminate the new legislation and raise awareness on child rights, and to promote dialogue between local elected authorities, civil society and children. A significant outcome of these workshops was the creation of a civil society organisation which will be tasked to disseminate information about child rights and the child protection law. Another set of workshops were held in the same municipalities for the purpose of training local authorities in drafting regulations on child rights, gender equality and HIV and AIDS in order to improve monitoring and reporting. As a tangible result the municipality of Ulongue included important measures for child protection in a Code of Conduct. When AWEPA in 2007 celebrated 15 years in Mozambique a conference on child rights was held in conjunction with UNICEF and the Mozambican National Assembly. AWEPA's Political Parties Programme focuses on capacity-building and has had no activities related to children.

While it is difficult to measure the effects of advocacy AWEPA has contributed to the process that led to the adoption of three child rights laws: the Children Act, the Act on Human Trafficking, and the Act on Juvenile Delinquency. Training and capacity-building has led to local initiatives to disseminate the CRC and AWEPA has worked with municipalities to draft child-friendly legislation. With the assistance of AWEPA three CBOs have been formed in Tete province to work on child rights.

All of AWEPA's child-related activities are highly relevant towards democratic governance and human rights realisation, including child rights. They fit into the Norwegian and Swedish country strategies and accord well with the 'Concluding Observations' of the CRC treaty body addressed to the GoM.

AWEPA's focus on children and child rights was brought about by participation in UNICEF's civil society project and with separate funding for these activities. The question remains whether AWEPA will continue to keep a focus on child rights or whether this will fade out when targeted funding is discontinued. However, an AWEPA informant claims the organisation will continue to focus on child

rights. At the local level some CBOs will contribute to the sustainability of achievements. The attitude toward children and childhood in society at large is inhibiting because children are not considered rights holders or subjects in their own right. There is widespread lack of awareness of child rights even at the top leadership level. On the other hand, it is encouraging that the authorities have been very cooperative at the local level, as have parliamentarians.

The LDH and AWEPA were also considered in terms of mainstreaming child rights. Both have mainstreamed child rights to a certain extent, and their efforts show significant results in legislative changes, legal and social services for children at the municipal level, provincial and district levels. However, the mainstreaming is not systematic throughout their respective country programmes. It remains to be seen whether they continue to focus consistently on child rights even when earmarked funding is no longer available.

The UNFPA's *Adolescent Sexual and Reproductive Health/STI/HIV/AIDS Programme* was selected because it has received a very large amount of funding over the period covered by the evaluation. Supported by both Norway and Sweden, the programme, called *Geração Biz (PGB)*, is a national programme managed and implemented by three line ministries, the Ministries of Health, Education, Youth and Sports with support from UNFPA. In Maputo province and Maputo city it is done in joint collaboration with civil society organisations. In the rest of the country it is being implemented directly by the provincial offices of these line ministries. Established as a pilot in 1999, the PGB was later (2001–2003) scaled up to the national level. Funding ends in 2010 when the ownership and management will be transferred to the government. Norway and Denmark will continue to fund parts of the programme up until 2011, as will the UNFPA.

The programme targeted young people by offering information and youth-friendly services on sexual and reproductive health, i.e. voluntary counselling and testing (VCT), family planning, STI diagnosis and management, condom distribution and use promotion, life skills and peer education training.

The programme was relevant for several reasons: (a) the young demographic profile with more than half the populations in the 15–24 age bracket; (b) the high HIV prevalence rate (45 per cent of new infections occur among youth below 24 years); (c) the gender imbalance in education and infection rates (particularly among youth); and (d) the prioritisation of youth in PARPA and the strategy

to combat HIV and AIDS. These priorities accord well with government and donor policies.

Several key informants and written documentation suggest that the programme has been a great success and used as a model both nationally and internationally in the area of adolescent reproductive health/rights, especially the HIV and AIDS component. Above all, the achieved results appear to have long-term impact. There has been an increase in the access to SRH/HIV and AIDS information and services targeting youth and adolescents. Technicians in these services have also been capacitated and the service quality improved. More importantly, many adolescents have developed life and leadership skills that will help them in several areas of their life, not just regarding their sexuality. The inclusion of parents, community and political leaders has contributed to the same end. However, qualifications have been made by several stakeholders and in the programme's technical review that the impact is not the same outside Maputo City and its vicinity, i.e. the same degree of success has not been achieved in the provinces and districts. In terms of sustainability, concerns have been voiced regarding the government's ability to take over the programme due to the unavailability of public funds to finance the programme, as well as lack of human resources, technical capacity, and staff turnover.

An evaluation conducted by Pathfinder for the World Health Organisation (WHO) in 2009 highlighted some lessons learned on facilitating and impeding factors with a bearing on sustainability.⁹⁵ With regard to capacity-building and sustainability, the report found that developing a programme in line with government policy has promoted sustainability. The multi-sectoral approach was considered a positive aspect. The scaling-up experiences suggest that expansion should be included in the original design of the programme. Youth involvement was considered essential for keeping the contents of the programme relevant to the target group. The target group's involvement also accelerated acceptance of the messages. However, high staff turnover at the clinics slows down capacity building and makes monitoring of changes in attitudes and behaviour more difficult.

The *UNICEF Joint Civil Society and Child Rights Programme* was selected because UNICEF is a multilateral agency geared specifical-

95 Hainsworth, Gwyn and Ivone Zilhao et.al. From inception to large scale: the Geração Biz Programme in Mozambique. WHO/Pathfinder. Maputo, 2009.

ly towards children. Furthermore, UNICEF receives large amounts of core funding from both Sweden and Norway as well as multi-bi funding. The programme has two main components – the ‘Joint Civil Society and Child Rights Programme’ and the ‘Protection and support for Children affected by HIV and AIDS’. Swedish support for the first component amounted to SEK 33.4 million and SEK 21.1 million for the second component.

The overall objectives of the programme are twofold: (a) to encourage the government, national and local authorities and families to respect, protect and fulfil children’s rights; and (b) to strengthen the institutional capacity of the Ministry of Women and Social Action to respond better to the needs of orphans and vulnerable children (OVC). These objectives were expected to be achieved through capacity building activities with the NGOs, decision-makers and the mass media.

The programme is very relevant to Swedish aid policies and UNICEF’s mandate, as well as to Mozambican policy in general and in particular to PARPA II. In terms of effectiveness, three concrete achievements can be attributed to the programme after three years of implementation: (i) civil society has been strengthening for promoting child rights; (ii) the Children Act has been passed by parliament; and (iii) the reporting of child abuse cases has improved. UNICEF will continue to support activities created under the programme their effectiveness is likely to suffer without Swedish funding.

Sustainability of the programme has not been secured, mainly because three years of operation is too short to develop sustainability. By the time the stakeholders managed to organise mechanisms of coordination and implementation funding had ended. However, it will still be possible to continue at a lower level of activity, hopefully by bringing more NGOs into the network. A website has been created and all information regarding child rights relevant to the country is uploaded there. There is also a newsletter presenting news on the network’s actions.

Save the Children is one of the leading international child rights NGOs in the world with a presence in more than 100 countries. It is a key partner of both Norwegian and Swedish development cooperation authorities, which is the main reason for selecting this intervention. During the past 3–4 years the international organisation has undergone a process of unification, which means that the different Save the Children country programmes have merged. The unification process in Mozambique started in 2007 and was completed

in 2008, with Save the Children US as the lead agency of the unified Save the Children in Mozambique (SCiMoz).

Save the Children Norway, with funding from Norad, initiated in 2006 a strategic partnership against sexual abuse of young women and girls for a three-year period until the end of 2009. Following a review in 2009 a one-year extension until 2010 was agreed. The expenditure for the first three years reached NOK 12 million with Norway as the only donor. For 2010 the Norwegian contribution is USD 839,000.

The overall objectives are: (a) to reduce the number of trafficked children and women into, within and from Mozambique; (b) to combat human trafficking with the emphasis on children and young women for sexual abuse and exploitation purposes in Mozambique and the region; and (c) to support, coordinate and strengthen Mozambican civil society to combat child trafficking. Like most international NGOs in Mozambique, Save the Children implements its programme through local partners, either CBOs or local government authorities.

The reported results at the output level for the 2006–2009 period include the establishment of a database with information on trafficking involving 543 children, and a database with *Linha Fala Crianca*, the newly established child trafficking hotline. Research included the mapping of CSO capacity in the south and centre of the country; an investigation into the nature and causes of internal trafficking, and the mapping of child migration. A total number of 13,323 children have received care and psycho-social follow-up, fewer reintegrated children have left home, 30 visits were made to reintegrated children and 72 beneficiaries assisted. In addition, the local and national referral systems for interventions in child protection cases have been strengthened. The Child Helpline (*Linha Falla Crianca*), a hotline for children, was created by Child Helpline International with the support of Save the Children; this has been a positive addition to combating trafficking of girls and boys. Beyond Mozambique's borders regional networking activities have been supported through the framework of SANTAC (The Southern Africa Network against Trafficking and Abuse of Children).

SCiMoz does not report systematically on effectiveness in terms of outcomes. The 2009 review identified weaknesses in the monitoring and evaluation (M&E) system of the programme which at best was considered rudimentary and in need of improvement. However, notwithstanding the attribution problem, a key informant asserted

that the main achievements at the outcome and impact level include: (i) strengthened child protection referral systems; (ii) better coordination of services and partners; (iii) improved quality of referral services; (iv) strengthened government office of Women's Affairs and Social Action; (v) family reunion and reintegration; (vi) poor families strengthened through income-generating activities; (vii) greater awareness among target populations of the risk of trafficking; and (viii) children are speaking out more about their experiences.

Research on the prevalence, nature and causes of human trafficking indicates that it is an increasing phenomenon. The Programme is fully in line with Mozambican legislation, in particular the new anti-trafficking law of 2008. It also accords with the high priority the issue is given by Norway both nationally and internationally through action plans and budgets.

The programme is anchored in local organisations and authorities, which promotes local ownership. However, these stakeholders are highly dependent on external funding. Still, the acknowledgment by the government that trafficking is a problem that needs addressing is encouraging in terms of sustainability. Legislators have gained awareness and passed the new law. This creates an environment more conducive to buttressing sustainability.

Right to Play is an international child rights NGO with headquarters in Toronto, Canada and programmes in 23 countries in Africa, Asia, the Middle East and South America. Right to Play uses sports and play to build essential skills in children to improve the lives of children in communities affected by war, poverty and disease. This represents a relatively new and innovative methodology and approach to working with children and to promoting the realisation of child rights. Training manuals have been developed for different age groups: the 'Early Child Play' 1–5 year-olds, the 'Red Ball Child Play' for 6–12 year-olds, and 'Live Safe. Play Safe' for 12–18 year-olds. Activities are organised in three areas: life skills, HIV and AIDS preventive education, and gender/child protection.

The programme is implemented in three provinces in partnership with the Ministries of Education and Culture, Youth and Sport, Health, and Women's Affairs and Social Action. Norad has supported the programme since 2007 with an annual average of USD 400,000 per year. Right to Play has entered into a new three-year agreement with Norad as from 2010 until 2012. Training sessions have been held for Training of Trainers. Altogether 251 trainees, of whom 141 were male and 110 female, have been certified

as coaches, and in the same year 14,100 girls and boys were reached through play and sports activities. The coaches engage in peer counselling and education related to sexuality and reproductive health. Right to Play and its partners marked HIV and AIDS day in 2009 organised by the National AIDS Council; 2,300 girls and boys participated and 780 community members attended.

Right to Play is unique in the Mozambique sample of interventions by its systematic and regular reporting on outcomes. Children have gained knowledge about their rights and are freer to express themselves. School attendance has increased. Teachers are doing physical education which was not the case before because they did not have the knowledge. Gender disparity has decreased from 75 per cent boys and 25 per cent girls to 50–50 participation in the games and school attendance. The relationship with government has improved. Some 27,000 children have benefited from these games/sports. Behaviour has changed: children are freer to speak with teachers, parents and in the community; girls and boys become more mixed, have developed life skills; children are more confident, can stand in front of people and speak, developed skills in negotiation, share issues with parents; personal hygiene has improved: children are washing their hands before eating, and are not defecating behind the trees, they demand latrines and use latrines; sexual behaviour has changed; initiation rites have decreased; and children with special needs have been included in play and school.

In terms of sustainability the country and regional offices have been strengthened and empowered to take a lead in programming, monitoring and evaluation. According to key informants the close collaboration with central ministries, provincial and district government offices also promotes sustainability. And the Sport for Development policy has increased programme ownership by the government. Ownership by children, parents and communities is also in evidence. The main constraining factors, however, are reliance on numerous CBOs and their uncertain sustainability, the severe poverty of the communities, and the child-abusive environment of both communities and schools.

SOS Children Villages seeks to help children through a two-pronged approach: to meet the needs of the child within the biological family environment, and to offer placement in the SOS Children Village under the care of a foster mother and aunt for those children who are abandoned and have no alternative care. Through the collaboration with the Ministry of Women's Affairs and Social Action (MMAS),

MMAS local offices identify and decide on placement of boys and girls in the Children Villages in accordance with the Children Act. In Norway SOS Children Villages has in recent years been subject to controversy on account of its 'Children Village' concept. On the one hand, removing children from their parents, families and communities to grow up in isolated, artificially constructed villages with adult female staff members acting as 'mothers' and 'aunts' in place of their parents and family members, may be regarded as violating the CRC. According to the CRC children have a right to grow up with their parents, both mother and father. It is internationally recognised that placement in foster families or smaller living units within the community is preferable to institutional life. On the other hand, the children in the Children Villages are provided with quality education, health care and a protective environment. One can regard the Children Villages as both in line with and in contravention of the CRC; hence the controversy about this model.

Norad has not provided funding for 'Children Villages' but has since 2003 supported the *Family Strengthening Programme (FSP)* whose overall goal is to prevent children at risk from leaving their families and to ensure that they are adequately cared for. The selected children are orphans or children living alone. The current programme phase (2009–2013) is fully funded by Norad with about USD 780,000 per year. The main activities include education, preventive and curative health, psycho-social support, birth registration, teaching of parental and child care skills, vocational training, medication for HIV-positive and people living with AIDS.⁹⁶ The beneficiaries are carefully recorded by location in a database, including family situations and types of family. In April 2010 a total of 1,059 families, 2,034 boys, 1,947 girls, 374 men, and 1,141 women were supported in 16 communities.⁹⁷

In the vicinity of Maputo we met three girls and family members who participated in the programme. Two of them have parents living with AIDS. They have received vocational training as hairdressers and beauticians and were ready to graduate. Both of them would like to start their own salons. However, their long-term future vision is more ambitious: one wanted to become a journalist and the other a doctor. They have been attending school in the evenings, and both have received in-kind support, such as poultry and books. The third

96 SOS Children Village-Mozambique. FSP Mozambique First Quarterly Report. 19th May 2010.

182 97 Data printouts from the FSP Summary Statistics Mozambique, April 2010.

girl, whose parents have died of AIDS, has received a loan to support the establishment of a small shop together with her grandmother and sisters with whom she lives. She and her grandmother received training on how to run a shop/business, and have made remarkable progress in these first few months of being in business. They have already repaid 50 per cent of the loan. She made the following comment about her future:

Most girls don't want to study, but would rather be with boyfriends. For me, I would like to study because the thing with boyfriends or husbands always ends. If I study I will have my own thing. I can see this with my own eyes, what my girlfriends do and what happens to them. I can't say what exactly I will study, but something in the field of biology or medicine. But right now I will do what is available to me.

All three girls were clear that the FSP had changed their lives; they could not compare their lives before and now.

Given the high prevalence of HIV and AIDS in Mozambique, the FSP programme is unquestionably very relevant. However, no evaluation has been done yet, and the coverage is limited. Regular monitoring and reporting is done at output level, but data have not been collected systematically at an outcome or impact level. Still, key informants reported the following outcomes: (a) all the circa 4,000 at-risk children are cared for properly; (b) these 4,000 children have access to basic services (three meals per day, access to education, including payment school fees and school materials); (c) chronic malnutrition has been reduced; (d) improved health status; (e) literacy has increased among adult participants; (f) the number of birth registrations has increased; (g) 16 CBOs have become very active in the community.

Sustainability is being promoted by working through CBOs and in collaboration with local authorities. Supporting families with income-generating activities through repayable loans contributes to the same end. Furthermore, sustainability is promoted by teaching children about their rights and how to claim their rights as rights holders. Moreover, SOS Children Villages applies a code of conduct complemented by a child protection policy.⁹⁸

98 Code of conduct: one-page form to be signed and dated called "Termo de Compromisso a Favor da Crianca" and children protection policy by SOS Kinderdorf International. Child Safety is Everybody's Business. Innsbruck, Austria May 2008.

Founded in 1992, the *International Child Development Programme (ICDP)* is an international NGO focusing on the psycho-social well-being and care of children through education and competence building. This intervention was selected because this type of activity is often neglected. Most development and humanitarian agencies working with children who have experienced extreme deprivation tend to address the physical aspects of human survival and development. The ICDP works in collaboration with CBOs and networks which receive training and technical advice on psycho-social well-being and care of children. During sessions they learned about child rights, health issues, and life skills. Apart from play they learn to behave better at home and to respect their parents. Values are inculcated that school work and homework are important. Part of the time they decide themselves what activity to do when they meet and part of the time the facilitator decides. As the children grow older some become active in other programmes and in the child parliament.

Norad is practically the sole donor with around NOK 1 million per year, complemented by small donations from a few private companies. The ICDP has entered into an MoU with the Ministry of Women's Affairs and Social Action (MMAS) for the provision of training and technical assistance. Owing to a small budget the geographical coverage of the ICDP is relatively limited. It has developed a code of conduct. At present the ICDP supports around ten local organisations.

Two evaluations have been done, one in 2007 and another in 2009. The 2007 evaluation documented some improvements for children and adults who had participated in ICDP training. Progress had also been made with regard to integrating the ICDP programme into partner ministries and the university. However, it was pointed out that the quality needs to be maintained and refresher training was needed to keep up the momentum.⁹⁹ The 2009 evaluation sought to establish outcomes and impacts by administering a questionnaire to a group of 72 adults who had attended ICDP training sessions and a control group of 62 adults matched on geographical and socio-economic parameters. One important finding was that the ICDP intervention was able to reach males in a field of work dominated by women. Furthermore, the ICDP intervention seemed to shift disciplining of children significantly away from harsh

corporal punishment, and carers were significantly more likely to report child adjustment and educational approaches in their relationships with children. These research-based findings showed that the ICDP training resulted in the broadening of children's experiences, helping them to focus attention, and the adjustment of carers to the children's interests, ability to show feelings and enthusiasm. Participants endorsed the training programme, learned from it, and applied their skills in their daily life and recommend it to others.¹⁰⁰ This evaluation involved only adult respondents, however. In the interest of sustainability it is the intention to integrate the ICDP programme into the basic education curriculum, into teachers' training curricula, into university syllabi and as a regular training and capacity-building activity of the MMAS. The ICDP's collaboration with the State University (UEM) in Maputo is unique in this context and contributes to both effectiveness of results and sustainability.

After the peace agreement was signed in 1992, hundreds of child soldiers returned to their homes, many of whom to Maputo and its vicinity. Many were not only physically but also psychologically damaged. Some suffered from PTSD (post-traumatic stress disorder) and related illnesses or conditions. They needed a place to stay and also help to be 'rehabilitated' and reintegrated into Mozambican society. At the time PYM (De Norske Pinsemenigheters Ytre Misjon – the Norwegian Pentecostal missionary agency) and Sida were funding soup kitchens in the local churches of *Igreja Evangelica Assembleia de Deus* and *Igreja Evangelica Assembleia Livre*. These two church organisations received funding from Norad through the *Norwegian Missions in Development* ('*Bistandsnemnda*') to establish a centre for street children which was inaugurated in 1995. The Centre (CJIC – Centro Jovenil Ingrid Chauwner) received Norwegian funding from 1995 until 2007. From 2007 and onwards it has been self-sufficient. This intervention was selected because it was implemented by faith-based organisations, and because it addressed the plight of particularly vulnerable children.

During field work we visited the centre which currently has space for 36 boys who are making breakfast and tidying, cleaning, school, afternoon chores and worship, dinner and free time. They also engage in theme-related activities such as child rights, health, and freedom of expression. Street teams do outreach work which involves going into the street to identify boys in need of placement and work-

100 Sherr, L. et al., ICDP Mozambique Evaluation 2009. Oslo 2010.

ing with the families in order to facilitate successful reintegration in their families.

According to the main informants the main outcomes of the centre are the following: (a) the centre has achieved self-sufficiency; (b) 60 per cent of the boys (1,500 since 1996) have been reintegrated in their families; (c) vocational training in carpentry, welding, driving, water production, education, has resulted in jobs for some of the boys (number not specified); (d) changes in boys' awareness and attitude; (e) enhanced awareness on child rights. A major challenge for the centre is that boys frequently run away, as is fighting among the boys. Some educators use corporal punishment even though it is against centre policy.

Before the boys are admitted to the centre, they are told that it is a faith-based programme and they are asked if they want to live a Christian life. They are told that participating in worship sessions and going to church are requirements for living at the centre. Although a key informant maintained that none of the boys has been forced into the faith it would require an in-depth study to determine whether proselytising is such a prominent feature of the centre that it would be considered inappropriate. In terms of sustainability prospects it is an advantage that the centre is integrated into the community through the two churches that are implementing the project. The use of teaching and coaching as methods for rehabilitation and reintegration is encouraging.

* * *

Mobilising girls and boys, young women and young men contributes to positive outcomes. We met forceful and resourceful boys and girls who displayed impressive motivation, knowledge and strength of conviction. They have been empowered by participating in the interventions and become change agents in their communities. Disappointingly, however, child participation as a goal in itself did not feature much in the documentation. Similarly, the human rights-based approach was not evident in most of the documentation, although it has probably been applied in practice to some extent. Furthermore, to produce better results it is important to enhance the awareness and knowledge of adults: parents, teachers, health workers, social workers, police, judges, community leaders, policy-makers, and others.

CBOs play a key role in implementation but they often lack capacity and resources. Working in partnership and/or in collaboration with central and local authorities is also important, most nota-

bly with the Ministry for Women's Affairs and Social Action (MMAS) as well as the ministries of education, health and youth and sports. They also lack capacity and resources and are donor dependent. Many informants were ambivalent to UN agencies. While UNICEF and the UNFPA are respected for their technical competence there is lack of clarity about their operational roles which need to be clearly defined.

There is a proclivity among donors to support the 'software' of interventions while neglecting the 'hardware', i.e. basic infrastructure such as toilets and the like to complement training.

Norwegian and Swedish funding is appreciated because:

(a) it generally has a longer time horizon than most other funding; (b) Sida and the Norwegian Embassy encourage working with and through the government, while some donors discourage or do not permit such a practice; (c) Norway and Sweden do not apply conditionality or earmarking, nor do they engage in micro-management. The utilisation focus of the evaluation was highly appreciated by civil society stakeholders but not as much by government and embassy staff. Therefore, there is a need to revisit that approach which in our experience is time-consuming and resource-demanding, especially when children are involved.

CONCLUSIONS AND RECOMMENDATIONS

Different strategies, programmes, and channels of support have led to a range of positive outcomes and impacts on the lives of boys and girls in Mozambique. Findings show that both duty-bearers and rights holders have been strengthened, although significant efforts are still needed to follow up legislation and policies. Budgets and scope vary hugely, ranging from the SEK 350 million per annum for general budget support to NOK one million for the International Child Development Programme (ICDP).

All the supported interventions are relevant in terms of Mozambican national policy, such as PARPA II and the National Action Plan for Children, as well as other topic-specific policies and guidelines, such as HIV and AIDS and human trafficking. Interventions are also in line with the 'Concluding Observations' from 2009 of the Committee on the Rights of the Child. Likewise, they accord well with Norwegian and Swedish policy guidelines at the central level. They can also be regarded as conforming to the country strategies considering the general nature of these strategies. However, there

seems to be a certain discrepancy between central and country level donor policies. Or it might just be a question of making child rights more visible and explicit in the country level strategies and communications.

Sustainability is problematic. It cannot be expected that human rights activists working to eliminate human rights violations will become sustainable in the same sense as a development programme or agency. However, given that both Sweden and Norway do expect civil society to be advocates, watchdogs and hold the government accountable to its policies, laws and regulations as well as in relation to the budget support, the term ‘sustainability’ needs to be carefully defined and operationalised. On the other hand, chances of sustainability increase if conventional interventions are linked to existing local structures and institutions, and if local communities are involved.

Mainstreaming as an approach does work to some extent. But it needs to be clearly defined and operationalised at the country level. This means that Sida staff must be equipped with strategies, tools and guidance as to how mainstreaming can be applied. It does not make sense to discuss outcomes for children resulting directly from general budget support and sector support. While macro-level statistics in health, education, social welfare and protection aptly describe the general situation of children and whether it is improving or deteriorating, it is hard, if not impossible, to attribute that situation to general budget support or sector budget support. Nevertheless, budget support is important because it strengthens the main duty-bearer in Mozambique, which still is a very poor country with weak state structures and institutions. The Ministry of Women’s Affairs and Social Action, responsible for coordinating activities to ensure the realisation of child rights, needs to receive more support in terms of financial and human resources.

Norway and Sweden are in the forefront among development partners in promoting child rights in Mozambique, although Sweden is considered a stronger voice and more active than Norway. However, both embassies could do more in their political dialogues to raise child rights issues. Furthermore, the Norwegian and Swedish embassies should use their already strong position and the momentum of their interventions to influence the donor community in the same direction, and to take a lead in influencing the government.

The recommendations below are based on the findings of the country case study. These recommendations are not only addressed to Sweden and Norway, but also to the other stakeholders.

To Norad/Norwegian MFA and Sida:

- The Norwegian MFA should make the support and results for children more visible through including explicit references to child rights in the country strategy and report as well as more general policy guidelines.
- The Norwegian MFA should focus more explicitly on child rights within the field of human rights and adopt a mainstreaming strategy.
- Sida-S needs to develop an operationalisation of its mainstreaming strategy at the country level with tools, guidelines and training to accompany it.
- There is a need to document desired results of mainstreaming. There needs to be a systematic application of mainstreaming as a tool.
- Staff members need (more) training on child rights and children issues.
- Both embassies need to integrate children issues and themes more into their political dialogues with the Government and stronger advocacy among the other development partners in order to achieve more focus on children at that level.
- Civil society projects and programs should continue to receive funding as they are an important part of the overall portfolio of support to children in Mozambique. Both embassies should enter into dialogue with civil society (through the Civil Society Network on Child Rights) to find the best channel of support which ensures that also small organisations and programmes, as well as CBOs, are supported.
- Both embassies should advocate for and emphasise the important role UNICEF (and UNFPA) have in providing technical expertise in the field of child rights, supporting the Government in their implementation of the CRC, and also their role in coordinating efforts for child rights.
- There is need for a consistent and long-term funding. Hardware (logistics and infrastructure) and software components alike need support in order to fully realise child rights.

To civil society organisations:

- Develop indicators for and systematic reporting on outcomes for girls and boys; and develop system for regular impact evaluation.
- Promote more academic research on children and partnerships between development actors and academia.

- Raise awareness and increase knowledge on child rights among adults as well as among girls and boys.
- Increase support to the Civil Society Network on Child Rights for sharing information and exchanging experiences on matters related to child rights.
- More support to child and youth participation as focus in itself, including the Child Parliament.
- Emphasise civil society role as advocates to hold government to account and ensure transparent reporting of results for children.

To UN organisations:

- UNICEF should be the bridge between civil society and the government in providing technical expertise and coordination in relation to child rights.
- UNICEF should take the lead in close collaboration with the government on systematically collecting good/best practices in relation to advocacy, programs, activities and strategies for children.
- UNICEF should increase efforts to child and youth participation as such, not only as a general approach.

To the Government of Mozambique:

- The Government should step up the efforts to implement the good policies and legislation for children that have been adopted and increase its focus on children in general.
- Children should be mainstreamed in the implementation of PARPA II.
- The Ministry of Women's Affairs and Social Action (MMAS) needs to be strengthened significantly with both human and financial resources.
- There is a great need for more statistics and information on the situation of children in various regions and areas of the country and by sector. The government needs to take a lead in improving this situation and supporting more research on children.
- With legislation and policies in place the focus should shift to enforcement and implementation;
- Child and youth participation as a focus in its own right should be given more attention;
- There is need for baseline data and better information on the situation of children produced by public institutions;
- More research is needed on children and child rights.

Annex 4: Country case study: Sudan

The first sub-section gives a backdrop to Sudan and the situation of children in the country and what the government is doing to honour its obligations in terms of the CRC. The subsequent sub-section provides information about aid interventions supported by Norway and Sweden. The penultimate sub-section lists findings and conclusions. The final sub-section advances some recommendations.

BACKDROP

Sudan is a multi-religious and multi-ethnic country with a population of about 40 million. At independence in 1956 the civil war between the North and the South had already erupted and, apart from a period of ten years from 1973 until 1983, relations had never been peaceful until the conclusion in January 2005 of the Comprehensive Peace Agreement (CPA) between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A). During the 21-year civil war in Africa's largest country, more than two million people died, four million were uprooted and 600,000 sought shelter beyond Sudan's borders as refugees. The CPA represents a major opportunity for positive change and sustainable peace in Sudan. But the implementation is slow and the outbreak of new conflict in eastern Sudan and Darfur and post-conflict violence in southern Sudan mean that peace is elusive. In 2011 there will be a referendum on southern Sudan's independence.

The Convention of the Rights of the Child (CRC) was signed by Sudan in 1991. Sudan's first periodic report to the treaty body was submitted in 1993, the second in 1999 and the third in 2007. Sudan signed the Optional Protocol on the involvement of children in armed conflict in 2005 and the Optional Protocol on the sale of children, child prostitution and child pornography in 2004. Sudan has also ratified the African Charter on the Rights and Welfare of the Child.

The last ten years have seen significant developments with regard to children in Sudan, but important challenges remain within the areas of education, health, protection and participation. The CPA (2005) marks a turning point in Sudanese history. But the ongoing

conflicts in the country continue to hamper the enforcement of the CRC. Nonetheless, the Child Act 2010 is a major achievement, even though there are many challenges of enforcement. There are also huge coordination challenges between government and international and multinational organisations engaged in child rights promotion. Child rights are politicised and sensitive. The Humanitarian Assistance Commission (HAC) is responsible for the registration and performance of the non-governmental organisations but has failed to build trust and cooperative relations between these organisations and the government. The 2004 NGO Act was enacted to give more control by the HAC over civil society organisations (CSOs), which has the authority to expel or ban or stop activities of any organisation. In March 2008 when the ICC issued a warrant for the arrest of President Bashir on account of the government's atrocities in Darfur, several foreign organisations were expelled, including Save the Children US, Save the Children UK and the Norwegian Refugee Council (NRC).

There is a lack of reliable data/statistics provided by the Sudanese government. Without a baseline, it is difficult to trace developments over time and even to get accurate information about the status quo. The net primary school attendance rate is estimated at 53.7 per cent. Children have a right to free education but in reality school fees are charged; 34.9 per cent of the children stated inability to pay school fees as the main cause for not being enrolled. In 2005, the public expenditure on education was reported to be merely 2.9 per cent (Alternative CRC Report 2010). The educational system is hampered by lack of trained teachers, corporal punishment, poor school premises and equipment, as well as considerable gender and regional disparities in enrolment.

Forty per cent of under-five deaths are caused by diarrhoea, owing to lack of access to clean water. The infant mortality rate in 2006 was 81 per 1000 live births. The under-five mortality rate is 112 per 1000 live births. Mortality rates among infants and children under five are among the highest in the world. The national maternal mortality rate is 1,107 per 100,000 live births. One of the main reasons is that only 20 per cent of Sudanese women deliver in a health facility. Generally, the accessibility and quality of health care is poor (SCS 2006). Sudan is in the early stages of a HIV and AIDS epidemic. The estimated HIV prevalence rate is 1.6 per cent among the adult population in Northern Sudan and 3.1 per cent in Southern Sudan (UNAIDS Reports 2008).

Despite changes in women's attitudes toward FGM in the last 10 years, data from the 2006 household surveys show that FGM is still widespread in Sudan. About 89 per cent of women aged 15–49 in the northern part of the country have undergone some sort of FGM.¹⁰¹ In 1992, the National Programme for Eradication of Harmful Traditional Practices was established by the current Islamist government. The practice has been institutionalised as a custom integral to the social system. Arguments in favour of the practice (social, religious, cultural, etc.) are complex (Tønnessen et al. 2010). Its criminalisation will not be enough to eradicate it but is regarded by civil society and even governmental institutions as an important tool in combating FGM.

Sudan has the highest number of internally displaced persons (IDPs) in the world. An estimated five million people are displaced, of whom two million in conflict-ridden Darfur. An estimated 1.8 million children have been affected by armed conflict. No Sudanese legislation has been enacted to protect IDPs. Between 7,500 and 10,000 children remain associated with armed forces and groups. The optional protocol to the CRC on the involvement of children in armed conflicts raised the minimum age for taking part in hostilities, compulsory and voluntary recruitment to 18 years. In 2005, Sudan ratified the optional protocol. The Armed Forces Act of 2007, which was recently passed by Parliament, provides unequivocally for the protection of children affected by armed conflict and sets the age of recruitment at 18 years, in accordance with the Optional Protocol. The Child Act 2010 prohibits the recruitment of children in the armed forces or in armed groups.

The CPA (2005) obligated its signatories to demobilise all children in their ranks by July 2005. The National Council for Disarmament, Demobilisation and Reintegration (DDR) and the Northern Sudan DDR Commission and a DDR Commission for Southern Sudan were created in 2006. The DDR was hampered by the continuing conflict in Darfur and by the lack of basic infrastructure in communities. Large numbers of children were still held in military barracks beyond the CPA deadline.

101 It is important to note that not only Muslims currently practice FGM. Southerners have to some extent adopted the practice of female circumcision. It is still considered stigmatising not to be circumcised (*ghalfa*). Historically, female circumcision in Sudan was an attribute of female slaves (*ghalfa*, not circumcised) (Abusharaf 2009).

There is an increasing number of street children. Within the state of Khartoum the number reached 15,000 in 1991 and 34,000 in 2000. The majority of street children are boys, only about 15 per cent are girls (SCS 2001). The increasing number is mainly due to displacement because of war and conflict. Most of the street children are located in urban areas. These children are vulnerable to sexual abuse, violence, exploitation, etc.

The Labour Act (1997) prohibits employment of children below 16 years. But the Act also allows exceptions: children under 12 years may be employed in government-run training schools, non-profit workshops, businesses owned by the child's family, and when the child works under a contract of industrial apprenticeship (SCS 2006). According to 1996 data from the Ministry of Labour 46 per cent of children aged 6–9 were working. The Child Act (2010) prohibits work by children (except in agriculture) under the age of 14.

The Interim Constitution (2005) guarantees that every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship. There are, however, several areas of concern on civil rights and freedoms which are in conflict with the principle of non-discrimination and “the best interest of the child” in the CRC. The legal minimum age of marriage is regulated by the Muslim Personal Status Law from 1991 and the Marriage of Non-Muslims Act from 1926. The former stipulates that boys and girls can get married when they reach puberty, which is generally recognised in girls between the age of 9 and 15 and boys between the ages of 14 and 18. For a girl to get married she needs the permission of a *wali* (a male guardian). According to the Marriage of Non-Muslims Act from 1926, girls can get married at the age of 13 and boys at the age of 15. In practice, non-Muslims' civil rights (including marriage) in southern Sudan are regulated by non-codified customary law. The general rule is that girls can marry when they start menstruating. About 36 per cent of girls marry before the age of 18.

According to the second CRC report, Sudanese girls and boys are given a range of opportunities to freely express their views. In a traditionally hierarchical society, however, children's participation is a new and unfamiliar concept. Introducing and implementing children's participation will require changes of deeply rooted traditional attitudes and practices; it will take time, effort and persistence, especially in the case of the girl child. Neither the CRC reports nor

the alternative reports provide any information on children participating in the preparations of the reports.

INTERVENTIONS

Interventions supported by Norway:

- Female Genital Mutilation (Sudan Council of Churches/Sudan National Committee on Traditional Practices);
- Education and Rehabilitation (Sudan Council of Churches);
- HIV and AIDS Control and Management Project (Sudan Relief and Rehabilitation Association);
- Child-friendly Community Initiative in Eastern Sudan (UNICEF);
- Protection of Children affected by Conflict in Southern Sudan (UNICEF);
- Protection of Children affected by Conflict in Northern Sudan (UNICEF).

Interventions supported by Sweden:

- Juvenile Justice (Save the Children Sweden);
- Child Protection and Education in Emergency in Darfur (Save the Children Sweden);
- Post-conflict Humanitarian Response (International Aid Services);
- Protecting and Promoting Women's Rights and Leadership in Sudan (UNIFEM);
- Building Capacity for Gender Equality in Governance (UNIFEM).

Norway's four focus areas in child rights promotion are education, health, protection and participation. The strategy reflects the specific challenges of child rights in Sudan. However, Norway's Sudan portfolio in the last ten years indicates that almost half of all projects listed as child specific projects are actually community-based, meaning that children are but one beneficiary group among others. Education is the main area of intervention, whereas protection and advocacy are given low priority. Only very few projects are related to protection and none to participation. The impression is that the Norwegian Embassy is focused entirely on CPA implementation and the oil sector. The interest in human rights generally and child rights in particular appears marginal. In addition, Save the Children Nor-

way has not been as active as the SCS in Sudan. After Save the Children UK was expelled, all its activities were suspended. With the exception of UNICEF, Norway is not funding child-specific international organisations towards child rights promotion.

Sweden's four focus areas with regard to child rights are education, social reform, health services, and disadvantaged children (with disabilities, street children, children in institutions, child labour, children affected by war, i.e. soldiers, refugees, and IDPs). Sweden's portfolio indicates that the main areas of intervention are humanitarian aid, health and human right/democracy/gender equality. Humanitarian aid is by far the largest. Sweden mainstreams child rights, but also supports child-targeted projects through the SCS and UNICEF. The SCS has been and still is very active in advocacy. The Swedish portfolio is much stronger when it comes to protection, mainly due to the SCS and UNICEF. Between them they target children with disabilities, street children, children in institutions, child labour, and children affected by war. What is lacking in both Sweden's strategy and in its Sudan portfolio is participation and support to child rights institutions. As of 2009, all of Sida's bloc grants to the SCS were intended to support civil society, not governmental organisations and institutions. The SCS is thus precluded from supporting initiatives such as child rights parliaments or joint research and advocacy projects with the NCCW.

The projects targeting children specifically will be treated first. They form one of the prongs of the Swedish strategy to promote child rights along with mainstreaming. For Norway the strategy involves only targeted interventions.

Save the Children Sweden (SCS) has been working in Sudan since 1984. The organisation mostly employs local Sudanese staff and very few international staff. It is a child rights organisation whose activities and advocacy are informed by a CRC perspective. Research is closely connected with advocacy. The organisation has been important in establishing Child Rights Forums aiming at creating a dialogue between civil society and government institutions rather than confrontation. It has been an important stakeholder in preparing 'shadow' reports to those submitted by the government as a duty-bearer to the CRC treaty body. Currently, the SCS is in a transition phase. After Save the Children UK and Save the Children US were expelled from northern Sudan in 2008, the SCS has taken over their projects and programmes. The SCS is therefore in an expansion phase both thematically (broadening the portfolio

to include water and sanitation, and health) and geographically (Khartoum, North Darfur, Red Sea State, North and South Kordofan, Abiey, Blue Nile). The main funding source is Sida.

In Southern Sudan the SCS is now part of the SCC together with Save the Children UK and Save the Children US. The two organisations work separately in the north and the south. Repeated attempts to contact the SCC in Southern Sudan for an overview were in vain.¹⁰² Sida finances the SCC through bloc grants. As a result, we were unable to get insight into specific projects and activities. The coalition was not forthcoming in meeting with the local consultant when conducting field work in Juba. For these reasons, we were compelled to drop the coalition from this evaluation.

Juvenile justice: Children exposed to violence, harmful labour and sexual exploitation has been one of the major intervention areas for the SCS. It implements its juvenile justice project mainly through a local NGO called the Sabah Association for Child Care and Development (Sabah). Through these organisations, the SCS supported the training of judges, police officers, legal counsels and prison and remand home personnel. The SCS also provided legal aid to children in conflict with the law and has been working jointly with partners to change the reformatories from institutions that punish children to places for rehabilitation of children. Moreover, the SCS has been engaged in advocacy for changes in the juvenile justice system, e.g. to establish the first-ever juvenile court in the country and child protection units. The SCS and its partners were also engaged in advocacy with respect to the Sudanese Child Acts of 2004 and 2010. The SCS was compelled to terminate its relationship with Mutawinat, one of its strongest partners in Sudan, due to the latter's confrontation with HAC over the legal status of Mutawinat. Other constraints include fluctuating core funding from Sida which makes it difficult to plan. High turnover of qualified staff compounds the problem.

Structural changes achieved through the juvenile justice project include legal reform in relevant areas of the law (Child Acts 2004 and 2010). In the 2010 Child Act, vagrancy is no longer considered an offence. A juvenile court and child protection units have been set up. Children in rehabilitation centres and reformatories have been provided with counselling services. The judges trained

¹⁰² E-mail correspondence with Steve Morgan, country director and Steve Thorne regional director of the SCC.

recognise the role of social workers in court and accept assistance of social workers to children in court.

Sustainability is ensured through structural changes and cooperation with local partners. Although the project has a long history there is no exit strategy. The main partner organisation, Sahab, is not yet ready to take over. There is a need for more capacity building, particularly regarding the rights-based approach, participation of children in the planning and implementation of activities and reporting/evaluation, and the identification of good indicators to measure progress/results.

The overarching goal of *Child protection and education in emergency in Darfur* is to ensure children affected by the crisis in Darfur have their rights to education and protection fulfilled. The main thread of cohesion of the programme is “teaching right, learning well and feeling safe”. It is estimated that half of the 4.7 million people directly affected by the conflict in Darfur are children. Education is considered an important protective measure for children affected by emergencies. It restores a sense of normalcy; it prevents young boys from being recruited as soldiers and girls from being sexually abused.

In child protection the SCS works with communities and PTAs through Child Friendly Spaces (CFS) youth groups and child clubs in schools. The SCS’s main activities in education are in constructing and rehabilitating primary school classrooms, providing supplies to schools, including uniforms and textbooks, and training teachers and CFS animators.

Constraints include the vast areas to cover and security concerns when travelling. Travel permits are difficult to obtain. High staff turnover is common. There are still fees to enter schools which mean that poverty continues to be a reason for parents not to send their children to school. After the ICC issued a warrant for the arrest of President Bashir, awareness-raising on certain sensitive issues is increasingly difficult.

The enrolment rate has increased in the areas in which the SCS is active (8,000 at the start of the project in 2004 and 46,000 currently) which is a huge achievement. Sustaining the results of this emergency project in a difficult humanitarian context is sought by cooperating with the Ministry of Education which ensures that the education provided in the SCS-supported schools is officially recognised. There is a lack of qualified teachers and indicators

to measure whether awareness-raising is successful, perhaps because there are too many components on the awareness-raising agenda.

Norwegian Church Aid (NCA) works with a variety of civil society organisations in Sudan. First and foremost of these are the churches. It is a Christian organisation with a presence in Sudan since the signing of the Addis peace agreement in 1972 and an NGO agreement with the Government of Sudan (GoS) in 1974 for the development programme in Eastern Equatoria in South Sudan. As from 1983, when the war between the North and South erupted again, the NCA continued working in the South, but was banned from SPLM-controlled areas in 1986. As from 1986, humanitarian assistance was provided to both GoS-held garrison towns in the South and to IDPs in and around Khartoum. An NCA office was formally established in Khartoum in 1986. Work on both sides of the conflict in the South was resumed in 1989. Since 2006 the merged programme representation has been headquartered in Khartoum. The NCA does not consider itself as a child rights organisation but applies a human rights perspective although the CRC is not a systematic reference point. Children are regarded as one beneficiary group among others. As the NCA is starting a new programme on gender and peace, including early marriages, FGM and gender based violence (GBV), the CRC is potentially relevant to future projects and operations.

Through the Sudan National Committee on Traditional Practices (SNCTP) the NCA has since 2003 funded the intervention *Local communities stop FGM/HTP and reduce GBV/HIV and AIDS*. The overarching goal is to eradicate harmful traditional practices (HTP), such as FGM, early marriages, widow inheritance, and teeth extraction, tattooing/scarring. The national average which according to UNICEF is practicing FGM is 88 per cent in urban areas and 90 per cent in rural areas in northern Sudan. Although the prevalence of FGM has not been reduced in the last ten years, there has been a change in perception. Public discussion about FGM is no longer taboo and national Sudanese organisations are putting it on their agenda. The approach of the SNCTP focuses primarily on health risks. The CRC is not mainstreamed into activities and many of the beneficiaries are not aware of the child rights embodied either in Sudanese domestic legislation or in international law.

The objective of the NCA-assisted *Education and rehabilitation project* is to increase equitable access to quality education for all children, youth and adults with a special focus on disadvantaged groups and

conflict-affected areas. The project is intended to increase access to education for women and girls, uprooted people and demobilised soldiers and contribute to a national programme for training of teachers. School girls and boys were selected from groups of children known to be very vulnerable from within the locality, especially orphans, pupils with aging parents who could not afford paying fees for their children.

School fees were paid for drop-out girls in secondary schools; vulnerable girls got money for the purchase of basic needs items such as clothes, soap, shoes, etc. to enable them to continue their education; school material such as books, pens, pencils were provided to vulnerable groups; HIV and AIDS awareness campaigns were conducted in Juba for girls and boys through various schools. A total of 1,500 secondary school students (800 girls and 700 boys) benefited from the project. Some of them (75) had successfully completed the Sudan School Certificate and joined universities either in Juba or Khartoum. The programme has a relief perspective rather than a development objective. With its relief orientation the programme has not addressed the empowerment of the community and not considered the participation of children.

Norwegian People's Aid (NPA) has been working in Southern Sudan since 1986, mainly within four areas: food security and rural livelihoods, health and medical training, humanitarian mine action, and development programmes which include vocational training, violence against women, media and civil society and local governance and participation. The NPA does not consider itself a child rights organisation; children are but one group of beneficiaries in its projects. The *HIV and AIDS control and management project* started in 2001 by the NPA in cooperation with the Sudan Relief and Rehabilitation Association (ARRA) and the Sudan People's Liberation Movement (SPLM) Health Department. It was closed in 2005. The beneficiaries were youth between 15 and 25 years of age; attendees of ante-natal care clinics (pregnant women); soldiers/military personnel; children (0–5 years of age); and people with high risk occupations e.g. truck drivers, health workers, bartenders.

The achievements included the establishment of an AIDS Council with trained staff and necessary teaching material; implementation of an HIV and AIDS policy; the training of appropriate staff; awareness campaigns among the target population; the coordination stakeholders' activities; surveys and research undertaken. The NPA had not taken into consideration the CRC in planning and imple-

mentation, children were only indirect beneficiaries. With the establishment of an HIV and AIDS Council, the sustainability prospects appear good. Institutional and human capacities have been developed and are considered adequate to promote local ownership and ensure the independent functioning of the Council. Expected support from the Global Fund was considered an opportunity for expansion of the Council's activities.

UNICEF has operated in Sudan since 1952 and is the largest UN agency dedicated to supporting women and children. Its first permanent office opened in Khartoum in 1974. In collaboration with the government, non-governmental and community partners, *UNICEF*'s seven main areas of intervention are: (a) health; (b) nutrition; (c) water, sanitation and hygiene; (d) basic education; (e) child protection; (f) HIV and AIDS; and (g) the Darfur emergency programme.

The *Child-Friendly Community Initiative (CFCI)* is a community-driven project supported by *UNICEF* and the federal and state governments. The project is currently operational in nine states. *UNICEF* has assisted partners in developing, maintaining, managing and regularly updating a community database containing information from surveys of those identified as the most vulnerable and deprived using selected indicators. The indicators are gross enrolment rate in primary school; percentage of school-age girls not enrolled in school; dropout rate; population per trained health cadre. Among the achievements is an increase in the gross enrolment rate to 53 per cent in Kasala State and 72 per cent in Gadaref State during 2009. Indicators are in place to 'measure' the effects of interventions related to child and maternal health, nutrition, basic education, water, sanitation and hygiene-related services that promote Integrated Early Childhood Development. Although limited funding from the line state ministries sometimes hindered implementation, sustainability has been promoted by a participatory approach, with emphasis on building community capacity. The creation of ownership and cost-sharing among communities, stakeholders and partnership with localities and NGOs are promising. The utilisation of local government administrative structures as a conduit for implementation has absorbed recurrent operating cost. However, there are no developed indicators to measure the effects of interventions related to child rights awareness, GBV, FGM, early marriages, etc.

The overall goal of the intervention *Demobilisation and Reintegration of Child Soldiers* is to build a protective environment for vulnerable

children, especially children recruited and used by armed forces and groups and conflict-affected children. The project's planned duration is 2009–2012, funded by both Norway and Sweden. Sweden contributes to both the North and South components, whereas Norway only provides funds to the South component. In earlier periods Norway has supported several similar UNICEF-executed projects but before the CPA they were confined to advocacy. After the CPA, UNICEF's focus has comprised reintegration and prevention.

Among the main accomplishments so far is the unification of child soldiers with their families coupled with initiatives for income generation activities and vocational training; training of social workers and NGO partners in identification, demobilisation, and others with skills in family training and unification. Above all, child protection provisions have been included in the Military Act and the establishment of a Child Protection Unit in the SPLM and an SPLM directive to commanders banning the recruitment of children. However, inter-tribal conflicts persist and there are still no-go areas due to insecurity and lack of infrastructure. Access to education for the demobilised children is hampered by high cost of education, long distances to schools or scarcity of schools in some areas. There have been some macro level changes to the effect that Sudan has taken the issue of child soldiers seriously; ratification of the optional protocols of the CRC; enactment of the Sudan Armed Forces Act 2008, which expressly forbids the recruitment of soldiers under the age of 18; the Child Act 2010; the establishment of child protection units within the Sudan Armed Forces.

To assess the effectiveness of mainstreaming as the second prong of Sida's approach, we discuss below some projects and programmes that ostensibly have been mainstreamed. *International Aid Services (IAS)* is a Christian relief and development organisation formed in 1989 in response to the crisis in Southern Sudan. Focusing on two strands – integrated water resource management and special needs/inclusive education – the organisation has adopted a rights-based approach, but the CRC is not mainstreamed into its activities.

The overall goal of the intervention *Humanitarian aid: Sudan post-conflict humanitarian response* is to improve the living conditions of vulnerable groups. The project sought to address three major needs: (a) strengthening the emergency response capacity; (b) provision of basic and productive services; and (c) grassroots empowerment. IAS's focus on grassroots empowerment as a means of transiting from 'pure' humanitarian aid to development, a good track record

in water and sanitation provision, and maintaining a dialogue with the government which probably explains why the IAS was not among the humanitarian organisations that were expelled in 2008. Sustainability is achieved through community grassroots empowerment and a strong focus on capacity building of local staff and partner organisations, which has resulted in the formation of local NGOs. The child rights perspective is not mainstreamed, but the IAS is working on its grassroots empowerment training manuals and considering ways of including it.

UNIFEM is dedicated to advancing women's rights and achieving gender equality. Local offices were established only in 2005. *UNIFEM* provides financial and technical assistance to innovative programmes and strategies that foster women's empowerment. It is executing two projects with Sida funding: (a) *Protecting and promoting women's rights and leadership in Sudan*; and (b) *Building capacity for gender equality in governance and protecting women's rights*. Among the achievements are increased participation of women in governance structures and decision-making processes and the 25 per cent women's representation codified in the National Elections Act 2008. Women's issues are politicised and sensitive and Sudanese women's struggle for gender justice are fragmented and divided by region, ethnicity, religion and class. It is a source of concern that the girl child seems to get lost between *UNICEF* and *UNIFEM*. The latter does not consider the girl child a target of its activities or part of its strategy. There is no mainstreaming of child rights in the projects of *UNIFEM*, which has not received any instruction from any quarter at any stage to that effect. Cooperation with government institutions contribute to ensuring sustainability.

FINDINGS AND CONCLUSIONS

The major achievement in the recent history of children in Sudan is enactment of the Child Act in South Sudan 2008 and the National Child Act 2010. Advocacy by organisations such as *UNICEF*, the *SCS*, the *SCC* and the *SCN* in conjunction with their local partners funded by Sweden and Norway have been significant in the drafting of these legal instruments. But there is a challenge of enforcement and a lack of government readiness to act. Although both Child Acts are informed by the *CRC*, the shortcoming of the national Act is related to the non-criminalisation of *FGM*. Section 13 in the bill – which banned *FGM* – was ultimately deleted. Arguments for the

practice are complex and criminalisation would not be enough to eradicate it. But civil society and even government institutions regard it as an important tool in combating FGM.

Notwithstanding the slow progress in eradicating FGM, there have been important macro level changes within other areas of child protection the last ten years. Despite ongoing conflicts UNICEF has successfully contributed to demobilising 1,300 child soldiers. Also in juvenile justice and for street children there have been important developments, particularly the Child Act 2010 and the establishment of juvenile courts and child protection units.

Education and health are important elements in Norway's and Sweden's child rights strategies. The majority of projects in Sudan funded by Norway and Sweden address these areas. Humanitarian aid often contributes to water/sanitation, education and health. But Sudan is a complex case in an emergency context and poses formidable challenges. Many of the projects are relief/activity orientated as their purpose is the payment of school fees and the provision of material for children, without consideration of their other needs for food and transportation and rights awareness. In general, there seems to be only limited efforts for the orientation of children about their rights and responsibilities and empowering them to identify their needs and make decisions. Children are treated as recipients and not as actors.

The projects selected for this evaluation on health relate to HIV and AIDS because Sudan is in the early stages of a generalised epidemic. The estimated adult prevalence rate is 1.6 per cent in Northern Sudan and 3.1 per cent in Southern Sudan (UNAIDS 2008). Although the prevalence rate is not among the highest in the region, prevention is important. Awareness on HIV and AIDS continues to be low and associated with shame. Rarely is the CRC mainstreamed into the projects. Consequently, the right of the child to health services seems to be neglected.

Sweden ostensibly pursues a mainstreaming policy on child rights. However, we found that child rights are not mainstreamed in the selected projects. More importantly, the implementing agencies appear oblivious of Sida's mainstreaming policy. Even the Swedish Embassy was unaware of this policy. The instruments seem to be lacking for ensuring that child rights are integrated into Sweden's country programme in Sudan. The broad concept is not translated into practice. Child rights are not systematically addressed in assessment memos and the mechanisms for monitoring and evaluation are

inadequate. There is a formalistic, narrow definition of mainstreaming of activities not involving children directly. The excuse was made that there are projects in which children cannot be mainstreamed such as elections. But a child rights perspective can indeed be integrated into capacity building for decision-makers, electoral candidates and party manifestos. Mainstreaming is not about adding a 'child rights component' into an existing activity. It means bringing the experience, knowledge, and best interest of children to bear on the development agenda. There seems to be a need, in particular, for organisations not considering themselves as child rights oriented, to include a CRC perspective into their activities, even though they tend to implement projects not specifically targeting children. Tackling the marginalisation of child rights in aid interventions requires a broader understanding of children's well-being that looks beyond emergency relief, health and education.

A rights-based approach was applied by all organisations in their interventions (both the mainstreamed and the child-targeted projects), but the CRC was not always highlighted or even mentioned. Most children interviewed are not empowered as rights holders and are not given opportunities to communicate and express their views to the duty-bearers. The CRC should not only inform the project descriptions, but also be a reference point throughout the implementation phase. However, in most interventions selected for this evaluation the child's right to participation, enshrined in the CRC and fundamental to Norway's and Sweden's approaches, has not been taken into consideration in the planning and implementation of projects. Children are regarded merely as passive recipients of services rather than active agents with visions and ideas of their own. Thus, the implementing organisations are, in effect, reinforcing rather than changing the hierarchical structures of local communities where the male elders are the main decision-makers.

The majority of so-called child-targeted interventions (mostly in health and education) do not deserve that label. Children are but one beneficiary group among others and most of these projects are not implemented by child rights organisations. On the whole, these projects can better be described as community-based. The underlying assumptions are that the community leaders represent the interests of the communities and know the needs of the children. Prevailing community norms may not be in consonance with CRC norms and standards.

The organisations active in child rights activities in Sudan have adopted somewhat different approaches to advocacy vis-à-vis the government. Some organisations and the Norwegian and the Swedish embassies alike describe their relations with the government as strained. The expulsion of certain organisations in March 2008 can be attributed to their approach of confrontation rather than dialogue with the government. The SCS and UNICEF both prefer dialogue to confrontation.

There seems to be more confusion rather coordination when it comes to the planning and implementation of child rights projects. This is due to the fact that Sudan is a vast country with very different and complex contexts in Darfur, the South, the East and the North. In particular, it is a complicating factor that Sudan is one country, yet two systems of government structures in the South and the North. And although the NCCW is positive to the implementation of the CRC, other government structures are lagging behind and the NCCW is struggling to give child rights national priority. Added to that, the NCCW does not have branches in Southern Sudan.

Civil society in Sudan is comparatively weak. However, initiatives by Norwegian and Swedish organisations to partner with local NGOs are encouraging when strategies for capacity building are taken into consideration. Strong partnerships exist between international NGOs and local organisations in the North and South. The partnership is based on technical and financial support. However, there is generally a wide gap in the capacities of the international organisations and their local partners. Capacity building seemed to be misconceived as confined to training.

Partnerships between state and non-state actors and agencies are vital to ensure sustainability. In particular, the government needs to assume overall responsibility. This can be achieved through dialogue rather than confrontation. But the dialogue should be transparent. Sudan is an extremely difficult country context to tackle, especially the areas in acute emergency, but it is nonetheless important to make long-term plans to transit from humanitarian aid and relief to sustainable development. In order for organisations to make the leap from emergency relief to sustainable development, they need long-term funding. However, without the government's political will to prioritise child right in national budgets and plans, it will be difficult for organisations to hand over projects to local authorities.

The aid interventions supported by Norway and Sweden in Sudan, taking their cue from the CRC reports, are relevant, time-

ly and filling gaps in the government's efforts to implement the CRC. The effectiveness of interventions in terms of tangible outputs and outcomes is reasonably good, to the extent hard facts are available and the outcomes measurable. A major problem is the lack of baselines, and inadequate monitoring and evaluation systems. Sustainability is a major challenge –financially, institutionally and in terms of personnel resources.

Both Norway's and Sweden's portfolios are weak on children's participation. Participation and support to child rights institutions should be strengthened. In contrast to Norway, Sweden, through the SCS, is active in advocacy, but should consider including children themselves as advocates for their own rights. The macro picture shows important development in legal reform. The future challenge is sustained implementation. Although several child rights institutions have been established and laws enacted, there is need for vigorous advocacy to make sure children's rights are prioritised in national and state budgets. Stakeholders need to build on the critical dialogue and continuous cooperation with state and non-state actors, organisations and institutions. Towards that end, increased government capacities (particularly baselines and statistics) and transparency is needed.

RECOMMENDATIONS

Long-term funding of interventions is necessary in order for multi-lateral and international organisations to contribute successfully to the building of capacity in local civil society organisations as well as state institutions.

To Norad and the MFA:

- Norway should strengthen its project portfolio on protection and participation. The best vehicle for doing that is funding of child rights organisations;
- There is a need for a critical discussion between Norad, the MFA and international organisations with Norwegian funding on the community-based approach, and regarding tools for integrating the CRC into community-based projects.

To Sida:

- Erstwhile approaches need revisiting and clear guidelines and tools adopted for the mainstreaming of child rights, ensuring

child sensitivity of project/programme design, reviews, evaluation and reports;

- Bearing in mind the strong presence of the SCS in Sudan, there is a unique opportunity for the Swedish Embassy to take a leading diplomatic role concerning human rights generally and child rights specifically.

To the governments of North and South Sudan:

- Establish NCCW branches in all the states in southern Sudan;
- The NCCW can and should play an important role as an advocate and monitor, but refrain from becoming a fund-raiser and implementer;
- The lack of reliable statistical data is a source of great concern and there is a need to build capacities in this area in both North and South;
- Transparency is required in the allocation of funds for child rights in the national and state budgets. There is a need for increased government spending on child rights in education, health, protection and participation;
- Child rights awareness and mainstreaming of the CRC and of national and southern Child Acts into school curricula should be a top priority.

To international and multilateral organisations:

- Organisations not oriented towards child rights specifically need to develop tools, ethical guidelines and methods to include and target children in their interventions;
- The active participation of children need to be strengthened throughout the planning and implementation of the organisations' interventions;
- Civil society organisations and local partners need strengthening and their capacity-building strategies to be revisited;
- Legal reform and child rights institutions are important tools in order for Sudan to honour its commitments to the CRC, but there is a corresponding need to develop rigorous tools and mechanisms for active monitoring of implementation processes.
- Discussion and sharing of best practices and lessons learned between organisations are important in future cooperation and coordination of CRC projects.

To local organisations:

- Local Sudanese organisations need to specialise and adopt a clear vision and focus rather than generalise and try to do too much with modest funding;
- Quality in training and capacity building should be stressed rather than the quantity of trainers and outreach to a maximum of beneficiaries. It serves no purpose to reach many beneficiary if the training of the trainers is inadequate or poor;
- The active participation of children needs to be strengthened throughout the planning and implementation of the organisations interventions.
- Local organisations should consider fostering partnership with government institutions at the central and local level to share experiences in order to gradually share financial responsibilities of programmes to ensure sustainability.

Annex 5: List of persons consulted

NORWAY AND SWEDEN:

Bengtsson, Camilla, Sida, Stockholm
Gedimark, Eva, Save the Children Sweden, Stockholm
Hagen, Gisle og Haque, Wasim Ul. Ministry of Foreign Affairs,
Oslo
Hjelde, Baard, Ministry of Foreign Affairs, Oslo
Miller, David, Save the Children Sweden, Stockholm
Revheim, Kristina Lie, Ministry of Foreign Affairs, Oslo
Rupp, Lena, Sida, Stockholm
Slenes, Tone, Norad, Oslo (by telephone only)
Wandel, Marie-Louise, UNICEF, New York (by e-mail only)

GUATEMALA:

Alvarado, Rubelci, Programme Director, Save the Children, Guatemala City
Bac, Maria Berta, Facilitator, Uk' u'x b'e, Chimaltenango
Castañeda, Félix, Programme Coordinator, Norwegian Red Cross, El Palmar
Chávez, Rosa, Facilitator, Uk' u'x b'e, Chimaltenango
Chun, Elva Amariles, Local Facilitator AIEPI, Norwegian Red Cross, Retalhuleu
Chun, Juan Jeremías, Regional Coordinator South-West, Norwegian Red Cross
Donis, Amada, National Adviser, Plan Guatemala, Guatemala City
Dubón, Leonel, Executive Director, Children's Refuge, Guatemala City
Estrada, Claudia, 5th grade teacher, Save the Children, Guatemala City
González, Beatriz, Administrative Director, Children's Refuge, Guatemala City
León, Karla de, Regional Programme Coordinator, Norwegian Red Cross, Retalhuleu
León, Mayda de, Programme Coordinator, IEPADES, Guatemala City

León-Escribano, Carmen Rosa de, Executive Director, IEPADES, Guatemala City

López, Ana Paula, Country Coordinator, Swedish Cooperative Centre, Guatemala City

Marroquín Santamaria, Beatriz, National Coordinator, Norwegian Red Cross, Retalhuleu

Matzir, María, Programme Coordinator, Uk' u'x b'e, Chimaltenango

Mendoza, Ricardo, Country Representative, Norwegian Red Cross, Comunidad Fraternidad

Monzón, Sandra, Childhood Adviser, Save the Children, Guatemala City

Ovalle, Sandra Elena, Director, Save the Children, Guatemala City

Rabanales, Alexander, Child and Youth Officer, IEPADES, Guatemala City

Sagastume, Verónica, Project Officer, Norwegian Church Aid, Guatemala City

Sagui, Mayra, Programme Coordinator, Asociación de Forestería Comunitaria Ut'z Ch'e

Sam, Helder Alexander, Local Facilitator, Norwegian Red Cross, Quetzaltenango

Serech, Miriam de, Education Adviser, Save the Children, Guatemala City

Sincal, Sotero, National Representative of Diakonia Guatemala, Diakonia, Guatemala City

Solórzano, Justo, Child Protection Specialist, UNICEF, Guatemala City

Tellez, Noemí, Child and Adolescent Judge, Juzgado 2do. de la Niñez, Guatemala City

Zapeta, Teresa, Former Ombudsman for Indigenous Women, DEMI, Guatemala City

KENYA:

Adede, Rose, Gender and Development, CARE, Kisumu

Adzalla, Jean-Claude, Programme Director, Deaf Aid, Nairobi

Achar, Peter, Project Officer, NCCCK, Nairobi

Alviar, Carlos, Social Protection Specialist, UNICEF Kenya, Nairobi

Aouma, Edward, Children's Legal Action Network (CLAN), Nairobi

Baastруп, Luz, Deputy Regional Manager, Diakonia, Nairobi

Buchan, Farida, Children's Legal Action Network (CLAN), Nairobi

- Carlsson, Jonna, Child Protection Officer, UNICEF Kenya, Nairobi
- Chavangi, Aziz Tom, Executive Director, Children's Legal Action Network (CLAN), Nairobi
- Gilgan, Megan, Chief, Field Operations and Emergency, UNICEF Kenya, Nairobi
- Gumba, Paul, Administrative Secretary, Baghdad for Peace (Bafope), National Council of Churches of Kenya (NCCCK) and Catholic Justice and Peace Commission (CJPC), Kisumu
- Hassan, Omar Hassan, Commissioner, Kenya National Commission on Human Rights, Nairobi
- Hussein, Ahmed, Director, Department of Children's Services, Ministry of Gender, Children and Social Development, Nairobi
- Hussein, Ismail, Director, Community Health and Education, Mathare Youth Sports Association (MYSA), Nairobi
- Ibutu, Susie, Programme Director, National Council of Churches of Kenya (NCCCK), Nairobi
- Jacobsen, Elisabeth, Ambassador, Embassy of Norway, Nairobi
- Jayawardena, Annika Nordin, Counsellor, Country Director for Development Cooperation, Embassy of Sweden, Nairobi
- Kamau, Kinyanjui, Senior Programme Officer, NCCCK, Nairobi
- Kamau, Phyllis, NCCCK Nairobi Regional Coordinator, Nairobi
- Karanja, Peter, Executive Director, Mathare Youth Sports Association (MYSA), Nairobi
- Karanu, Kellen, Deputy Director of Children's Services, National Council of Children's Services, Nairobi
- Khamali, Catherine, Project Officer, Diakonia, Nairobi
- Kimani, Alice, Counter Trafficking Programme Officer, International Organisation for Migration (IOM), Nairobi
- Kina, Koitamet ole, Executive Director, Maasai Education Discovery, Narok
- Kipyegon, Isaiah, Norwegian Church Aid, Nairobi
- Koti, Rigmor Elianne, Counsellor, Development Cooperation, Embassy of Norway, Nairobi
- Lund-Henriksen, Birgithe, Chief, Child Protection, UNICEF Kenya, Nairobi
- Macksallah, Beatrice, Masaai Education Discovery, Narok
- Magambo, Rosemary, Programme Officer, NALEP, Nairobi
- Majale, Henry, Director, Fundraising, PA and Culture, Mathare Youth Sports Association (MYSA), Nairobi
- Matwetwe, Robert, Coordinator, Forum for Child Rights Initiatives, Nairobi

- Mboya, Tom, Team Leader, Korogocho Community Radio, Nairobi
- Moe, Siv Cathrine, First Secretary, Embassy of Norway, Nairobi
- Mugane, Mercy, Intern, Children's Legal Action Network (CLAN), Nairobi
- Musyoki, Samuel M., Strategic Programme Support manager, PLAN International, Kenya Country Office, Nairobi
- Mwangangi, Stephene, Communication Officer, Mully Children Family Homes, Nairobi
- Mwangi, James, Livelihood Advisor, PLAN International, Kenya Country Office, Nairobi
- Mwangi, Joyce, Kenya Programme Manager, Save the Children Sweden, Nairobi
- Mwangi-Mweki, Josephine, Programme Officer, Embassy of Sweden, Nairobi
- Ndirang'u, Jane N., Project Manager, Nyanza 2000 Roads Programme, Kisumu
- Ndung'u, Judy, Senior Assistant Director, Dept. of Children's Services, Ministry of Gender, Children and Social Development, Nairobi
- Ndugwa, Robert, Research and Evaluation Specialist, SPME UNICEF Kenya, Nairobi
- Nthenya, Felistus, Intern, Children's Legal Action Network (CLAN), Nairobi
- Odaga, Assenath, Director of Programmes, Gender & Development Centre, Nairobi
- Ojuka, Tina, Programme Officer, Save the Children Sweden, Nairobi
- Oluoch, Jane, Club Matron, Milimani Primary School, Nairobi
- Omondi, Risper A., Project Officer (Legal Aid and Child Protection Aid), ANPPCAN, Nairobi
- Omweri, Grace, Legal Officer (former beneficiary of exchange with Liberia), ANPPCAN, Nairobi
- Onambo, Edwin, Nzumari Youth Group, Huruma, Nairobi
- Onyang'o, Collins, Programme Coordinator, Baghdad for Peace (Bafope), NCKK and CCJP, Kisumu
- Opiyo, Dominic, Nzumari Youth Group, Huruma, Nairobi
- Opiyo, Vincent, Programme Manager, Mully Children Family Homes, Nairobi
- Ortiz-Iruri, Juan J., Deputy Representative, UNICEF Kenya, Nairobi

Oyaro, Alice Okuto, Country Programme Manager – Kenya, Diakonia, Nairobi

Prendiville, Noreen, Chief, Nutrition Section, UNICEF Kenya, Nairobi

Raviv, Tal, Regional Programme Development Officer, Head, Programme Development & Implementation Unit, International Organisation for Migration (IOM), Nairobi

Redner, Camilla, Embassy of Sweden, Nairobi

Tameno, Alex, Programme Officer (Roads and Environment), Embassy of Sweden, Nairobi

Tanui, Rebecca, Programme Officer, Building Eastern Africa Community Network (BEACON), Nairobi

Wamakobe, Alex, Chief Senior Children’s Officer, Dept. of Children’s Services, Ministry of Gender, Children and Social Development, Nairobi

Yambi, Olivia, Representative, UNICEF Kenya, Nairobi

MOZAMBIQUE:

Inception workshop on 26 May 2010:

1. Alice Mabota, Executive Director, Human Rights League (Liga dos Direitos Humanos)
2. William Mulhovo, Programme Officer, Diakonia
3. Jaime dos Santos Alves, Country Director, SOS Children Village
4. Immaculee Nyiraneza, FSP National Coordinator, SOS Children Village
5. Bram Naidoo, Programme Officer HIV and AIDS/gender, Embassy of Sweden
6. Sandra Diesel, Programme Officer, Socio-Economic Advisor, Embassy of Sweden
7. Debora Nandja, Programme Officer, UNFPA
8. Harrison Ruben, Programme Manager, Right to Play
9. Clemence M. Langa, Country Director, Right to Play
10. Karin Metell Cueva, Economist, Embassy of Sweden
11. Paulos Berglof, Programme Officer, Embassy of Sweden
12. Torstein t. Skjeseth, Trainee, Embassy of Norway
13. Leif Litsgard, Missionary, CJIC (Street Children Center)
14. Amelia Fernanda, Executive Director, Rede da Crianca
15. Rui Antonio, R.C. Officer, Rede da Crianca
16. Ruben Cossa, Programme Officer, UNICEF

17. Candida Mula, Technical Officer, Ministry of Planning and Development
18. Carlos Fores, Programme Officer, Embassy of Sweden
19. Leonard da Silva, Technical Officer, National Agency for Roads (ANE)
20. Rosa Ambone, Technical Officer, Ministry of Finance
21. Marta Macuacua, Technical Officer, Ministry of Finance
22. Minna Tuominen, Consultant, AustralCOWI
23. Katia Herminio, Consultant, AustralCOWI
24. Kate Halvorsen, Consultant, Chr. Michelsen Institute (CMI)

Interviews:

1. Clarisse Barbosa, Programme Officer, Embassy of Norway
2. Nina Strom, First Secretary, Embassy of Norway
3. Marit Strand, Counsellor/Economist, Embassy of Norway
4. Jose Capote, Programme Officer, Embassy of Norway
5. Anne Beathe Tvinnerem, Embassy of Norway
6. Tove Bruvik Westberg, Ambassador, Embassy of Norway
7. Paulos Berglof, Programme Officer, Embassy of Sweden
8. Bram Naidoo, Programme Officer, Embassy of Sweden
9. Carlos Fortes, Programme Officer, Embassy of Sweden
10. Karin Mettall Cueva, Economist, Embassy of Sweden
11. Bengt Johansson, Chef de Cooperacao, Embassy of Sweden
12. Torvald Akesson, Ambassador, Embassy of Sweden
13. Marco Gerritsen, First Secretary for Health & HIV/AIDS, Focal Partner for Health, Royal Dutch Embassy
14. Harrison Mateus Ruben, Programme Director, Rights to Play
15. Celia Marina Cossa, Training Officer, Right to Play
16. Clemence M. Langa, National Director, Right to Play
17. Immaculee Nyiraneza, National Coordinator FSP, SOS Children Village
18. Jaime dos Santos Alves, Country Director, SOS Children Village
19. Edgar Antonio, Director, Street Children Center (CJIC)
20. Manuel Muchanga, Coordinator (CJIC)
21. Leif Litsgard, missionary (CJIC)
22. Mrs. Litsgard, missionary (CJIC)
23. Santana Momade, Country Director, International Child Development Programme (ICDP)
24. Amerilia Mutemba, Country Director, AWEPA

25. Carmen Ramos, Coordinator for Communication and Advocacy, Save the Children
26. Ilundi Polonia Cabral, Migration & Anti-Trafficking Programme Manager, Save the Children
27. Alice Mabota, Director, Human Rights League (LDH)
28. Amilcar Andela, Vice-Director, Human Rights League (LDH)
29. Souza Shille, Coordinator Planning and Fundraising, Human Rights League (LDH)
30. Salomao Mochanga, President, Youth Parliament
31. Ruben Cossa, Programme Officer, UNICEF
32. Leila Pakkala, Representative, UNICEF
33. Debora Nandja, Programme Officer, UNFPA
34. Domingos Lambo, National Director of Budget, Ministry of Finance
35. Gertrudes Muianga, National Director for Planning and Cooperation
36. Emilia Tembe, Member of GAT, National Road Administration
37. Tania Comiche Munheguete, Civil Engineer/Responsible Technician for the Zambezi River Bridge Project, National Road Administration
38. Miguel Aurelio Mause, National Director of Social Action, Ministry of Women's Affairs and Social Action
39. Anastacia Silvestre Mula, Head of Department for Children, Ministry of Women's Affairs and Social Action

Visits and focus group discussions with children/youth:

ICDP/ADSC (Associacao Desenvolvimento Social Integral da Crianca) GROUP

1. Sra. Meriam Come – adult facilitator
2. Nuno, Pioneer and member of Youth Parliament
3. Sara, 12 years old
4. Vanha, 13 years old
5. Norinha, 13 years old
6. Agostinho, 14, years old
7. Alfredo, 14 years old
8. Maria, 11 years old
9. Silva, 15 years old

Visit to SOS children village community programme:

1. Amelia, 17 years old
2. Rosita, 16 years old

3. Amelia, 16 years old
4. SOS Children Villages staff members
5. MMAS local representative

UNFPA/Geração Biz group:

1. Alfredo Romeo, Director
2. Gaspar Mabunda, Programme Coordinator
3. Eduardo, 29 years old
4. Isaio, 24 years old
5. Mario, 21 years old
6. Antonio, 27 years old
7. Faruk, 28 years old
8. Maria, 26 years old
9. Arania, 24 years old
10. Nesia, 19 years old
11. Fernando, 19 years old

Stakeholder validation workshop on 4 June 2010:

Children/Youth

1. Leocadia Fernandes, 14 years old, activist, against HIV/AIDS, Geração Biz
2. Mario Antonio Nhandumbo, 21 years old, coordinator for community work, Geração Biz
3. Juzna Farugue Abdula, 14 years old, community worker, Geração Biz
4. Fernando Elidio, 16 years old, activist, Geração Biz
5. Gaspar Mabunda, Programme Director, Geração Biz – adult facilitator of group
6. Alfredo Jacob Bila, 14 years old, member ADSC
7. Vania da Gloria, 13 years old, member ADSC
8. Maria da Cheila, 11 years old, member ADSC
9. Meriam Come, adult facilitator for ADSC children

Adults

10. Harrison Ruben, Programme Manager, Right to Play
11. Clemence M. Langa, Country Director, Right to Play
12. Immaculee Nuyiraneza, National Coordinator, SOS Children Village
13. Torstein T. Skjeseth, Trainee, Embassy of Norway
14. Judas Xavier Massingue, Child Participation Coordinator, Save the Children

15. Bram Naidoo, Programme Officer Gender & HIV/AIDS, Embassy of Sweden
16. William Antonio Mulhovo, Programme Officer, Diakonia
17. Amarilia Mutemba, Country Director, AWEPA
18. Rui Antonio, Information and Communications Officer, Rede da Crianca
19. Ruben Cossa, Programme Officer, UNICEF
20. Manuel Muchanga, Social Activist, CJIC
21. Eucidio Sebastiao, National Programme Officer, UNFPA
22. Alzira L. Muchanga, Project Officer, AWEPA
23. Jaime dos Santos Alves, Country Director, SOS Children Village
24. Katia Herminio, consultant, AustralCOWI
25. Carmeliza Rosario, consultant, AustralCOWI
26. Kate Halvorsen, consultant, Chr. Michelsen Institute (CMI)

SUDAN:

North Sudan: Khartoum

	Name	Designation	Institution
1.	Gamar Habbani	Secretary General	National Council of Child Welfare
2.	Insaf Nizam	Acting Team Leader, Protection Unit	UNICEF
3.	Mahjoub Mahjoub	Child Protection Officer	UNICEF
4.	Nawshad Ahmed	Manager	Research, Planning and M&E Unit, UNICEF
5.	Manal EL-Gaddal	Programme Manager/ Protection	Save the Children Sweden
6.	Amin EL-Fadil	Country Director	Save the Children Sweden
7.	Waleed EL-Bashir	Country Programme Manager	Save the Children Sweden
8.	Ismail Rashid,	Programme Officer	Save the Children Sweden, Darfur
9.	Osman Adam	Programme Officer	Save the Children Sweden, Darfur

Name	Designation	Institution
10. Babiker Muhammad,	Programme Officer	Save the Children Sweden, Darfur
11. Amna A.R.Hassan	Director	Sudan National Council against Traditional Practices
12. Samel Kabi Simon	Coordinator	National Council against Traditional Practices
13. Maha Fregoun	Gender Focal Point	DDR Commission North Sudan
14. Daniel Zetterlund	Sudan Country Director	International Aid Services
15. Tarig Mustafa Ali	Gender & Peace Programme Manager	Norwegian Church Aid
16. Sofia Zitouni,	First Secretary, Development Cooperation	Embassy of Sweden
17. Petter Meirik	First Secretary, Development Cooperation	Embassy of Sweden
18. Hege T. Magnus	First Secretary	Embassy of Norway
19. Muna Mustafa Khogali	Director of Social Welfare Directorate	Ministry of Social Development, Khartoum State
20. Amal Mahmoud	Director	Child Development Foundation
21. Mohamed Abdallah	Projects Director	Child Development Foundation
22. Sana Faroug	DDR Manager	Child Development Foundation
23. Khalafalla Ismail	Director	Sabah Organisation
24. Sara Abdallah	Programme Coordinator	Sabah Organisation
25. Tawdud Mohamed	Social Worker,	Detained Children Programme, Sabah Organisation
26. Safaa Khalil	Social Worker	Legal Aid Program, Sabah Organisation

Name	Designation	Institution
27. Fatma A. Abdelkarim	Programme Specialist, Gender, Justice and Human Rights	UNIFEM
28. Rabab Baldo	Programme Specialist, Gender, Justice and Human Rights	UNIFEM
29. Hazel De Wet	Senior Child Protection Officer	UNMIS

South Sudan: Juba

Name	Function	Institution
1. Regina Ossa Lullo	Director General, Gender and Child Welfare	Ministry of Gender and Social Welfare
2. Margret Manyá	Inspector of Child Protection	Ministry of Gender and Social Welfare
3. Nina Schjelderup	Consul for Development	Royal Norwegian Consulate
4. Utem K. Wataba,	Director	Development Partner Coordination Office, Ministry of Education
5. Henry Solomon Taban	Executive Director	Rural Action Hunger
6. Anita Ingabire	Child Protection Specialist	UNICEF
7. Roger Djiohou	DDR Officer	UNICEF
8. Kenyi Emanuel	Education Coordinator	Norwegian Church Aid
9. Androga Avelino	Education Consultant	Norwegian Church Aid
10. Edward Waiwai	Education Officer	Sudan Council of Churches
11. Tabibious Lecca	Facilitator	Sudan Council of Churches
12. James Laku	Administrator	Strømme Foundation
13. Elias Girma	Country Director	Norwegian People Aid

	Name	Function	Institution
14.	Maurice Abure	Administrator	International Aid Services
15.	Onesimo Yugusuk	Country Director	International Aid Services

Group discussions with trainers, beneficiaries and children

1. Midwives and women beneficiaries in two health centres in and around Mayo farms (project by Norwegian Church Aid, implemented by Sudan National Council against Traditional Practices);
2. Girl pupils (age group 11–14) at a school in Mayo farms (project by Norwegian Church Aid, implemented by Sudan National Council against Traditional Practices);
3. HIV and AIDS trainers (project by Norwegian Church Aid, implemented by Sudan National Council against Traditional Practices);
4. Social workers at Sabah (Project by Save the Children Sweden, implemented by Sabah)
5. Children (age group 11–17) at the second workshop in Khartoum (Selected by Save the Children Sweden from Projects by Save the Children Sweden);
6. Girl pupils (age group 15–17) from Juba Commercial Secondary School (project by Norwegian Church Aid, implemented by Sudan Council of Churches);
7. Girl pupils (age group 11–14) from Juba Commercial Secondary School, (project by Norwegian Church Aid, implemented by Sudan Council of Churches);
8. Girls (age group 11–14) from Usratuna Primary School (project by Norwegian Church Aid, implemented by Sudan Council of Churches).

Annex 6: References

GUATEMALA:

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KENYA:

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Annex 7: Terms of reference

Joint Evaluation of Norwegian Ministry of Foreign Affairs/Norad & Sida Support to the Rights of the Child

1 RATIONALE, PURPOSE AND OBJECTIVES OF THE EVALUATION

1.1 Rationale

20 years have passed since the Convention on the Rights of the Child was adopted by the United Nation's General Assembly. Almost all donors and partner governments have since committed to realising the rights of the convention and to adhering to its guiding principles. Commitment to the rights and interests of the child¹⁰³ has also been reaffirmed in the Millennium Declaration. All of the eight Millennium Development Goals (MDGs) directly or indirectly involve the realisation of the social, economic and cultural rights of girls and boys. Many development and humanitarian partners (governments, INGOs, NGOs and multilaterals) give the support to children's rights high priority and have consequently developed specific policies and strategies to guide their work in this area. Support for the rights of the child is high on the Swedish and Norwegian agendas for development cooperation and humanitarian support.

Based on the guiding principles of the Convention on the Rights of the Child, and Swedish Government directives, Sida developed guidelines on how children's rights are to be integrated into the bilateral development co-operation in 1999.¹⁰⁴ The Swedish strategy for working with the rights of the child was further developed and clarified in a Government Communication in 2001. The communication

103 "Child" here refers to the 0–18 age group, in accordance with the definition in the Convention on the Rights of the Child.

104 Letter of Appropriation/Regleringsbrev för budgetåret 1999 avseende anslag genom styrelsen för internationellt utvecklingssamarbete (Sida); Ministry of Foreign Affairs, 1998; *The Rights of the Child in Swedish Development Cooperation*, Sida, 2000.

includes a ten point programme which serves as guidelines for the integration of a child rights perspective. Four strategic areas for promoting children's rights are identified: social reform, health care, education for all and action for disadvantaged children.¹⁰⁵ Sida has in since been given three directives, in 2003, 2005 and 2007, to follow on different aspects of the implementation of the Government Communication.¹⁰⁶ Sida's humanitarian assistance is governed by the Swedish Government's Humanitarian Aid Policy¹⁰⁷ and Sida's Strategy for Humanitarian Assistance 2008–2010¹⁰⁸. The overall aim of the humanitarian assistance is to “act to save lives, alleviate acute suffering and maintain dignity for the most vulnerable groups”. Children's rights are an important point of departure in humanitarian assistance as it is explicitly expressed in the policy and guidelines that the UN Convention on the Rights of the Child is an important base for all humanitarian work.

In Norway a strategy was established in 2005 to guide the support: *Three Billion Reasons – Norway's Development Strategy for Children and Young People in the South*.¹⁰⁹ The Budget 2008–2009 specifically mentions in the introduction that human rights, and specifically children's rights are central in the government's work. Norway's commitment to the Millennium goals, with a special reference to the achievement of health-related goals is moreover highlighted, together with continuation of the support to education. The Budget expresses continued support to the strategy, with an emphasis on children's rights and protection, especially mentioning children's participation in peace building and reconciliation, and protection in relation to armed conflicts and humanitarian crisis. Children and young people as resources and change agents will be more and more in focus.¹¹⁰ A general Norwegian policy for the humanitarian field was developed in 2008, followed by a White Paper on Norwegian

105 The Swedish Government Communication 2001/02:186: *The Rights of the Child as a Perspective in Development Cooperation*, 2002.

106 Svar på regleringsbrev till Sida 2003: The Child Rights Perspective in Practice, Sida 2004; Svar på regleringsbrev till Sida 2005: Effekter av ett barnrättsperspektiv, Sida 2006; Svar på regleringsbrevsuppdrag till Sida 2007: Underlag för uppdatering av regeringen skrivelse om ett barnrättsperspektiv i internationells utvecklingssamarbetet Skr 2001/02:186, Sida 2007.

107 Skr 2004/05:52

108 Sida CONFLICT, July 2009

109 *Three Billion Reasons – Norway's Development Strategy for Children and Young People in the South*, Norwegian Ministry of Foreign Affairs, 2005.

110 St. prp. Nr 1, Utenriksdepartementet, Oslo, 2008: 12 & 39.

Humanitarian Policy.¹¹¹ The policy points at the vulnerability of children in humanitarian situations and are particularly concerned with following up the UN Convention on the Rights of the Child, the supplementary protocol on the participation of children in armed conflict and UN Security Council Resolution 1612 on child soldiers. The need to protect children and secure children's rights to education in emergencies is emphasized.

Support for the rights of the child in bilateral (and multi-bi) development co-operation is however an area where little thematic evaluation has yet been carried out. There is hence a need to further examine and document results as well as to analyse what has worked and what has not in efforts to support the implementation of children's rights in order to feed into future policy and planning processes.

MFA/Norad¹¹² and Sida will carry out the evaluation jointly. There are significant overlaps and consistencies in the two agencies' priorities in the work for the rights of the child. As an illustration, both agencies take their point of departure in a child rights perspective, and both give great emphasis to child protection, child participation, gender and education for all as well as children in armed conflict.¹¹³ There are however also some differences in the approaches taken to supporting children's rights that make a comparison of Swedish and Norwegian development co-operation interesting.

The ToR discusses "children's" rights, which in this evaluation should be read as an abbreviation of "girls and boys". It should be stressed that a gender perspective is central to both Sida's and MFA/Norad's support to the rights of the child. A gender perspective should hence be made explicit through out the evaluation and guide its assessments. The evaluation should also be alert to and explicit about structural factors affecting the realisation of children's rights that may either aggravate or reduce the difference between genders, such as ethnicity, family situation, income etc.

1.2 Purpose of the Evaluation

The evaluation has a dual purpose. The evaluation will summarise results in order to account for the efforts and resources invested by Norway and Sweden in development co-operation in support of children's rights. The evaluation is moreover to contribute to the

111 Norway's Humanitarian Policy. Report No. 40 (2008 – 2009) to the Storting.

112 *MFA/Norad* will be used as an abbreviation for *Norwegian Ministry of Foreign Affairs/Norad*

236 113 MFA, 2005:10; Swedish Government, 2002: 3–4.

continuous learning and development of policies, strategies and methods within the field of children's rights.

1.3 The Objectives of the Evaluation

The objectives of the evaluation are to ascertain results on an outcome (and where possible impact) level to which Norwegian and Swedish development co-operation, and humanitarian support, have contributed, and to identify the factors and conditions generating these results. The evaluation shall hence address a) how (if at all, in what way and to what extent) children's rights have been strengthened with regard to building both capacity of duty bearers to realise and implement the rights of the child and of rights holders (girls and boys) to claim their rights, as well as b) exploring what has worked (and not) in the strengthening of children's rights. Furthermore, the evaluation shall address how children's rights have been protected in humanitarian contexts. Comparison of differences in approaches and of different contexts will be of special interest in accounting for varying results. Findings about results and their causes from this evaluation and relevant previous evaluations are to provide conclusions, recommendation and lessons learnt that shall enhance MFA/Norad's and Sida's contribution to the implementation of the rights of the child.

1.4 Intended Users of the Evaluation

The primary intended users of the evaluation are 1) decision makers at the Swedish Ministry of Foreign Affairs and Sida as well as at the Norwegian MFA who set the policy priorities within the area of children's rights, 2) managers within Sida and MFA/Norad who directly influence the circumstances (i.e. time, capacity development, financial means) in which the work to promote the rights of the child is carried out, and 3) programme officers and policy specialists in Sida and MFA/Norad who through assessment of partner programmes and partner dialogue influence how children's rights are supported in practice. The group of stakeholders is however clearly larger and secondary intended users include national and local authorities and NGOs in partner countries, other beneficiaries, in particularly children, other bi-lateral and multilateral donors and international NGOs(e.g. Save the Children Sweden & Norway, Plan Sverige and Plan Norge).

2 SCOPE

2.1 Scope of the Evaluation

The evaluation is to examine and draw conclusions about MFA/Norad's and Sida's co-operation with four partner countries: Guatemala, Sudan, Kenya and Mozambique. The countries reflect different contexts (in situations of conflict and post-conflict, with different living conditions for children, with varying political commitment for the rights of the child, with varying resources devoted to supporting children's rights and so on) in which MFA/Norad and Sida work with different kinds of co-operation (e.g. long-term co-operation and humanitarian assistance). Different modalities of support (sector-budget support, sector-wide approaches, programme and project) through all kinds of channels (partner government, INGOs, NGOs, multilaterals) shall be included in the first mapping exercise (see phase two below). UNICEF is by far the most important implementer of MFA/Norad's and Sida's efforts to support the rights of the child. MFA/Norad's and Sida's support to UNICEF will be assessed in the country case studies both with regard to existing project support and thematic priorities through support to UNICEF country programmes.¹¹⁴ Other children's rights organizations, like Save the Children and Plan International, should also be included when relevant. It is moreover of interest to review to what degree the monitoring systems of children's rights are taken into consideration. The evaluation will involve co-operation at both the local and national level.

It should be stressed that the assessment of development results (i.e. how and in what way children's rights have been strengthened and/or protected) is to be done on the basis of a selection on interventions in the four selected countries. This is further elaborated below in sections 3.2 and 3.3. Moreover, the evaluation will only include interventions with agreements signed in 2001 or later. Country strategies for the same time period will be included.

2.2 Intervention Logic

The evaluation shall include an elaboration of the programme theory or logic of the studied interventions. A clear distinction shall also

¹¹⁴ Where the "One UN" initiative has been piloted, such as in e.g. Mozambique, the work of UNICEF will have to be assessed taking such UN coordination into account.

be made through out the evaluation between findings at different levels: inputs, activities, outputs, outcomes and, where applicable, impacts. The soundness and relevance of programme theories will constitute one aspect to be analysed in understanding what accounts for varying results.

2.3 Evaluation Criteria

Out of the five OECD/DAC evaluation criteria the evaluation shall in particular assess relevance, effectiveness, and sustainability. The *relevance* of supported interventions is to be assessed in relation to the Millennium Development Goals, Norwegian and Swedish policies and strategies respectively, as well as partner country priorities (as expressed in PRSPs, National Development Plans etc or directly by beneficiaries). *Effectiveness* shall be assessed primarily with regard to objectives on an outcome level (i.e. focusing on the medium-term). It should be stressed that even though the evaluation does not have as its primary focus to assess *impact* in the form of very long-term and widely spread effects, it is essential that positive and negative as well as intended and unintended effects on an outcome level are assessed. *Sustainability* is to be assessed as the longevity of development results after the cessation of the development interventions. The evaluation criteria shall be clearly operationalised in order to constitute useful tools for assessment.

2.4 Evaluation Questions

This evaluation is concerned with how MFA/Norad and Sida have supported and contributed to the protection, promotion, respect and realisation of children's rights. Swedish and Norwegian policies (or strategies) on support to children's rights both take their point of departure in a rights perspective.¹¹⁵ The perspective implies a focus on both the fulfilment of rights (as a result) and the process

115 The Swedish Government Communication 2001/02:186: *The Rights of the Child as a Perspective in Development Cooperation*, 2002: 3; *Three Billion Reasons – Norway's Development Strategy for Children and Young People in the South*, Norwegian Ministry of Foreign Affairs, 2005: 9. The meaning of "a child rights perspective" (integrating a child rights-based approach) should be elaborated using Swedish and Norwegian policy documents. Whether the concept is completely synonymous is not clear but on a general level their integration into strategies and programmes should entail e.g. promoting participation and influence of children (also in the development programming cycle), working with awareness raising, conducting "rights analysis" of discrimination and vulnerabilities, and in particular of gender.

of fulfilling rights (the way that development is achieved and development co-operation is carried out). Supporting children's rights may hence be perceived in terms of two dimensions; a) it implies integrating analyses of the rights of the child and the perspectives of children in the *process* of implementing development co-operation, as well as bringing up children's rights in development dialogue. b) It entails contributing to development results directly affecting the lives of children (e.g. reaching the MDGs) or the enabling environment that will indirectly affect the lives of children (e.g. institutional change in government, civil society or the private sector).

The approaches to implementing a child rights perspective within Norwegian and Swedish development co-operation however seem to differ. At Sida, it is the responsibility of all operative staff to consider children's rights in all contributions and activities¹¹⁶. The implementation of Sida's position on children's rights is mainstreamed to the entire organisation, as is gender, environment, HIV/Aids and a rights perspective generally¹¹⁷. This implies that all staff within Sida has a responsibility for ensuring that children's rights are integrated in the implementation process¹¹⁸ and realised as development results of that process. The evaluation is to examine both these aspects of Sida's support to the rights of the child.

The implementation of the Norwegian strategy for support to children, although equally anchored in a rights perspective, has not been mainstreamed to the entire administration of development co-operation (MFA/Norad). The strategy for children and young people called for a network with focal points headed by an Ambassador for children's rights.¹¹⁹ Rather than integrating children's rights in all development co-operation, the focal points should have the responsibility for ensuring that the rights of children are considered in contributions that affect children. The ambassador for children's rights was established according to the strategy. In addition responsibility of ensuring children's rights is mainly vested in the

116 *The Rights of the Child in Swedish Development Cooperation*, Sida, 2000:9.

117 Uggla. 2005. *Mainstreaming at Sida – A Synthesis Report*, Sida Studies in Evaluation 2007:05. Stockholm. It should however be stressed that in humanitarian assistance, the child rights perspective is limited to the protection of the rights of vulnerable children in a humanitarian context.

118 This ambition to mainstream children's rights is for example ensured by integrating a distinct child rights analysis in country strategies, country specific analyses, project or programme assessments etc.

119 *Three Billion Reasons – Norway's Development Strategy for Children and Young People in the South*, Norwegian Ministry of Foreign Affairs, 2005:55.

departments/advisers with responsibilities for programs and institutions with a specific focus on children, both in MFA and Norad.

In conducting the evaluation, the consultants shall bear possible differences in approaches in mind and especially assess differences in practice.

Bearing in mind the seeming difference in approach discussed above, and the different contexts in which the evaluation is conducted, the following questions should be answered in the evaluation:

A) *Integrating a child rights perspective (Process Results)*

- i. How (in what way and to what extent, taking into consideration the differences in experiences/policies for Norway and Sweden) has a child rights perspective been integrated in cooperation with partners?
- ii. What accounts for differences in how a child perspective has been integrated? What have been the constraining and conducive factors? What are the important enabling factors within Sida and MFA/Norad, and how does the choice of channels and approaches influence the integration of children's rights? How do contextual factors influence the process of supporting children's rights?¹²⁰

B) *Strengthened Rights of the Child (Development Results)*

- ii. What results with regard to children's rights (positive & negative, intended & unintended) have MFA/Norad's and Sida's support contributed to?; how relevant have those results been given policy priorities and the country contexts?; how sustainable are these development results?

Results are to be assessed generally but with a focus on prioritised areas such as: child protection, education for all, health-care with a focus on early childhood, adolescence and pregnancy, Sexual and Reproductive Health and Rights (SRHR), social reform aimed at families, children and adolescents, actions for disadvantaged children (affected by HIV/AIDS, living with disabilities or other vulnerabilities)/ the right to non-discrimination, children in armed conflict and humanitarian crisis, counteracting all kinds of exploitation of children, promoting gender, and promoting children's participa-

120 Enabling factors within MFA/Norad and Sida may be resources available, organisational features, leadership, implementation strategies (e.g. mainstreaming and focal points/responsible advisers). Contextual aspects to consider might be e.g. political commitment, partner capacity and partner engagement.

tion. In addition there should be a focus on assessing strengthening systems/capacity of duty bearers to fulfil children's rights and duty holders to claim their rights.

- iii. What accounts for varying results – what works and what does not in strengthening children's rights? What have been the main constraining and conducive factors? For example: how have choices of modalities, channels, approaches and partners influenced results?; how do contextual factors (e.g. country resources, existing conditions for children and especially girls, political commitment) influence results?

2.5 The Influence of Contexts

A thorough analysis of contextual factors is seen as a prerequisite for an assessment of relevance as well as for understanding what accounts for different results. The evaluation shall assess all findings in relation to the development and policy context which in particular implies examining how the aid effectiveness agenda of harmonisation, alignment and ownership has affected the strengthening of children's rights. The challenges and opportunities to push for children's rights in dialogue or implementation of programmes involving many donors and partners should be thoroughly assessed. The influence of the institutional context (formal and informal regulation affecting children) shall be analysed. Finally, but importantly, the socio-cultural and political context of the four countries, including aspects of working at different societal levels (i.e. local, regional and national), is to be considered.

3 CONDUCT OF THE EVALUATION

3.1 Methodology and Quality Standards

The methodology for carrying out the evaluation must adhere to the OECD/DAC Evaluation Quality Standards¹²¹ which, among other things, implies a systematic approach to data collection with a large number and variety of sources; an open discussion about methodological choices made and their potential impact on conclusions; a transparent analysis with an elucidated analytical framework; an explicit discussion of causality; and a thorough and consistent referencing to sources, whether primary or secondary.

¹²¹ http://www.oecd.org/site/0,3407,en_21571361_34047972_1_1_1_1_1,00.html

The evaluation must furthermore be carried out in a way which acknowledges the specific circumstances of conducting evaluation in post-conflict context and of evaluating humanitarian assistance. In practice this implies adhering to the OECD/DAC *Guidance on Evaluating Conflict Prevention and Peace Building Activities* and *Guidance for Evaluating Humanitarian Assistance in Complex Emergencies*.

The evaluation process and report will prior to approval be assessed in relation to the OECD/DAC Evaluation Quality Standards.

3.2 Conduct of the Evaluation Phases

Alongside a commitment to evaluation quality standards, there are two corner stones for the conduct of this evaluation: 1) the right of children to participate from which follows an involvement of children in the evaluation process and, 2) a focus on conditions for organisational learning presupposing a participatory evaluation process that allows for continuous learning among staff at Sida, MFA/Norad and partner organisations.

Children have the right to participate and should moreover be viewed as key respondents and informants in this evaluation. Drawing on previous experiences of involving children in research and evaluation, the evaluation assignment includes developing a method for, and carrying out an evaluation process, informed by and involving children. The approach should be based on an analysis of what and how the evaluation can learn from children, what and how children can learn from the evaluation, and possible consequences of involvement for children.¹²² The participation of children is of particular importance when conducting the country cases but must also be carefully considered with regard to dissemination.

The evaluation process shall include several opportunities (seminars, workshops) for discussion with, feed back to and input from staff particularly at Sida and MFA/Norad, both at the Head Offices

122 Lessons can be learnt from e.g.: Feinstein, C & O’Kane, C, *Adults War and Young Generation’s Peace, Global Report*, Save the Children, 2008; Feinstein, C & O’Kane, C, *Ethical Guidelines: For ethical, meaningful and inclusive children’s participation practice*, Save the Children, 2008; Feinstein, C & O’Kane, C, *Searching Together: Formative Dialogue Research Made Easy*, Save the Children, 2008; Feinstein, C & O’Kane, C, *Kit of Tools for Participatory Research and Evaluation with Children, Young People and Adults*, Save the Children, 2008; Laws, S & Mann, G, *So You Want to Involve Children in Research?*, Save the Children, 2004 & *So You Want to Consult with Children?* Save the Children, 2003. See also REPSI guidelines from 2009 on involving children in evaluation.

and in field offices, and as far as desired in partner organisations. The objective is to enhance sharing of experiences (including preliminary evaluation findings) between consultants and staff as well as between staff within the organisations. Creating opportunities for reflection on the organisations' own practices as well as results of those practices found in the evaluation, is an important aspect of deepening the understanding of support for children's rights among stakeholders. The sharing of experience is furthermore key to formulating relevant recommendations. Recommendations are, after discussion, to be formulated jointly by consultants and stakeholders within MFA/Norad, Sida and partner organisations.

The involvement of stakeholders in partner countries is a specific, and potentially challenging, aspect of the learning process. Input from, and sharing results with, stakeholders is highly prioritised in this evaluation. Opportunities for stakeholder involvement is assured (at a minimum level) through the stipulated stakeholder workshops. The Consultants should however consider whether other means of stakeholder involvement (e.g. in-country reference groups) are necessary.

3.3 Evaluation Phases, Inputs and Time Plan

Phase 1 – Inception: The inception phase, which will be reported through an Inception Report, will encompass an elaboration of the analytical approach and methodology to guide the proceeding evaluation phases. The suggested approach and methodology should explicitly adhere to the OECD/DAC Evaluation Quality Standards. The Inception Report will also include a thorough outline of how the evaluation process is to be facilitated in order to a) involve stakeholders at HQs and in the field (including partners) and b) ensure relevant participation of children in the evaluation.

Tentative input and timing: 20 working days, February-March 2010.

Phase 2 – Mapping exercise: The second evaluation phase will entail a mapping of the Swedish and Norwegian country portfolio in the selected countries with the aim to answer the two questions: a) How (in what way and to what extent) has a child rights perspective been integrated in the country strategy, supported sectors and programmes etc?; and b) what activities do Sweden and Norway directly support in order to strengthen children's rights? The mapping of Swedish development co-operation is as a result of the mainstreaming approach a broader exercise involving all sectors whereas

the mapping of the MFA/Norad portfolio will be limited to sectors/intervention directly focusing on children.

Key stakeholders should be identified and initial communication established in order to pave the way for stakeholder involvement through out the evaluation process.

Phase one or two should preferably include an opportunity for the entire evaluation team to meet. The purpose of such a meeting is to develop a common understanding of the assignment and not least the up-coming country case studies. A shared understanding is deemed important for the comparability and synthesis of results from the different country case studies.

Tentative input and timing: 20 working days/country (80 w.d. in total) March-April 2010.

Phase 3 – Results assessment: In the third evaluation phase development results on an outcome level¹²³ will be assessed in a selection of programmes and projects. Changes in the protection, promotion, respect and realisation of children’s rights are to be summarised and factors contributing to these results identified and discussed.

To ensure the involvement of partners in the evaluation, phase three will be initiated by a stakeholder workshop in the four case study countries. The workshops will: ensure that relevant stakeholders have been identified, contribute to the formulation of a relevant evaluation focus in the particular country and suggest relevant sectors, programme or projects for assessment in phase three. The workshop will moreover discuss means for future stakeholder involvement. Phase three will also comprise a second stakeholder workshop to make sure that draft findings from the country study are discussed and fed back to intended users in partner countries, before the Country Evaluation Report is finalised.

This part should also include an assessment of results from the perspective of children themselves. To enable meaningful participation of children in this phase of the evaluation child-friendly participation tools will no doubt have to be developed.

What sectors, programmes and projects in Sida’s and MFA/Norad’s portfolios to include in the results analysis will be decided by the Steering Group in consultation with the consultants, reference/hearing groups, and stakeholders.

123 A focus on the outcome level should not refrain the evaluation from assessing impact in programmes and projects where impacts have been achieved.

Tentative input and timing: 32 working days/country (128 w.d. in total), April-June 2010.

Phase 4 – Conclusions & lessons learnt on what works: The evaluation is also to draw conclusions and general lessons about what works in the support of children's rights based on experiences from the selected country case studies, and from comparison across the selected countries, but also by relating this evidence to existing experience and knowledge. The evaluation should make full use of already existing evaluations and studies on children's rights in the analyses of lessons learnt on what works in the support to children's rights. Studies and evaluations carried out during 2005–2009 shall be included in the analysis.

This phase includes the writing of an Evaluation Synthesis Report, after stakeholder seminars/workshops.

Tentative input and timing: 25 working days, July-August, 2010.

Phase 5 – Recommendations: The evaluation should generate recommendations that are relevant, targeted to the intended users and actionable within the responsibilities of the users. While the formulation of findings and conclusions are the sole responsibility of the consultants, recommendations are to be formulated jointly by intended users after input and facilitation of the consultants.

Tentative input and timing: 10 working days, September-October 2010.

The evaluation is to be concluded by November 2010 and will involve approximately 265 working days in total.

4 REPORTING AND DISSEMINATION (OUTPUTS)

The evaluation shall generate but not be limited to the following outputs:

- Inception Report: elaborating on the methodology for the evaluation, including plans for a) involving children in the evaluation process¹²⁴ and b) the facilitation of an inclusive and participatory evaluation process.
- Draft Report: Findings from Phase two.

¹²⁴ It must clearly be shown in the Tender that the team of consultants have the experience and capacity to develop and carry out an evaluation approach involving children, but the actual approach is to be developed in the Inception Report.

- Seminars/workshops in Sida and MFA/Norad HQs and Embassies/Field Offices, using the findings from phase two for a discussion on a child rights perspective in Sida and MFA/Norad. The seminar will also serve the purpose of inviting more stakeholders to reflect on the relevance, wider application etc of findings from phase two. It will moreover be an opportunity to discuss the selection of programmes and projects for phase three.
- Initial stakeholder meetings/workshops in case study countries.
- Four Draft Country Reports: Findings, conclusion and recommendations from phase two and three in the four countries.
- Second stakeholder seminar/workshop in case study countries to present and discuss Draft Country Evaluation Reports. Apart from reflecting on the findings and conclusion in the Draft Country Reports, the seminars will serve the purpose of elaborating recommendations that are relevant, targeted and actionable for stakeholders in the country.
- Seminars/workshops on findings from country case studies in Stockholm and in Oslo. The seminars will serve the purpose of both allowing for input from a wider group of stakeholders and to reflecting on results from the country case studies.
- Final Evaluation Country Reports.
- Draft Synthesis Report: findings, conclusions and lessons learnt from phase two, three and four.
- Seminars/workshops on Draft Synthesis Report in Sida and MFA/Norad HQ, and if desired in Embassies/Field Offices (with stakeholders). Apart from sharing and discussing findings and conclusions generally the workshops will be used to identify and formulate recommendations for different groups of intended users.
- Final Report – with Country Evaluation Reports annexed. And including a child-friendly version.
- Presentation of Final Report Oslo/Stockholm.

5 COMPETENCIES AND EXPERTISE REQUIREMENTS

The competencies and expertise sought from the Consultants (the Team Leader and the Team, respectively) are also specified in the Invitation to Tender:

The Consultants must include a Team Leader with:

- Academic education (at least B.A.),

- Work experience as a team leader from at least three policy and/or results evaluations of a similar scope that are deemed relevant for the assignment,
- Extensive evaluation experience,
- Work experience from development cooperation and experience of working with children's rights,
- Full professional proficiency in English,
- Experience of work or analytical studies in Sub-Saharan Africa.

All other team members of the Consultancy Team must have:

- Academic education (at least B.A.).
- Work experience from at least two evaluations that are deemed relevant for the assignment,
- Work experience from development cooperation and experience of working with children's rights,
- Full professional proficiency in English.

Moreover:

- At least one team member must have full professional proficiency in Spanish,
- At least one team member must have full professional proficiency in Portuguese,
- At least one team member must have professional proficiency in Swedish and/or Norwegian.

The team must furthermore include local consultants from the four countries selected as cases studies. It is particularly important that the field work and results analysis include national consultants¹²⁵.

Other qualifications and requirements desired from the Team Leader are:

- Experience of the rights of the child in development co-operation and humanitarian support, mainstreaming as a mode of implementation, a human-rights based approach, gender in development, and Norwegian and Swedish development co-operation and humanitarian support.
- Experience of post-conflict and conflict contexts, Guatemala, Sudan, Kenya, Mozambique, and other country contexts in Sub-Saharan Africa and Central America.'

¹²⁵ A consultant is understood local if he or she has lived at least ten years in the specific country and if he/she is currently living there or has been living there no later than three years ago.

- Experience of designing/planning interactive learning processes, facilitating interactive learning processes, and different approaches of involving children in evaluation and/or research.

Other qualifications and requirements desired from the Team are:

- Experience from policy and results evaluations, using different evaluation methodologies,
- Experience of the rights of the child in development co-operation and humanitarian support, mainstreaming as a mode of implementation, a human-rights based approach, gender in development, Norwegian and Swedish development co-operation and humanitarian support,
- Experience of post-conflict and conflict contexts, Guatemala, Sudan, Kenya, Mozambique, and other country contexts in Sub-Saharan Africa and Central America,
- Experience of designing/planning interactive learning processes, facilitating interactive learning processes, and different approaches of involving children in evaluation and/or research.
- Proficiency in Spanish, Portuguese, and Swedish and/or Norwegian

6 ORGANISATION OF THE EVALUATION

The evaluation is lead by Sida's Secretariat for Evaluation (UTV) and commissioned by a Steering Group consisting of the Secretariat for Evaluation at Sida and the Evaluation Department in Norad.

The evaluation process will be done in close collaboration with a reference/hearing group at Sida and MFA/Norad, respectively.

The evaluation will also have a small Expert Group supporting the management and reference groups through out the evaluation process on matters of children's rights in development co-operation, children's participation and children in conflict/crisis.

Joint Evaluations

1996:1 The international response to conflict and genocide: lessons from the Rwanda experience: Synthesis Report

John Eriksson, Howard Adelman, John Borton, Krishna Kumar, Hanne Christensen, Astri Suhrke, David Tardif-Douglin, Stein Villumstad, Lennart Wohlgemuth

Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996.

1997:1 Searching for Impact and Methods: NGO Evaluation Synthesis Study

Stein-Erik Kruse, Timo Kyllönen, Satu Ojanperä, Roger C. Riddell, Jean-Louis Vielajus

Min of Foreign Affairs Finland, OECD-DAC, Sida, 1997.

1997:2 Measuring and Managing Results: Lessons for Development Cooperation

Derek Poate

Evaluation Office of UNDP (OESP), Sida, 1997.

2003:1 Local Solutions to Global Challenges: Towards Effective Partnership in Basic Education. Final Report. Joint Evaluation of External Support to Basic Education in Developing Countries

Ted Freeman, Sheila Dohoo Faure

Netherlands Ministry of Foreign Affairs, CIDA, DFID, Department for Foreign Affairs Ireland, EU, BMZ, JICA, Ministry of Basic Education and Literacy Burkina Faso, Danida, Norad, Sida, UNESCO, UNICEF, World Bank. 2003.

- 2003:2 Toward Country-led Development : a Multi-Partner Evaluation of the Comprehensive Development Framework : Synthesis report**
 Carol Lancaster, Alison Scott, Laura Kullenberg, Paul Collier, Charles Soludo, Mirafé Marcos, John Eriksson, Alison Scott; Ibrahim Elbadawi; John Randa,
 World Bank, OED, CIDA, Danida, Norad, ODI, JICA, Sida, 2003.
- 2005:1 Support to Internally Displaced Persons: Learning from Evaluation. Synthesis Report of a Joint Evaluation Programme**
 John Borton, Margie Buchanan Smith, Ralf Otto
 Sida, 2005.
- 2005:2 Support to Internally Displaced Persons: Learning from Evaluation. Synthesis Report of a Joint Evaluation Programme: Summary Version**
 John Borton, Margie Buchanan Smith, Ralf Otto
 Sida, 2005.
- 2005:3 Humanitarian and Reconstruction Assistance to Afghanistan 2001 – 2005: From Denmark, Ireland, the Netherlands, Sweden and the United Kingdom; A Joint Evaluation. Main report**
 Danida, Sida, Chr. Michelsen Institute, Copenhagen, DFID, Development Cooperation Ireland, BMZ, 2005.
- 2005:4 Humanitarian and Reconstruction Assistance to Afghanistan 2001 – 2005: From Denmark, Ireland, the Netherlands, Sweden and the United Kingdom; A Joint Evaluation. Summary**
 Danida, Sida, Chr. Michelsen Institute, Copenhagen, DFID, Development Cooperation Ireland, BMZ, 2005.
- 2005:5 An Independent External Evaluation of the International Fund for Agricultural Development**
 Derek Poate, team leader, Charles Parker, Margaret Slettevold...
 IFAD, Sida, CIDA, 2005.

2006:1 Joint Evaluation of the International response to the Indian Ocean tsunami: Synthesis Report

John Telford, John Cosgrave, contribution Rachel Houghton

Tsunami Evaluation Coalition (TEC) Action aid, AusAID, BMZ CIDA, Cordaid, Danida, Dara, Irish Aid, DFID, FAO, IFRD, Federal Min for Economic Cooperation and Development Germany, JICA, Min des Affaires Étrangères France, Min des Affaires Étrangères Luxembourg, Norad, NZAID, DEZA, Sida, UN, UNDP, UNFPA, Unicef, Usaid, WFP, WHO, World Vision, 2006.

2006:2 Impact of the tsunami response on local and national capacities

Elisabeth Scheper, Arjuna Parakrama, Smruti Patel, contribution Tony Vaux

Tsunami Evaluation Coalition (TEC) Actionaid, AusAID, BMZ, CIDA, Cordaid, Danida, Dara, Irish Aid, DFID, FAO, IFRD, Federal Min for Economic Cooperation and Development Germany, JICA, Min des Affaires Étrangères France, Min des Affaires Étrangères Luxembourg, Norad, NZAID, DEZA, Sida, UN, UNDP, UNFPA, Unicef, Usaid, WFP, WHO, World Vision, 2006.

2006:3 Coordination of International Humanitarian Assistance in Tsunami-affected countries

Jon Bennett, William Bertrand, Clare Harkin, Stanley Samarasinghe, Hemantha Wickramatillake

Tsunami Evaluation Coalition (TEC) Actionaid, AusAID, BMZ, CIDA, Cordaid, Danida, Dara, Irish Aid, DFID, FAO, IFRD, Federal Min for Economic Cooperation and Development Germany, JICA, Min des Affaires Étrangères France, Min des Affaires Étrangères Luxembourg, Norad, NZAID, DEZA, Sida, UN, UNDP, UNFPA, Unicef, Usaid, WFP, WHO, World Vision, 2006.

2006:4 Funding the Tsunami Response: A synthesis of findings

Michael Flint, Hugh Goyder

Tsunami Evaluation Coalition (TEC) Actionaid, AusAID, BMZm CIDA, Cordaid, Danida, Dara, Irish Aid, DFID, FAO, IFRD, Federal Min for Economic Cooperation and Development Germany, JICA, Min des Affaires Étrangères France, Min des Affaires Étrangères Luxembourg, Norad, NZAID, DEZA, Sida, UN, UNDP, UNFPA, Unicef, Usaid, WFP, WHO, World Vision, 2006.

2006:5 Links between relief, rehabilitation and development in the Tsunami response: A synthesis of initial findings

Ian Christoplos

Tsunami Evaluation Coalition (TEC) Actionaid, AusAID, BMZm CIDA, Cordaid, Danida, Dara, Irish Aid, DFID, FAO, IFRD, Federal Min for Economic Cooperation and Development Germany, JICA, Min des Affaires Étrangères France, Min des Affaires Étrangères Luxembourg, Norad, NZAID, DEZA, Sida, UN, UNDP, UNFPA, Unicef, Usaid, WFP, WHO, World Vision, 2006.

2006:6 The role of needs assessment in the Tsunami response – Executive summary

Claude de Ville de Goyet, Lezlie C Morinière

Tsunami Evaluation Coalition (TEC) Actionaid, AusAID, BMZm CIDA, Cordaid, Danida, Dara, Irish Aid, DFID, FAO, IFRD, Federal Min for Economic Cooperation and Development Germany, JICA, Min des Affaires Étrangères France, Min des Affaires Étrangères Luxembourg, Norad, NZAID, DEZA, Sida, UN, UNDP, UNFPA, Unicef, Usaid, WFP, WHO, World Vision, 2006.

2006:7 Evaluation of Coordination and Complementarity of European Assistance to Local Development: with Reference to the 3C Principles of the Maastricht Treaty

Robert N. LeBlanc and Paul Beaulieu

Sida, Ministry for Foreign Affairs, Austria, Ministry for Foreign Affairs, Department for International Development Cooperation. Belgium, Min. des Affaires étrangères/Direction General de la Cooperation International, France, Department of Foreign Affairs Development Co-operation Division, Ireland and Ministry of Foreign Affairs/Directorate-General for International Cooperation, the Netherlands, 2006.

2007:1 Evaluation of General Budget Support – Note on Approach and Methods. Joint Evaluation of General Budget Support 1994 – 2004

AFD, DFID, MOFA, NZAID, USAID, AusAID, BMZ, JBIC, NORAD, Danida, SECO, CIDA, JICA, Min of Foreign Affairs Spain, Portuguese Development Cooperation, Sida, 2007.

2007:2 Evaluating Co-ordination, Complementarity and Coherence in EU development policy: a synthesis

Evaluation Services of the European Union, Sida, Ministry for Foreign Affairs, Austria,

Ministry for Foreign Affairs, Department for International Development Cooperation.

Belgium, Min. des Affaires étrangères/Direction General de la Cooperation International, France, Department of Foreign Affairs Development Co-operation Division, Ireland and Ministry of Foreign Affairs/Directorate-General for International Cooperation, Netherlands, 2007.

2007:3 Evaluating Democracy Support: Methods and Experiences

Sida, Department for Evaluation and Internal Audit and International Institute for Democracy and Electoral Assistance (IDEA), 2007.

2007:4 Peer Review Evaluation Function at the World Food Programme (WFP)

Peer Panel Members: Jock Baker, Stefan Dahlgren, Susanne Frueh, Ted Kliest, Zenda Ofir. Advisors to the Panel: Ian Christoplos, Peta Sandison

Sida, BMZ, UNEG, WFP, 2007.

2008:1 Managing Aid Exit and Transformation: Lessons from Botswana, Eritrea, India, Malawi and South Africa: Synthesis Report

Anneke Slob, Alf Morten Jerve

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

2008:1:1 Managing Aid Exit and Transformation: Summary of a Joint Donor Evaluation

Jesper Heldgaard

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

2008:1:2 Managing Aid Exit and Transformation: India Country Case Study

Albert de Groot, CK Ramachandran, Anneke Slob, Anja Willemsen, Alf Morten Jerve

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

2008:1:3 Managing Aid Exit and Transformation: South Africa Country Case Study

Elling N Tjønneland, Pundy Pillay, Anneke Slob, Anje Willemsen, Alf Morten Jerve

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

2008:1:4 Managing Aid Exit and Transformation: Eritrea Country Case Study

Teferi Michael, Rudy Ooijen, Anneke Slob, Alf Morten Jerve

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

**2008:1:5 Managing Aid Exit and Transformation:
Malawi Country Case Study**

Esther van der Meer, Arne Tostensen, Anneke Slob, Alf Morten Jerve

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

2008:1:6 Managing Aid Exit and Transformation: Botswana Country Case Study

Charity Kerapeletswe, Jan Isaksen, Anneke Slob, Alf Morten Jerve

Sida, Netherland's Ministry of Foreign Affairs, Danida and Norad, 2008.

2008:2 Evaluation of the Implementation of the Paris Declaration: Phase One Synthesis Report

Bernard Wood, Dorte Kabell, Nansozi Muwanda, Francisco Sagasti

International Reference Group comprising members of the DAC Network on Development Evaluation, 2008.

2008:3 Joint Evaluation of Citizen's Voice and Accountability: Synthesis Report

Alina Rocha Menocal, Bhavna Sharma

Commissioned by Directorate-General for Development Cooperation (Belgium) – DGCD, Danish International Development Assistance – Danida, Federal Ministry for Economic Cooperation and Development (Germany) – BMZ, Norwegian Agency for Development Cooperation – Norad, Swedish International Development Cooperation Agency – Sida, Swiss Agency for Development and Cooperation – SDC, Department for International Development – DFID, 2008.

2009:1 Anti-Corruption Approaches: A Literature Review

Arne Disch, Endre Vigeland, Geir Sundet

Commissioned by Asian Development Bank – ADB, Danish International Development Assistance – Danida,

Department for International Development – DFID, Norwegian Agency for Development Cooperation – Norad, Swedish Agency for Development Evaluation- SADEV, Swedish International Development Cooperation Agency – Sida, 2009.

2009:2 Public Financial Management Reform Literature Review

Carole Pretorius, Nico Pretorius
(Evaluation Report EV698)

Commissioned by Department for International Development – DFID, Dutch Ministry of Foreign Affairs, Swedish International Development Cooperation Agency – Sida, Canadian International Development Agency – CIDA, African Development Bank – AfDB, 2009.

2009:3 A ripple in development? Long term perspectives on the response to the Indian Ocean Tsunami: A joint follow-up evaluation of the links between relief, rehabilitation and development (LRRD)

Emery Brusset (team leader), Mihir Bhatt, Karen Bjornestad, John Cosgrave, Anne Davies, Adrian Ferf, Yashwant Deshmukh, Joochi Haleem, Silvia Hidalgo, Yulia Immajati, Ramani Jayasundere, Annina Mattsson, Naushan Muhaimin, Adam Pain, Riccardo Polastro, Treena Wu.

Commissioned by LRRD2 Joint Steering Committee, Sida, Norad, Danida, the Netherlands Ministry for Foreign Affairs, CIDA, BAPPENAS, Indonesia; BRR, Indonesia; Ministry for Plan Implementation, Sri Lanka, Ministry for National Building, Sri Lanka; ISDR, Bangkok; IFRC, Bangkok; CARE International; OCHA; UNICEF, 2009.

2009:3:1 A ripple in development? Document review: Annotated bibliography prepared for the joint follow-up evaluation of the links between relief, rehabilitation and development (LRRD) in responses to the Indian Ocean tsunami

John Cosgrave, with the assistance of: Emery Brusset, Mihir Bhatt, Yashwant Deshmukh, Lucia Fernandez, Yulia Immajati, Ramani Jayasundere, Annina Mattsson, Naushan Muhaimin, Riccardo Polastro

Commissioned by LRRD2 Joint Steering Committee, Sida; Norad; Danida; the Netherlands Ministry for Foreign Affairs; CIDA; BAPPENAS, Indonesia; BRR, Indonesia; Ministry for Plan Implementation, Sri Lanka; Ministry for National Building, Sri Lanka; ISDR, Bangkok; IFRC, Bangkok; CARE International; OCHA; UNICEF, 2009.

2009:3:2 A ripple in development? Long term perspectives on the response to the Indian Ocean Tsunami: A joint follow-up evaluation of the links between relief, rehabilitation and development (LRRD) – Summary Report

Emery Brusset (team leader), Mihir Bhatt, Karen Bjornestad, John Cosgrave, Anne Davies, Adrian Ferf, Yashwant Deshmukh, Joochi Haleem, Silvia Hidalgo, Yulia Immajati, Ramani Jayasundere, Annina Mattsson, Naushan Muhaimin, Adam Pain, Riccardo Polastro, Treena Wu.

Commissioned by LRRD2 Joint Steering Committee, Sida; Norad; Danida; the Netherlands Ministry for Foreign Affairs; CIDA; BAPPENAS, Indonesia; BRR, Indonesia; Ministry for Plan Implementation, Sri Lanka; Ministry for National Building, Sri Lanka; ISDR, Bangkok; IFRC, Bangkok; CARE International; OCHA; UNICEF, 2009.

2010:1 Evaluation of the Joint Assistance Strategy for Zambia (JASZ) 2007 – 2010

Anne Thomson, Dennis Chiwele, Oliver Saasa, Sam Gibson

Commissioned by Ministry of Foreign Affairs of Denmark – Danida, Swedish International Development Cooperation Agency – Sida, Irish Aid, 2010.

Supporting Child Rights

Synthesis of Lessons Learned in Four Countries

This evaluation was commissioned jointly by the Norwegian Agency for Development Cooperation (Norad) and the Swedish International Development Cooperation Agency (Sida) with the main purpose of evaluating results of the resources invested by Norway and Sweden in development co-operation in support of child rights. The report found considerable achievements albeit measured in terms of outputs rather than outcomes. However, it also finds that child participation in development efforts has been more tokenistic than substantial. It also highlights both challenges and opportunities with a mainstreaming approach to child rights.



SWEDISH INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Address: SE-105 25 Stockholm, Sweden.

Visiting address: Valhallavägen 199.

Phone: +46 (0)8-698 50 00. Fax: +46 (0)8-20 88 64.

www.sida.se sida@sida.se