World Vision

Small voices,
big concerns
a child rights approach to HIV/AIDS

Recommendations for meeting European Community commitments to poverty reduction - August 2004

'At every stage of execution of the activities previously reviewed, the Community also needs to mainstream cross-cutting concerns comprising the promotion of human rights, equality between men and women, children's rights and the environmental dimension… Those cross-cutting topics are at once objectives in themselves and vital factors in strengthening the impact and sustainability of cooperation'.

The European Community Development Policy - Statement by the Commission and the Council, Brussels 10 November 2000.

'The European Commission welcomes the UN General Assembly Special Session on Children. The four priority areas in the Outcome Document are important in our activities, especially in the fields of development cooperation and humanitarian affairs. These priorities highlight the fact that there cannot be a better future unless there is a better future for children'.

The European Community's Responses to the World Summit for Children, New York 8-10 May 2002.

'The EU is one of the main actors in and the world's largest donor to the development process that seeks to achieve the Millennium Development Goals. This is a token of the Union's solidarity and of its commitment to eradicate poverty in the framework of a part- nership, which respects human rights, democratic principles, the rule of law and good governance'.

European Union Annual Report on Human Rights 2002.

'Poverty reduction must begin with the protection and realization of the human rights of children. Investments in children are the best guarantee for achieving equitable and sustainable human development'.

UNICEF, Poverty Reduction Begins with Children, 2000.

'Responding to the challenges posed by stigma and discrimination, and securing human rights, are central to this [HIV/AIDS] strategy. People whose human rights are abused are most vulnerable to HIV, and we will take all measures we can to ensure that human rights are respected and discrimination outlawed'.

Hilary Benn, UK International Development Secretary, speaking at the launch of the UK's new strategy for tackling HIV and AIDS in the developing world, 20 July 2004.

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Jane Backhurst, Sarah Collen & Helen Young

Acknowledgements

Credits Photos
Two-and-a-half-year-old Constantine, one of many children suffering from AIDS at the infectious diseases hospital in Constanta, Romania. Credit: Bruce Brander/World Vision. (cover)
Dhanam from India with her grand aunt who looks after her. Credit: Caleb Mpamei/World Vision. (cover, p.17)
Children caring for an ill parent in Kol Village in Cambodia. Credit: Karl Grobl/World Vision. (cover, p.9)
Bladimir from Guatemala has been orphaned by HIV/AIDS and lives with his grandmother.
Credit: Brenda Solares /World Vision. (cover, p.21)
Nine-year-old orphan twin sisters, Sandisiwe and Slondiwe, from South Africa whose parents most likely died of HIV/AIDS-related causes. Credit: Jon Warren/World Vision. (p.51)
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"Small voices, big concerns – A child rights' approach to HIV/AIDS »

Koos Richelle, Director General AIDCO (EuropeAid)

Today, we live in a world of unprecedented promises. Never before has the world experienced so much progress and prosperity. Innovations in science and technology allow us to do advanced research in space, to study the human genome in details and to improve longevity and quality of life of many populations.

At the same time, this is a world of unprecedented inequalities where hundreds of millions of people live in extreme poverty, where tens of millions of young people suffer and die prematurely of HIV/AIDS, and where millions of women endure systematic abuse with no hope for a better life.

"Small voices, big concerns" helps put the picture back into focus. It reminds us of one of the most essential and valuable thing on earth: the life and health of children. It rightly replaces the emphasis where it belongs: on children, children's rights and the impact of HIV/AIDS on children.

The pain of a child is unbearable. The suffering of the almost 3 million children infected with the HIV virus or living with AIDS is something no one can fathom. The grief of the over 14 million children under the age of 15 that have lost one or both parents to AIDS is beyond our grasp. The thought that by 2010, the number of children orphaned by AIDS is to exceed 25 million seems to be a figment.

These facts may seem abstract, yet they describe the reality of our world. This is a reality that we must confront, in order to reduce and eventually eradicate the unnecessary pain of millions of children, and many more tomorrow. Beyond the suffering, it is the social and economic fabric of entire societies that is at stake, in particular in Sub-Saharan Africa.

The European Community and its Member States are fully mobilised in this fight. Together, they contribute more than half of the developed world's official development aid – some €26 billion in 2001 – including 55% of the total donations to the Global Fund on AIDS, Tuberculosis and Malaria in 2004. These are facts too.

Sure enough, we could do more, and we could do it better. Reflecting on why and how we do things is a necessity, and something we currently do in the run-down to the 2005 MDG Summit. Beyond its focus on the essential, children, "Small voices, big concerns" puts forward some innovative ideas which are a welcome contribution to the current discussion on the rights-based and needs-based approach to poverty alleviation.

Chapter**One**

Introduction

Why this guide?

A recent review of progress towards the Millennium Development Goals (MDGs) observed that *'it is now essential for international institutions, governments and civil society to put even greater political and financial resources into achieving the MDGs and moving forward to achieve children's rights'*.[1]

It is totally unacceptable that at least 600 million children are still living in poverty, with millions facing increased vulnerability and hardship due to HIV/AIDS. Time is literally running out for these children. It is therefore imperative that the EU and other actors take renewed action and allocate resources to realise their commitments to children and meet the targets that have been set.

Although the EU and Member States have already made many commitments to children, to a great extent these principles are not being implemented in external policy and programmes. This is a very real concern which must be addressed if the MDGs are to be met. With six of the eight goals relating directly to children, the UN Convention of the Rights of the Child (UNCRC) - the most universally accepted human rights instrument in the world – must inform action at all levels. Applying this framework by adopting a child rights approach helps to ensure processes and outcomes that promote and protect children's rights. With an emphasis on accountability and process, this approach also has the potential to increase the effectiveness of EU external assistance and thus enhance the EU's role in making progress towards the MDGs.[2]

This guide is intended to assist EC officials in taking a child rights approach. It aims to demystify the approach and contribute to forming a common understanding of both the concept and application of a child rights approach across the EU institutions. The guide provides a generic overview of the child rights approach and focuses specifically on HIV/AIDS as a cross-cutting issue which threatens the survival and development of millions of children across the world. HIV/AIDS not only denies them the right to health, it also impacts on a multitude of other rights including the right to education, parental care and even protection from sexual abuse. The plight of orphans and children made vulnerable by HIV/AIDS is therefore an urgent concern which requires action at all levels and across all the sectors.

EC policy on HIV/AIDS is packaged as part of an overarching policy on health, AIDS, population and development which *'emphasises the close relationship between poor health and poverty, and recognises the importance of improved health outcomes for economic growth and development'*.[3] As part of this policy framework, the EC's approach emphasises the fight against the major communicable diseases (HIV/AIDS, tuberculosis and malaria). However, more could be done to ensure a multi-sectoral and multi-level approach to HIV/AIDS across all external programmes and policies, including for example, education, governance and conflict prevention. Moreover, additional work is required to ensure a holistic approach which gives due consideration to children's rights in all aspects of development cooperation and humanitarian aid, not just the

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[1] *Grow Up Free from Poverty (2002) Meeting the 2015 Targets: A Progress Report, p.5.*
[2] *2495th Session on External Relations, European Council, 6941/03 (Presse 63) –*
   Common Framework for Country Strategy Papers – Council conclusions.
[3] *http://www.europa.eu.int/comm/development/body/theme/human_social/pol_health1_en.htm*

most obvious. A child rights approach offers the practical means to do this and should therefore be applied across the board to strengthen existing EU action on HIV/AIDS and to inform future policy and programmes.

Who is it for?

- EC staff in all relevant Directorate Generals of the European Commission responsible for development cooperation and external relations.

- The European Parliament (EP) - Members of the European Parliament (MEPs), assistants and all staff of relevant secretariats.

- European Council - Government Ministers and representatives and all staff in relevant secretariats, working groups and committees.

Overview

Reflecting on the underlying rationale for EU development cooperation, **Chapter 2** explores how a child rights approach can be used to strengthen the implementation of policy and programmes towards the achievement of the MDGs. A key element of this is to introduce the 'Table Leg Test', which offers both a useful model for understanding child rights and a practical tool for implementing a child rights approach. Three areas of simultaneous action are then suggested as a means of framing all proposed activities. Some case studies reflecting World Vision's experience of applying a child rights approach are also included[4] as well as consideration of how other donors are seeking to use this approach.

Based on World Vision's extensive HIV/AIDS policy and programme experience, **Chapter 3** aims to provide practical recommendations as to how the EU institutions can move forward in implementing commitments to children orphaned and made vulnerable by HIV/AIDS (OVC). A fundamental part of this is the identification of concrete measures to support the implementation of the UNCRC in the EC's partner countries in development cooperation.

The overarching recommendation given is that a child rights approach should be applied to inform and strengthen action across all sectors in AIDS affected countries (AAC). This means both increasing policy and programme commitments for HIV/AIDS prevention and care, and ensuring that these commitments are translated into support for the specific rights and needs of OVC within the EC's Programme for Action and the EC Development Policy.

Presented in a series of tables and a matrix, the chapter details:

- current international standards and European Community;
- policy European Community Action since 2000;
- recommendations to support the implementation of commitments to OVC (focusing on the European Commission, European Parliament and the European Council).

A select **bibliography** of key resources on HIV/AIDS and child rights is included at the end.

It should be noted that although this paper gives detailed recommendations for action, it does not provide comprehensive guidelines for implementing an integrated child rights approach to EC programming. Further work is therefore required to adapt the EC's internal development and humanitarian aid programming processes, including a review of the thematic and geographical budget lines. In particular, efforts must be made to integrate the child rights approach into Project Cycle Management (PCM) processes, including developing a relevant framework for child impact analysis.

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[4] *Although the programmes referred to in these case studies have adopted a child rights approach, World Vision does not purport to use a rights based approach across all of its programming*
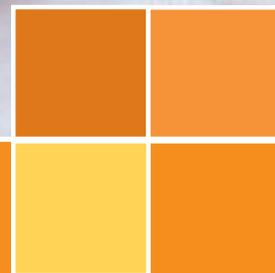
Chapter**Two**
Meeting the MDG challenge –
a child rights approach

Rationale for action: achieving the MDGs[5]

The overarching objective of the EU's development cooperation assistance is to reduce, and eventually eradicate, poverty. As the largest donor of development assistance[6], and a key actor in programmes to reform and enhance state capacity and infrastructure, the EU has a unique role to play in making progress towards the Millennium Development Goals (MDGs) – a fact underlined by its commitment to take a lead role in the forthcoming MDG review process in 2005.[7] The EU also has an important part to play in ensuring state implementation of the UN Convention on the Rights of the Child (UNCRC), which has been ratified by all EU Member States, accession countries and the overwhelming majority of EU partners.

Recognising this, a commitment to create and enable an economic, social, environmental and political environment in which the MDGs can be achieved is at the heart of the European Community's development cooperation policy.[8] Furthermore, there is recognition that achieving poverty reduction requires the deliberate **promotion and protection of children's rights** as a cross cutting concern throughout all development action.

This commitment to **children's rights** is clearly stated in the EC Development Policy Statement of November 2000:
*'At every stage of execution of the activities previously reviewed, the Community also needs to mainstream cross-cutting concerns comprising the promotion of human rights, equality between men and women, **children's rights** and the environmental dimension… Those cross-cutting topics are at once objectives in themselves and vital factors in strengthening the impact and sustainability of cooperation'.*[9]

Creating an enabling environment for the promotion and protection of children's rights is therefore seen as central to the success of the EU`s development action in contributing to the attainment of the MDGs, six of which refer directly to children (see Table 1).

Table 1: The Millennium Development Goals [10]	
Goal 1.	Eradicate extreme poverty and hunger
Goal 2.	Achieve universal primary education
Goal 3.	Promote gender equality and empower women
Goal 4.	Reduce child mortality
Goal 5.	Improve maternal health
Goal 6.	Combat HIV/AIDS, malaria and other diseases
Goal 7.	Ensure environmental sustainability
Goal 8.	Develop a global partnership for development

[5] This chapter draws heavily on thinking done by Marie Wernham of the Consortium for Street Children.
[6] Together with its Member States, the EU contributes approximately half of the collective Official Development Assistance (ODA) in the world. European Community's Development Policy - Statement by the Council and the Commission, Brussels, 10 November 2000, article 2.
[7] Alliance 2015 (2004) The EU's contribution to the Millennium Development Goals. Special focus: HIV/AIDS p.7.
[8] European Community's Development Policy - Statement by the Council and the Commission, Brussels, 10 November 2000, article 6. The policy is grounded on the basic principles of sustainable, equitable and participatory human and social development and the integral promotion of human rights, democracy, the rule of law and good governance in all external action.
[9] Ibid, article 20.
[10] www.developmentgoals.org

The rights-based approach

It is widely recognised that in order to achieve the MDGs, the human rights of the stakeholders must be realised. In a recent speech to launch the UK's new strategy for tackling HIV and AIDS in the developing World, the UK International Development Secretary Hilary Benn stressed this point:

'Responding to the challenges posed by stigma and discrimination, and securing human rights, are central to this [HIV/AIDS] strategy. People whose human rights are abused are most vulnerable to HIV, and we will take all measures we can to ensure that human rights are respected and discrimination outlawed'.[11]

In a similar way, a study for the World Bank heavily links the use of rights to the concept of empowerment, stating that they *'provide a set of appropriate tools, or instruments, for those seeking to operationally integrate empowerment into initiatives designed to promote poor people`s sustainable livelihoods'.[12]* At the heart of this is the recognition that poverty is more than just a lack of income, it is also a condition of powerlessness and vulnerability. Poverty reduction cannot therefore be achieved unless the rights of poor people are realised.[13] This is also recognised in the European Council Conclusion of June 2001:

'The Council confirms its commitment to a rights approach to development, which takes into account that the reduction of poverty requires offering empowerment, opportunity and security'.[14]

However, although there is a growing trend towards rights-based approaches to development cooperation, organisations and donors run the risk of adopting the rhetoric of a rights-based approach, while maintaining what is essentially a needs-based approach to programmes.[15] For instance, an agency

Table 2: Needs versus rights approach [16]	
Works toward outcome goals	Works toward outcome and process goals
Emphasizes meeting needs	Emphasizes realizing rights
Recognizes needs as valid claims	Recognizes that rights always imply obligations of the state (and other duty-bearers)
Meets needs without empowerment	Recognizes that rights can only be realized with empowerment
Accepts charity as the driving motivation for meeting needs	States that charity is insufficient motivation for meeting needs
Focuses on manifestations of problems and immediate causes of problems	Focuses on structural causes of problems, as well as manifestations and immediate causes of problems
Involves narrow sectoral projects	Involves inter-sectoral, holistic projects and programs
Focuses on social context with little emphasis on policy	Focuses on social, economic, cultural, civil, and political context, and is policy-oriented
"The need for vaccination has been met for 80% of all children."	"The right to vaccination is denied to 20% of all children."

[11] *DfID (2004) Prime Minister launches UK's new global AIDS strategy, DfID Press Release 20 July 2004.*
[12] *Moser, C. and Norton, A. (2001) To Claim our Rights: livelihood security, human rights and sustainable development Overseas Development Institute p.40.*
[13] *DfID (2000) Realising Human Rights for poor people.*
[14] *Council Conclusions, Luxembourg, 25 June 2001.*
[15] *Save the Children Demark (2002) A Tool Kit on Child Rights Programming.*
[16] *CIDA (2001) CIDA's Action Plan on Child Protection.*

may talk in terms of realising the rights of poor people, yet still implement narrow sectoral projects focused on meeting specified needs. There are fundamental differences between a needs-based and rights-based approach and it is important that these are more widely recognised and understood (see Table 2 for a useful comparison between the two approaches).

Why take a child rights approach?

The fact that six of the eight MDGs refer directly to children's rights to health, education, protection and equality is a clear acknowledgement of the central place of children and their specific human rights in eradicating poverty (see Table 3). However, while the MDGs represent desirable outcomes for children, many of which can be seen as stepping stones for the achievement of certain children's rights, a sole focus on achieving such goals fails to recognise the equal importance of the **process** required to reach these goals.

States having ratified the United Nations Convention on the Rights of the Child (UNCRC) are required to work consistently towards ending denials or violations of children's rights – and the empowerment of rights-holders is in itself an important result of this process. A child rights approach to development cooperation assistance and humanitarian aid is therefore geared towards accountability. This includes a process of:

- identifying those who are responsible for realising children's rights – the duty-bearers;
- distinguishing the barriers preventing the duty-bearers from acting and the rights-holders (the children) from claiming their rights;
- and strengthening the capacity of both to overcome these barriers.

In order to promote this process, the child rights approach is directed towards supporting partners in development cooperation to implement the UNCRC. Creating a conducive environment for the respect of children's rights is part of this, but strategic assistance to strengthen structures and mechanisms which promote and protect children's rights, can bring greater progress in development, just as pro-poor growth can accelerate the rate at which economic reform reduces poverty.[17] More specifically, the fact that a child rights approach is focused on accountability and process means that it has the potential to increase the effectiveness and quality of EU development assistance.[18]

The child rights approach provides a holistic framework which encourages consistency and a focus on the long-term. It can therefore help to ensure the sustainability of development programmes.[19] Applying a child rights approach to European Community (EC) external aid would thus substantially contribute towards enabling the EC to follow up on the recent EU Council Conclusions on improving the efficiency of its external aid to feed into the MDGs.[20]

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[17] Currah, K., et. al (2003) Doing the Rights Thing? The World Bank and the Human Rights of People Living in Poverty, World Vision International.
[18] 2495th Session on External Relations, European Council, 6941/03 (Presse 63) – Common Framework for Country Strategy Papers – Council conclusions.
[19] UNICEF (1998) A Human Rights Approach to UNICEF Programming for Children and Women: What it is, and Some Changes it Will Bring.
[20] General Affairs/External Relations Council (GAERC) Conclusions, 26 January 2004.

Table 3: Why a child rights approach?

Children's and adults' rights and needs are not necessarily the same:
- Policies targeted at adults, or even women in particular, do not necessarily automatically address the specific needs and rights of children: the interests of girls and boys are not identical to those of the households or communities to which they belong (and to which development policies and programmes are traditionally oriented).
- Increasing numbers of children are living outside a traditional 'adult' and/or 'household' framework where 'adult-oriented' development assistance is targeted, e.g. child-headed households (linked to HIV/AIDS); biological and social orphans; internally displaced children and refugees; out-of-school children; street-involved children; children affected by armed conflict; sexually and economically exploited children; children affected by trafficking; and children who are incarcerated.[21]
- It cannot be assumed that adults (including women) are necessarily able – or willing – to adequately and accurately express children's needs and interests.

Children are an integral part of the development process:
- Children are not just dependents or a vulnerable group but active participants in social and economic development. As stated by children at the UN General Assembly Special Session on Children: *"We are not the sources of problems; we are the resources that are needed to solve them. We are not expenses; we are investments. We are not just young people; we are people and citizens of this world".*[22]
- Girls and boys make a major social and economic contribution to themselves, their families and communities, and to national economies. This takes place both within and outside traditional household structures, in domestic and commercial, formal and informal labour sectors and within the illegal and immoral hazardous or 'worst forms' of child labour.
- The ILO estimates that 352 million children in the 5-17 age range are working.
- However, as is the case with women, children's economic contribution in developing countries is often unaccounted for in official statistics and economic analyses.

Investing in children:
- Development policies that fail to impact positively on the children of today are condemning yet another generation of future adults to the lack of choices that impede development progress.
- Investing in and ensuring that all programmes both target children and take an integrated child rights approach is one of the best ways to have an impact on a wide range of social issues, whereas a failure to do so can have long-term social consequences.
- In the words of a 16-year-old: "Give us – your children – a good today. We will, in turn, give you a good tomorrow."[23]

Enhancing development projects:
- As a recent publication by Plan International points out, children's participation can provide energy and motivation for community development.[24] For example, in war-torn eastern Sri Lanka the introduction of children's clubs had amazing results: *"…in Sivanthivu the school principal reported that, prior to the establishment of the (children's) club, only five to six parents came regularly to the meetings of the student Development Society, intended as a forum for support of the school and their children's education. However, as the club became active, attendance jumped and there are now around 150 parents involved. A general mood of apathy has given way to concern about ways in which the village may be developed".*[25]

[21] Such categories of children are also acknowledged in A World Fit for Children, adopted by the UN General Assembly at the twenty-seventh special session, 10 May 2002, Plan of Action, p.16.

[22] "A World Fit for Us": the children's statement address, at opening of the UNGASS on children, 8 May 2002, delivered by Ms Gabriela Azurduy Arrieta (Bolivia) and Ms Audrey Cheynut (Monaco), delegates representing the Children's Forum.

[23] Toukir Ahmed, aged 16, from Bangladesh, quoted in "Building a World Fit for Children", the UNGASS on children, 8 - 10 May 2002, UNICEF 2003, p.21.

[24] Hart, J., Newman, J., & Ackermann, L. (2004) Children changing their world: Understanding and evaluating children's participation in development Plan International, p. 28.

[25] Ibid, p.28 quoting from Hart, J (2002) 'Children's clubs: New ways of working with conflict displaced children in Sri Lanka', Forced Migration Review 15 p.39.

Understanding
the child rights approach

A child rights approach is a framework approach based on the United Nations Convention on the Rights of the Child (UNCRC) – the most universally accepted human rights instrument in the world. As the first legally binding human rights instrument to recognise political and civil as well as social, economic and cultural rights, the UNCRC provides *'an innovative and ground-breaking framework for government action and obligation'.*[26] The four underlying principles of the Convention, which are captured in specific articles but also inform the interpretation of the whole instrument, are:

- Non-discrimination (Article 2)
- Best interests of the child (Article 3)
- Survival and development (Article 6)
- Participation (Article 12)

A fifth consideration, that of implementation, can also be added (see Figure 1) to emphasise the fundamental importance of ensuring the necessary resources to realise children's rights.

Although primarily concerned with the obligations of the State, the UNCRC also provides a useful guide for development action at all levels and by all actors, and calls for a holistic approach which takes account of children's rights in all aspects. In this way, a child rights approach goes beyond simply targeting children with specific programme interventions or highlighting them for special focus in policy documents to consider and support their role in the very process of development. Children's rights are therefore both the 'means' and the 'end' of policies and programmes.

Some of the main benefits of a child rights approach are:

- It combines a specific focus/targeted action on fulfilling child rights with an emphasis on the process required.

- Contrary to some beliefs, it does not focus on children to the exclusion of other groups or in denial of the complex physical, psycho-social, economic and cultural environment in which children exist. The UNCRC recognizes parents, families and communities as primary care-givers, protectors and guides and gives priority attention to supporting them in these roles; it provides a framework for a holistic intervention based on an analysis of, and capitalizing on the benefits of, the place of children within these complex relationships.

- It incorporates elements of "good development practice" (i.e. a focus on participation, equity, sustainability, non-discrimination, poverty eradication and multi-sector working) into one overall holistic approach.

- It provides an agreed framework and long term goal to which all work is directed and a set of standards to measure progress towards this goal.

- It capitalises on the existing goals, standards and framework provided by the overlap between the

[26] *World Vision International, 'The United Nation Convention on the Rights of the Child: An Essential Framework for Action' in Here we Stand: World Vision and Child Rights.*

Putting
it into practice

Although the UNCRC does provide a clear framework for action, translating its principles into practice can seem a daunting task, particularly for those with little or no experience of child rights. In recognition of this, a simple model known as the 'Table Leg Test' is included here. Taken from a recent publication by the Consortium for Street Children[27] this 'test' is a useful model for understanding child rights and a practical tool for starting to implement a child rights approach. Following on from this, three simultaneous areas of action are suggested as a means of framing all proposed activities. These are: specific and practical actions to directly address violations and gaps in the realisation of children's rights; strengthening structures and mechanisms to overcome constraints, ensure accountability and monitor progress in child rights; and awareness raising to ensure support for children's rights among individuals in government, professions, the media, private sector and civil society.

The 'Table Leg Test'

Building on the four underlying principles of the UNCRC detailed above, the 'Table Leg Test' talks in terms of five CRC umbrella rights, drawing attention to the equal importance of article 4 which relates to implementation and resources. Drawn in the form of a table (see Figure 1), this illustrates how the best interests of the child, non-discrimination, participation and implementation (ensuring the necessary resources to realise children's rights) underpin the ultimate goal of the CRC: the right to life survival and development. Complemented by a set of questions, the 'Table Leg Test' can act as a simple reminder to ensure that these five rights are considered in the design and implementation of any proposed action.

internationally shared and agreed visions of the UNCRC, MDGs and the UNGASS outcome document, 'World Fit For Children (WFFC).

• Because of this framework and processes it brings with it all the benefits of a child focus, and much more: sustainability, coherence, previously agreed benchmarks as a basis for donor-partner-civil society dialogue, a cohesive framework for identifying structural causes of poverty and rights violations, a framework for identifying duty-bearers and their responsibilities and strengthening their capacity to deliver and be held accountable, and a framework for identifying rights-holders and their capacity to claim their rights.

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27 *Wernham, M. (2004) An Outside Chance: Street Children and Juvenile Justice – an international perspective, Consortium for Street Children pp.20-1.*

Putting it into practice

Figure 1: The 'Table Leg Test'

It can act as a checklist, by asking at every stage of the process: **'Is the table stable?'** e.g.

- **Have each of the five umbrella rights been considered?**
- Is this proposed reform in the **best interests** of the children?
- Does it safeguard their **survival** and actively contribute to their **development?**
- Have the **children themselves been involved** in planning and implementing it?
- Is it reaching/taking into consideration the needs of all children, **without discrimination** against particular groups?
- Are there adequate **resources** available?

Right to life, survival and development

Best interests of the child · Non-discrimination · Participation · Implementation/Maximum extent of available resources
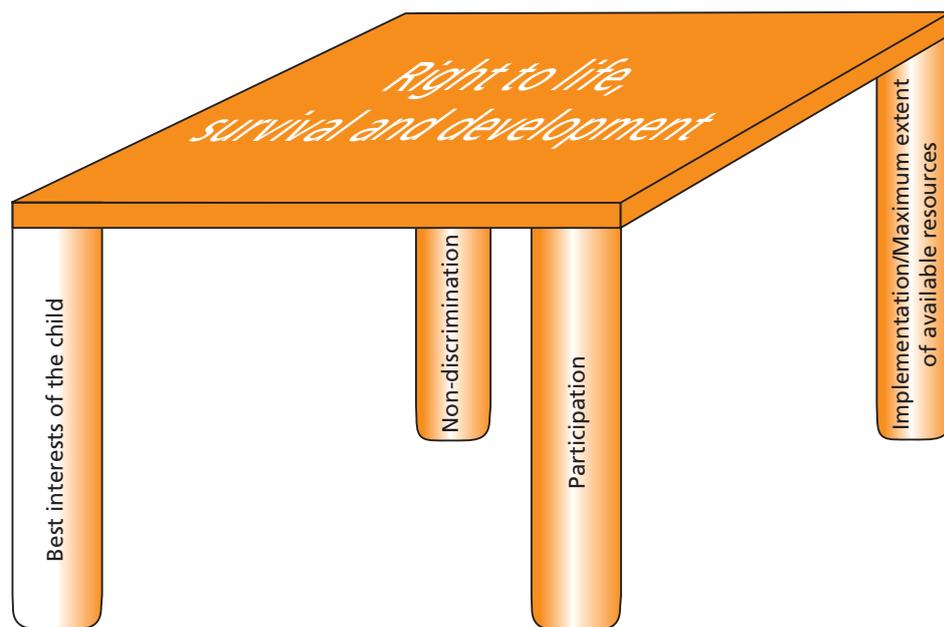
Three areas of simultaneous action

A child rights approach calls for three areas of simultaneous action, with a balance of work between the three.[28] These have been formulated on the basis of the General Measures for implementation of the UN CRC as adopted by the Committee on the Rights of the Child.[29] They are:

- **Specific and practical actions** to implement the UNCRC (by directly addressing violations of rights and gaps in the realisation of rights);
- **Strengthening structures and mechanisms** to promote and protect children's rights (e.g. legislative, political, administrative and community structures, practices and mechanisms, ensuring incorporation of the UNCRC into domestic legal systems, monitoring progress, ensuring accountability and overcoming constraints);
- **Awareness-raising / building constituencies of support** for children's rights (amongst individuals in government, the professions, the media, the private sector, the general public and civil society).

Together, these three areas of intervention help to: address the structural causes of poverty and rights violations, identify who the duty-bearers and rights-holders are, and to strengthen the capacity of duty-bearers (governments, donors, civil society, professionals, media, private sector, international institu-

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[28] *Adapted from Save the Children 'Three Pillars' of child rights programming, outlined in International Save the Children Alliance (2002) Child Rights Programming: How to Apply Rights Approaches in Programming, p. 33.*

[29] *Committee on the Rights of the Child (2003) General measures of implementation of the Convention on the Rights of the Child General Comment No. 5, Thirty-fourth session, 19 September – 3 October 2003.*

tions) to fulfil their obligations and of rights-holders (children) to claim their rights.

In determining what action is needed under each of these headings, the 'Table Leg Test' should be used to ensure that each and every activity is grounded on the five umbrella rights of the UNCRC. By asking the five simple questions listed above it becomes impossible to lose sight of the fundamental principles of the child rights approach, helping to ensure that the rhetoric becomes a practical reality.

How other donors have used a child rights approach

Donors which have paid particular attention in recent years to developing a child rights approach include the Swedish International Development Cooperation Agency (SIDA) and the Canadian International Development Agency (CIDA) amongst others.

SIDA

Convinced that *'the child-rights perspective is the basis for a coherent development policy',* SIDA has done extensive work on interpreting the four principles of the UN CRC (non-discrimination, best interests

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Case study 1: Addressing domestic violence - a child rights approach

The large gap that exists between the good intentions of governments when they sign up to international human rights conventions and the discrimination faced by girls who are denied their right in rural Niger continues to be a challenge. For girls, disempowerment and lack of rights manifests itself through high incidences of domestic violence, physical and sexual abuse and vulnerability to HIV/AIDS. This directly affects their <u>survival and development</u>

By putting the involvement and <u>participation</u> of girls and others in the community at the very heart of its approach, World Vision was able to facilitate the design of a programme to address this problem. At the heart of this programme is a network of clubs facilitated by girls and women that allow children and adults, boys and girls to come together <u>without discrimination</u> to discuss issues such as domestic violence, discrimination and the role of girls and women in Niger rural society. Far from being just social gatherings, they provide training in advocacy, legal rights, income earning and other opportunities which enhance the perception of girls and women, gives them a greater degree of economic independence and empowers them to claim their rights within the legal frameworks. Support has been leveraged from the UK Government to provide the necessary <u>resources</u> to help them do this.

Three areas of simultaneous action are integral to this programme:
Specific and practical actions – project activities that address the lack of empowerment by putting children and girls at the very centre, seeking their active involvement and participation.
Strengthening structures and mechanisms – research and surveys on how the existing legal systems respond to domestic violence, identifying gaps in law and policy that prevent girls and women from accessing their rights and the active engagement of local officials from the judiciary, police and health.
Awareness raising/building constituencies of support – through awareness-raising of human rights, legal remedies, legal structures within the communities, practical advocacy training and the development of appropriate materials to facilitate these processes.
As an active participant in the implementation of CRC, World Vision is engaged in a process that has at its heart the <u>best interests of the child</u> and ultimately benefits all.

Putting it into practice

of the child, survival and development, participation) and shaping its development priorities from a child rights perspective (see Appendices 1 and 2 for details). [30] A key element of this has been emphasising that 'SIDA, in its bilateral negotiations with Sweden's cooperation partners, must use the national reports submitted by each country to the UN Committee on the Rights of the Child'. [31]

CIDA

In 2001, CIDA launched its 'Action Plan on Child Protection' with the aim of moving beyond programmes for children that merely concentrate 'on meeting their basic human needs'. Based on the UN CRC, the Action Plan 'stresses that children are entitled to human rights under international law, including the right to adequate health and education' and emphasises the importance of encouraging 'chil-

dren's participation as "stakeholders" in the development, implementation and evaluation of initiatives intended to help them'. [32]

The following justification is given for adopting a child rights approach:

'The approach recognizes the right of girls and boys to participate in decisions that affect their lives, as well as the importance of building on children's coping strategies. It also values a multifaceted analysis of the structural causes which lead to violations of children's rights, and advocates a holistic response to children's situations'. [33]

Case study 2: Anti-FGM – taking a child rights approach

As Arusha was deluged with children marching to raise awareness of their rights in the summer of 2003, there was a large proponent who were exercising their right to participation though the empowerment they had gained from an anti-FGM campaign facilitated by World Vision.

By raising the awareness of local communities on the rights of children and the law around FGM in Tanzania the programme paved the way for the children to have a voice in the community and use their own initiative and perspective to feed into the programme ways in which FGM was denying them the right to development and in some cases survival. Awareness raising around HIV/AIDS was a key feature of this.

By basing the programme around child rights committees with roughly equal membership of boys and girls from each community, children were not discriminated against and were given centre stage in a programme that affected them and the whole community. World Vision therefore addressed this programme by basing it on the best interests of the child and ensuring that the maximum level of resources were leveraged from DfID and World Vision UK to support the project.

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[30] Swedish Ministry for Foreign Affairs (2002) The Rights of the Child as a Perspective in Development Cooperation, Government Communication 2001/02:186.
[31] Ibid.
[32] CIDA (2001) Canadian Action Plan Sets New Course in Child Protection in the Developing World, CIDA News Release, June 18, 2001.
[33] CIDA (2001) CIDA's Action Plan on child protection: Promoting the rights of children who need special protection measures p.2.
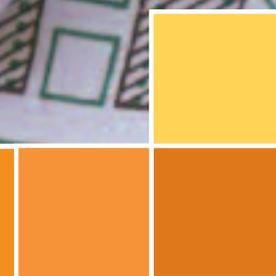
Chapter**Three**
A child rights approach to HIV/AIDS - an EC framework for action

The facts about children affected by HIV and AIDS

- In 2003, around 40 million people were living with HIV/AIDS. Of those, 2.5 million were children under the age of 15.

- 700,000 children were infected with HIV in 2003.

- 500.000 children under 15 year of age died of AIDS in 2003.[34]

- Girls and women are 50% more likely to contract HIV than boys and men.[35]

- Countries such as South Africa could face economic collapse within several generations unless the AIDS epidemic is combated.[36]

- In 2003, over 13.44 million children under 15 had lost one or both of their parents to AIDS. By 2010, this could leap to 25 million, and the percentage of children orphaned by HIV/AIDS could rise sharply from 12.4% to 24%[37]. By the end of 2001, more than 15% of children were orphans in 10 African countries.

- Children whose lives are made vulnerable by HIV/AIDS, especially girl children, are at serious risk of exploitation, including physical and sexual abuse.

- After refugees, Orphans and Vulnerable Children (OVC) are the poorest of the world's poor and the least educated, "living without their basic needs, including health care, nutrition, education, being met."[38]

- In Mozambique, only 24% of orphans who have lost both their parents attend primary school, versus 68% of children whose parents are both alive.[39] In spite of this, only 13 governments of the 30 countries of sub-Saharan Africa have strategies in place to provide social support for OVC.[40]

- Children orphaned or made vulnerable by AIDS experience a wide array of problems including: severe psycho-social distress of losing one or both parents; lack of food, shelter, clothing, or health care; being forced to drop out of school or required to care for chronically ill adults or younger siblings; discrimination, abuse, or exploitation; increased vulnerability to HIV infection.

Recommendations for action - introduction

Having explored the rationale and practicalities of adopting a child rights approach, this chapter moves on to look at how the approach can be applied to HIV/AIDS policy and programming, a key sector for the EU. Having identified the international standards and European Community Policy relating to HIV/AIDS (Table 4) and European Community action on HIIV/AIDS since 2000 (Table 5), a Recommendations Matrix is given, detailing actions to be taken by the European Commission, European Parliament and European Council.

Framed in terms of the three areas of simultaneous actions outlined in the previous chapter (**Specific and practical actions** to implement the UNCRC , by directly addressing violations of rights and gaps in the realisation of rights, **Strengthening structures and**

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[34] UNAIDS & WHO (Dec. 2002) AIDS Epidemic Update 2003.

[35] International Save the Children Alliance (2001) Children's Rights: A Second Chance.

[36] World Bank (2003) The Long-run Economic Costs of AIDS: Theory and an Application to South Africa.

[37] UNAIDS (2003) Supplement to the Secretary General's report, Progress Towards Implementation of the Declaration of Commitment on HIV/AIDS, p.3.

[38] Currah, K. and Whaites, A. eds (2003) False Economies, Why AIDS Affected Countries are a Special Case for Action, World Vision International, p.52.

[39] Ibid, p.50. Their recent research suggests that OVC can be provided with the educational help they need for an average of 170 Euros (200 USD) per annum. Yearly community-based food aid will cost around 258 Euros (300 USD) per OVC, and that the price of agricultural assistance annually for each of these children is about 170 Euros (200 USD).

[40] UNAIDS supplement to the report of the Secretary General on Progress Towards Implementation of the Declaration of Commitment on HIV/AIDS, p.3.

mechanisms to promote and protect children's rights, **Awareness-raising / building constituencies of support** for children's rights), all measures recommended in the Recommendations Matrix are designed to promote the process of enabling duty-bearers (States and others), to fulfil their obligations, and empowering rights-holders (children) to claim their rights. They are therefore directed towards supporting action to promote change and assisting the process of fulfilling children's rights in EU partner countries in development. **Each of these measures should be guided by the five umbrella rights of the UNCRC as detailed in the previous chapter, using the 'Table Leg Test' (see Figure 1) to ensure due consideration of each.**

While viewing the Recommendations Matrix, the following points should also be considered:

• The EC already has a number of instruments – both programme and policy- which it can use to build a child right rights approach to support its partner countries in achieving the MDGs and implementing the UNCRC. In drawing up the recommendations in the Recommendations Matrix of this chapter, the authors have examined these instruments as well as those the EU has at its disposal for Common Foreign Security Policy and European Security and Defence Policy action. These can be used *simultaneously and in a coherent manner* with Community instruments to promote the rights of children in its external relations with Third Countries including Common Strategies, Joint Actions, Common Positions, Demarches and Declarations, and the EU`s Guidelines on Human Rights Dialogue. It is also important to note that a greater emphasis on the implementation of the rights commitments of Governments of EC partner countries in development can entail simple and incremental changes rather than major policy overhauls, and

the EC`s instruments can be used to support these Governments in delivering on their human rights commitments.

• Although the Recommendations Matrix includes recommendations for programming and policy-setting , it does not provide comprehensive guidelines for implementing an integrated child rights approach to EC programming. Rather, it focuses on what can be done to assist the fulfilment of children's rights in this key sector. Further work is therefore required to adapt the EC's internal development and humanitarian aid policy-setting and programming processes, including a review of the thematic and geographical budget lines. In particular, efforts must be made to integrate the child rights approach into Project Cycle Management (PCM) processes, including developing a relevant framework for child impact analysis. A child rights approach to EC programming could be developed through a broad consultation of EC staff, other donors and relevant experts.

• The EC, including ECHO, has recently reiterated its commitment to enhancing the links between relief, rehabilitation and development (LRRD), and highlighted the necessity of LRRD towards poverty reduction[41], citing HIV/AIDS as an example for implementation. A holistic child rights approach to the provision of ECHO's humanitarian aid is necessary to ensure its relevance and link to ongoing development, in order to contribute towards fluidity in the implementation of a child rights approach across the LRRD spectrum, towards the MDGs. [42]

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[41] *European Commission LRRD/DPP Steering Group, (October 2003), Report and Operational Conclusions of the LRRD/DPP Interservice Group, Linking Relief, Rehabilitation and Development (LRRD) and Disaster Preparedness and Prevention (DPP.)*

[42] *The EC Humanitarian Aid Regulation states that one of the aims of EC humanitarian assistance is to be a "prerequisite for development or reconstruction work and [must] therefore cover the full duration of a crisis and its aftermath." Opening paragraph, Council Regulation (EC) No. 1257/96 of 20 June 1996 concerning humanitarian aid: Official Journal L 163, 02/07/1996 P.0001-0006.*

Table 4: International Standards and European Community Policy	
UN Convention on the Rights of the Child (1989)	**Article 24**: The right to enjoy the highest attainable standard of health.
World Fit For Children (2000)	**Para 45-47**
Millennium Development Goals (2000)	**MDG 6:** On combating HIV/AIDS, tuberculosis and malaria. **MDG 4**: On reducing child mortality.
EU Development Statement from the Commission and Council (2000)	**Development Policy Programme of Action 2001:** Mention of Poverty Related Diseases (not OVC).
European Union INSTRUMENTS/ POLICY/ STATEMENTS/ COMMITMENTS	*Commission:* **COM (2003) 93: Update on the EC Programme for Action**: Accelerated action on HIV/AIDS, malaria and tuberculosis in the context of poverty reduction. **COM (2001) 96: Programme for action**: Accelerated action on HIV/AIDS, malaria & tuberculosis in the context of poverty reduction. **Poverty Diseases budget line**: Focus on reducing mother-child transmission, 2000 guidelines. **EIDHR budget line**: Children's rights as a cross-cutting theme in EIDHR programming guidelines, 2002. *Parliament:* (NOTE: these Resolutions and reports refer to the plight of children affected by HIV/AIDS, but not all include strong commitments to uphold the rights of and support the protection of children affected by HIV/AIDS). ACP-EU JPA: Resolution of 15 October 2003 on children's rights and child soldiers in particular: ACP-EU 3587/03/fin. ACP-EU JPA: Resolution of February 2004 on poverty related diseases and reproductive health in ACP states, in the context of the 9th EDF (ACP-EU 3640/04/fin). ACP-EU JPA: Resolution of 21 March 2002 on the impact of communicable diseases on health, young people, the elderly and people living with disabilities (OJ C 231, 27.9. 2002, p. 57). ACP-EU JPA: Resolution of 3 April 2003 on WTO negotiations on health issues (OJ C 231 26.9.2003, p 31). ACP-EU JPA: Resolution of 1 November 2001 on HIV/AIDS. PE 310.512 Developing Countries: health and poverty reduction (COM(2002) 129). PE T5-0373/2000; EP Resolution on the International AIDS Conference in Durban, South Africa, July 2000. PE T5-0154/2001; EP Resolution on access to drugs for HIV/AIDS victims in the Developing World. PE310.517 EP report Developing Countries education and training objectives and priorities in reducing poverty. PE 326.776 EP report Population and Development: 10 years on from the Cairo 1994 International Conference on Population and development. PE 326.769 EP report Poverty: Combating HIV/AIDS, Malaria and Tuberculosis, action programme, Communication. PE B5-0062/2003 Resolution on world hunger and the elimination of barriers to trade with the poorest countries. *Council:* **Decision no 1209/2003/EC**: Community participation in a research and development programme aimed at developing new clinical interventions to combat HIV/AIDS, malaria

Table 4: International Standards and European Community Policy

	and tuberculosis through a long-term partnership between Europe and developing countries, undertaken by several Member States. **Decision No 36/2002/EC**: Concerning the Community contribution to the Global Fund to fight HIV/AIDS, tuberculosis and malaria (GFATM). **Regulation (EC) No 1567/2003** of the EP and of the Council of 15 July 2003 on aid for policies and actions on reproductive and sexual health and rights in developing countries. **Regulation (EC) No 1568/2003** of the EP and of the Council of 15 July 2003 on aid to fight poverty diseases (HIV/AIDS, tuberculosis and malaria) in developing countries. **Article 5, 2429th EC Development Council Meeting, 30 May 2002**: Resolution of the Council and representatives of the Governments of Member States on health and poverty. **Article 13, 2304th Development Council Meeting, 10 November 2001**: Council Resolution on communicable diseases and poverty. **2263rd Meeting of the Development Council on 18 May 2000:** Resolution on agenda point 3.3. **Article 72 & 73, Presidency Conclusions, Thessaloniki, 20 June 2003.** **Article 58, Presidency Conclusions, Goteburg, 15 June 2001.** **Article 63, Presidency Conclusions, Nice, 8 December 2000.** **Intervention on behalf of the EU, 22 October 2001**, by Ms. Birgit Stevens, First Secretary at the Permanent Representation of Belgium to the UN. Promotion and protection of the rights of the child. **Statement by H.E. John B. Richardson, 10 May 2002, Head of the Delegation of the EC to the UN** on behalf of the EU at UNGASS on Children. **Statement by H.E. Mr Pio Cabanillas, 8 May 2002, Minister/Spokesman of the government of Spain**, on behalf of the EU, 27th UNGASS on Children.
COTONOU AGREEMENT	**Section 2:** Social and human development: **Articles 25 & 26.**
INTERNATIONAL COMMITMENTS	**UNGASS HIV/AIDS 2001: Declaration of Commitments: Articles 65-67**. **Yokohama Global Commitment 2001:** Against Commercial Sexual Exploitation of Children. **Convention on the Elimination of all forms of Discrimination Against Women** (CEDAW). **UNCRC CRC/GC/2003/4**: Adolescent health and development. **United Nations Commission on Human Rights (UNCHR): Guideline 8 (E/CN.4/1997/37)**, International Guidelines on HIV/AIDS and Human Rights. **CAIRO Programme of Action** of the International Conference on Population and Development. **WTO Doha**: Declaration on the TRIPS Agreement and Public Health, 14 November 2001. **United Nations Children's Fund (UNICEF)** and **UNAIDS** *A Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS* (July 2004.).

Table 5: European Community Action Since 2000	
CURRENT BUDGET ALLOCATIONS IN MILLION	Specific funding to date for HIV/AIDS unknown. 351 million allocated (2003-2006) to the implementation of the Programme for Action for HIV/AIDS, tuberculosis and malaria 400 million allocated (2003 – 2006) to research and development of new medicines, vaccines and therapeutic tools against HIV/AIDS, malaria and tuberculosis 340 million allocated (2003-2006) to GFATM 200 million from various budget lines and ECHO has been allocated to specifically target HIV/AIDS, TB and malaria
COUNTRY STRATEGY PAPER	Less than 5% of all CSPs reflect specific HIV/AIDS, malaria, TB interventions (cf. EC Update on the EC Programme for Action *Accelerated Action on HIV/AIDS, malaria and tuberculosis*). Guidelines for monitoring Health, AIDS and Population, Brussels, February 2003. Programming Guidelines for Health, AIDS and population, March 2001; South Africa – mention OVC.
NATIONAL INDICATIVE PROGRAMMES	South Africa (specific mention of OVC).

Recommendations Matrix:
Simultaneous actions to meet commitments
to OVC European Commission

SIMULTANEOUS ACTION	EUROPEAN COMMISSION	POLICY INITIATION & PROGRAMMES
Specific and Practical Actions	**General**	**To support long-term and holistic approaches to addressing the gaps in children's rights for those affected by HIV/AIDS in the EU's partner countries:** • uphold the 35% benchmark for geographical budget lines on spending for the social infrastructure; • ensure multi-sectoral approach to OVC and HIV/AIDS (trade, health, education, humanitarian aid; • strengthen the iQSG's child rights programming expertise for an integrated child rights approach to OVC Programming Frameworks; • uphold commitments on OVC made at 2001 UNGASS on HIV/AIDS and create a strategy for implementation of the UNICEF/ UNAIDS *'Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS'* (*http://www.unicef.org/aids/Framework_English.pdf);* • ensure the inclusion of adequate allocation of funding within the relevant Roadmap section of the Financial Perspectives 2007-2013 to support relevant programmes for children affected by HIV/AIDS, towards the international objective of $10 billion as the minimum global annual commitment to address the needs of OVC.[43] • Strengthen EC mechanisms to integrate lessons-learned from previous situation analyses, child impact analyses, programme evaluations, conflict prevention analyses, and Council early warning and response into EC programming. • Ensure children's rights are taken into account in situation analysis during EC programming of ECHO Global Plans and the Commission`s inter-service programming of rehabilitation efforts. **Focus areas in relevant regional and thematic regulations should include:** • programmes that provide access to treatments for children with HIV/AIDS (which will include supporting and advocating for pharmaceutical companies to undertake research into the development of Anti-retrovirals (ARVs) for children (including syrups), legal support for People Living With HIV/AIDS (PLWHA), families affected by HIV/AIDS, orphans and children made vulnerable by HIV/AIDS and those that give counselling and support for children suffering from psycho-social trauma from affects of HIV/AIDS on their lives (loss of parents, relatives, siblings and stress of increased responsibilities); • direct reference to the impact of HIV/AIDS on children, including strategies to strengthen governmental, family and community capacities to provide a supportive environment for OVC, taking article 5 of the 2429th Development Council Meeting on Health and Poverty as a basis; • support to strengthen and support community-based responses, using institutional care only as a last resort. • In order to support programming from a children's rights perspective, adapt relevant manuals for staff to demonstrate how a child rights approach can be integrated into the PCM process. This could include clear good practice guidelines and standards for programming and should involve consultation with relevant experts (See: UNICEF/UNAIDS, April

SIMULTANEOUS ACTION	EUROPEAN COMMISSION	POLICY INITIATION & PROGRAMMES
		2003, *Technical Consultation on Indicators Development for Children Orphaned and Made Vulnerable by HIV/AIDS* & World Vision, January 2003, *HIV/AIDS Toolkit*, http://wvioaptus.wvi.org/africa.nsf/0/7cda0d2445e7c3fe42256cb10042f6c4?OpenDocument&ExpandSection=4 especially chapter on *Programming for OVCs*, and the list of Programming Toolkits). **To ensure the protection of children's rights in the EU's partner countries is effectively upheld and raised by EC staff and officials:** • ensure all EC staff receive mandatory human rights and child rights training and are aware of the impact of HIV/AIDS; • have legally binding child protection policy in place for all EC staff, including those working in EC Delegations. **To ensure children in the EU's partner countries are protected from the threat of AIDS and the violation of rights that this invariably brings:** • enable member countries to implement the WTO decision to allow production and export of generic medicines from the EU to countries that lack the capacity to produce such medicines: • during negotiations of Regional Strategies, CSPs and NIPs and their mid-term reviews and in future development funding legislation, support national governments in devising and implementing a comprehensive package of HIV prevention services that guarantee access to vulnerable children, and incorporate as a minimum, a report on HIV/AIDS situation and more specifically the affects this has on children in the area; • during negotiations of Regional Strategies, CSPs and NIPs and their mid-term reviews and in future development funding legislation, support national governments in devising and implementing the delivery of treatment and care for PLWHA and support the global community's target that three million PLWHA receive ARV therapy by 2005. (See: UNICEF/UNAIDS, April 2003, *Technical Consultation on Indicators Development for Children Orphaned and Made Vulnerable by HIV/AIDS*); • in future EC regulations and legislation, create a category of AIDS-Affected Countries (AACs) that entails a more flexible approach to development funding and conditionality, including debt relief. Like Least-Developed Countries (LDCs), AACs should have the 'everything but arms' tariff-free entry of their goods into the EU; • inter-service Groups to work on a detailed Harmonisation Action Plan for health, HIV/AIDS and education; • MED EC Working Group to assess the impact of micro-loans in supporting livelihoods of children and families caring for orphans and parents living with HIV/AIDS.
	Policy Action	**Work with host countries through EC Delegations to:** • incorporate sufficient attention to children, especially OVC in the programming and implementation of all geographical budget lines; • ensure child rights violations are a mandatory agenda point in all human rights dialogues with EU governments – and address in particular the situation of children affected by HIV/AIDS; • ensure children in the EU's partner countries are protected from the threat of AIDS and the violation of rights that this invariably brings. • Through trade relations in international fora, promote access to treatments (both drugs for opportunistic infections and ARVs) for children and their parents to delay orphaning and extend parent-child relationships.

SIMULTANEOUS ACTION	EUROPEAN COMMISSION	POLICY INITIATION & PROGRAMMES
	Programme Action	**When designing development assistance programmes (Figure 1, the 'Table Leg Test', in Chapter Two provides a simple set of questions to guide and support programming- design in accordance with the five umbrella rights of the UNCRC):** • introduce a child rights impact analysis as part of planning for programmes on HIV/AIDS; • support programmes providing access to treatments for children with HIV/AIDS; • focus on the most vulnerable children and communities, not only those orphaned by AIDS; • define community-specific problems and vulnerabilities at the outset and pursue locally determined interventions strategies; • involve children and young people as active participants in the response; • give particular attention to the roles of boys and girls, men and women, and address gender discrimination (see: Rose, Loretta, editor, 2001, *Every Girl Counts: Development, Justice and Gender,* World Vision Girl Child Report, Mississauga: World Vision Canada. Particularly pp 38-43 Chap 5 *HIV/AIDS* http://www.wvi.org/imagine/pdf/GirlChild.pdf & Kahurananga Ruth & Elliott Heather, 2004, *The Role of men and boys in achieving gender equality for the United Nations Commission on the Status of Women (CSW) , 48th Session, Item 3 (c)(i) of the Provisional Agenda,* World Vision, March 2004. Particularly, Pp27-31, *Tanzania and Zambia: Boys and Men as Partners for Change: Reducing the Vulnerability of Girls to HIV/AIDS*); • link HIV/AIDS prevention, care and support for PLWHA to support for orphans and other children made vulnerable by HIV/AIDS; • include a child focussed HIV/AIDS component as a priority for programmes in relevant programming guidelines such as: (i) poverty diseases budget line, (ii) food security, (iii) sexual and reproductive health, (iv) NGO co-financing, (v) rehabilitation, (vi) EIDHR; • target nutritional assistance at OVC in AACs' food security programming guidelines.; • engage participation of local communities and children (see: Child Participation: Challenges of Empowerment, *www.worldvision.org.uk/resources/childparticipation.pdf);* • mobilise community support and understanding for OVC and families caring for orphans by prioritising programmes which empower local communities to care for OVC; • support and implement a dual strategy of mainstreaming HIV in sexual and reproductive health programming and also move to integrate gender-sensitivity in HIV programming; • include efforts to counter discrimination and stigma associated with HIV/AIDS and OVC. • Further to the EC Communication on the Participation of Non-State actors in EC Development policy, encourage the active participation of Southern NGOs and Community-Based Organisations (CBOs) in HIV/AIDS, and particularly OVC strategies and programming, especially faith-based organisations who have a proven track record in providing care for OVC. • In order to support programming from a children's rights perspective, adapt relevant manuals for staff to demonstrate how a child rights approach can be integrated into the PCM process. This could include clear good practice guidelines and standards for programming and should involve consultation with relevant experts (See: UNICEF/UNAIDS, April 2003, *Technical Consultation on Indicators Development for Children Orphaned and Made Vulnerable by HIV/AIDS* & World Vision, January 2003, *HIV/AIDS Toolkit,*

SIMULTANEOUS ACTION	EUROPEAN COMMISSION	POLICY INITIATION & PROGRAMMES
		http://wvioaptus.wvi.org/africa.nsf/0/7cda0d2445e7c3fe42256cb10042f6c4?Open Document&ExpandSection=4 especially chapter on *Programming for OVCs*, and the list of Programming Toolkits). • During and after deconcentration process, work with Southern NGOs and CBOs to ensure capacity-building access to EU funding, with a view to prioritising programmes which empower local communities, to care for OVC and mobilising community support for OVC and families caring for orphans. **When evaluating programmes and assessing project proposals:** • apply the 'Table Leg Test' shown in Figure 1 in Chapter 2, and ensure that the results of child impact analysis are fed back into 'in-house' programming development through the iQSG; • introduce indicators developed on the basis of the UNCRC in evaluation grids for project proposals, taking into account the specific situation of children affected by HIV/AIDS.
	Policy Action	**Support programmes addressing violations and gaps in the EU's partner countries by**: • ensuring (through the role as member of the Board of the GFATM) the $10.1 billion as minimum global annual commitment to address needs of OVC, targeting key areas of health, nutrition and education; • releasing and refocusing dormant funds to support programmes advancing the rights of OVC; • encouraging the implementation of the UNICEF/ UNAIDS ' *Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS'* *(http://www.unicef.org/aids/Framework_English.pdf)*.
	ECHO	• Ensure a child-focused strategy to incorporate the special rights of children, paying specific attention to OVC affected by HIV/AIDS. • All projects involving PLWHA should target OVC for support and care (including care of guardians and parents), and not only prevention aspects. • Integrate attention of the special needs of OVC within the guidelines for mainstreaming HIV/AIDS into planning and projects. • Ensure long-term and holistic strategies, with particular emphasis on the rights and needs of children affected by emergencies by integrating children's rights, and the specific rights and needs of children affected by HIV and AIDS, as a concern in all strategies for linking relief, rehabilitation and development (LRRD) in consultation with all other relevant Commission services. • Incorporate the results and recommendations of situation analyses and child impact analyses into project design and Global Plans, to support long term and holistic strategies incorporating effective humanitarian aid entry and exit strategies. • Conduct child impact analyses, incorporating conflict analyses (eg.LCP /Do No Harm), and relating to the SPHERE Code and the ICRC Code of Conduct. **To address the violation of children's rights due to the increased spread of HIV/AIDS during times of emergency:** • develop HIV/AIDS guidelines during complex emergencies in order to ensure that: (i) all blood supplies are tested for safety before transfusion and that universal medical precautions are implemented, (ii) the local population has access to information about HIV/AIDS and its means of transmission, (iii) condoms are widely and easily available, (iv) existing sexually transmitted infections are treated because they increase the probability of HIV transmission, (v) gender dynamics are considered in the design and management of refugee camps.(See World Vision`s *HIV/AIDS Toolkit for Emergencies* (2004) for ideas).

SIMULTANEOUS ACTION	EUROPEAN COMMISSION	POLICY INITIATION & PROGRAMMES
Strengthening Structures and Mechanisms	**General**	• Encourage EU partner governments to build capacities in country and remove any legal or structural barriers to allow them to implement the UNICEF/ UNAIDS ' *Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS (* http://www.unicef.org/aids/Framework_English.pdf*)*. • Ensure that violations against the rights of children affected by HIV and AIDS aread-dressed with states and non-state actors and are reported to appropriate structures. • Strengthen capacity in EU partner countries by ensuring that there are no legal barriers, or structures in place that do not support, community-based responses rather than institutional care. • Press for changes in EU legislation to enable Member States to implement the WTO decision to allow production and export of generic medicines from the EU to countries that lack the capacity to produce such medicines. • Encourage further research into the development of ARVs for children including ARV syrups, (an area which is currently being neglected). • Encourage research into the practices of Trans-National and other Corporations regarding the promotion and protection of children`s rights. • Build capacity of financial institutions in the EU partner countries to manage facilities whereby the UNCRC can be fully implemented. • Ensure World Trade Organisation (WTO)/Trade-related Aspects of Intellectual Property Rights (TRIPS) negotiations take account of the right to equitable, affordable, accessible and quality health for all, rather than prioritising the interests of the multinational pharmaceutical industry. • As a goal of the Stakeholder Forum on Communicable Diseases in the Context of Poverty Reduction, create a category of AACs that entails a more flexible approach to development funding and conditionality and which develops funding mechanisms and structures in Ministries of Finance so that the UNCRC can be fully implemented in developing countries. • Ensure speedy delivery of debt relief and cancellation under the Highly Indebted Poor Countries (HIPC) debt relief initiative to AACs, also through the commitment of additional funds for pro-poor programmes initiated at community level. • Assist the EU's partner governments in meeting their reporting obligations on its commitments to children, particularly OVC, and reward municipalities and institutions that are making good progress. • Encourage support locally, including by World Bank and International Monetary Fund (IMF) staff towards ensuring that all Poverty Reduction Strategy Papers (PRSPs) from AACs adequately address the issues of HIV/AIDS and all national strategies include: (i) attention to care for OVC, (ii) reduction of the vulnerability of girls and women to HIV, (iii) increased access to treatment and care, including improved access to health services. • Contribute towards sustainable mechanisms and structures to uphold and protect children`s rights through supporting actions in EC partner countries in crisis, which lay the basis to long term approaches with communities and existing mechanisms in situ, and ECHO expert liaison with the representatives of these mechanisms on long term approaches to uphold and protect children`s rights. • Provide support for mechanisms within refugee and IDP camps/centres, which uphold and monitor the rights of children, with a view to ensuring that children and their rights are granted adequate protection, especially during protracted crises.
	Policy Action	• In future EC regulations and legislation, create a category of AACs that entails a more flexible approach to development funding and conditionality. Like LDCs, AACs should have the 'everything but arms' tariff-free entry of their goods into the EU. • Make use of the European Commission's role on the Board of the Global Fund to fight Aids, Tuberculosis and Malaria, to encourage national Country Coordinating Mechanisms to program significant sections of their proposals for OVC care and support.

Recommendations Matrix: European Commission

SIMULTANEOUS ACTION	EUROPEAN COMMISSION	POLICY INITIATION & PROGRAMMES
Building constituencies of support	**General**	**To build awareness for children's rights in the EU's partner countries:** • enhance efforts to collect child/gender disaggregated data on HIV/AIDS; • collect and assess data to show how EC policies and programmes are contributing to stemming the rise of new infection in boys and girls and women and include this information in future updates of the Programme for Accelerated Action on HIV/AIDS, TB and Malaria and share this with EU partner country governments, enterprises and civil society to spread awareness of new ideas; • support EU partner countries' governments in negotiations with the private sector; • ensure evaluation units provide ongoing critique of research, policy and programme relevance. Include a separate section on HIV/AIDS, (including OVC) in the Annual Report on EC Development Policy and the implementation of external assistance.
	Policy Action	• In relevant trade and human rights dialogues, ensure that time is taken to explain the importance of children's rights as separate from human rights and urgently encourage EU partner countries' governments by giving clear evidence to address the issue of OVC. • Encourage ACP-EU Ministerial Group and relevant working groups to ensure sufficient focus on children in their discussions, and especially to place a focus on OVC in all EDF projects. • Develop research on the impact of HIV/AIDS on children.
	Programmes Action	• ACP-EU groups to share good practice with civil society on care and protection of children from HIV/AIDS. Support civil society, local government and government in the South to do this – with the support of experts in NGOs, UN agencies, etc.

European Parliament

SIMULTANEOUS ACTION	EUROPEAN PARLIAMENT	POLITICAL COMMITMENT & DECISIONS
Specific and Practical Actions	**General**	**To address the violations of the rights of OVC in the EU's partner countries:** • call for more targeted policies and programmes for OVC in relevant reports and resolutions which uphold commitments on OVC made at 2001 UNGASS on HIV/AIDS; • call for the endorsement and implementation of the UNICEF/ UNAIDS *'Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS* http://www.unicef.org/aids/Framework_English.pdf; • ensure the protection of children's rights in the EU's partner countries is raised effectively by EP and MEPs during their missions; • ensure an EP child protection policy is in place; • ensure all MEPs and EP secretariat receive training on children's rights and child protection issues before departing on Delegation visits to third countries; produce a short briefing note on children's rights for new MEPs in order for them to effectively support Southern MPs in their policy initiatives. • Support strategies which facilitate the linkage between relief, rehabilitation and development, and long-term approaches to addressing HIV/AIDS before, during and after conflict.
	Budget Committee	• Ensure the inclusion of an adequate allocation of funding within the relevant Roadmap section of the Financial Perspectives 2007-2013 to support relevant programmes for children affected by HIV/AIDS, towards the international objective of $10 billion as the minimum global annual commitment to address the needs of OVC. • Ensure development budget lines for health, nutrition and education address the needs of OVC. • Ensure annual commitment to HIV/AIDS, poverty diseases and sexual and reproductive health in developing countries thematic budget lines is maintained and increased. • Monitor progress and implementation of budgetary commitments for both HIV/AIDS and allocations in favour of children's rights, through, for example, oral and written questions.
	ACP-EU JPA	**To support long-term and holistic approaches to addressing the needs of children affected by HIV/AIDS:** • uphold policy measures to attain 35% EDF benchmark for spending on social infrastructure for DAC 1 countries; • call for use of the EDF for the elimination of school and health fees, and associated costs for OVC.
	Foreign Affairs Committee	• Draw attention to violations of the rights of children affected by HIV/AIDS through the Annual Reports on human rights in the world and European Union's Human Rights Policy. **To address the violation of children's rights in the EU's partner countries during complex emergencies:** • support calls for HIV/AIDS awareness and training for personnel involved in humanitarian response, peacekeeping, peace support operations and wider demobilisation and security sector reform strategies; • ensure that throughout all HIV/AIDS planning, programming and personnel training in conflict (prone) zones, that the gender dimensions of HIV/AIDS' transmission and response are integrated; • encourage ECHO to develop specific HIV/AIDS guidelines for use during complex emergencies.

SIMULTANEOUS ACTION	EUROPEAN PARLIAMENT	POLITICAL COMMITMENT & DECISIONS
	Development committee	**To address the violation of the rights of OVC:** • call for more targeted policies and programmes for OVC in relevant reports and resolutions which uphold commitments on OVC made at 2001 UNGASS on HIV/AIDS and lobby for the implementation of the UNICEF/ UNAIDS ' *Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS'* http://www.unicef.org/aids/Framework_English.pdf. **Support long-term and holistic approaches to addressing the negative impact that HIV/AIDS has on children by:** • reiterating the call for 35% EDF benchmark for social infrastructure for DAC 1 countries; • pressing for changes in EU legislation to enable member countries to implement the WTO decision to allow production and export of generic medicines from the EU to countries that lack the capacity to produce such medicines; • ensuring political commitment to CEDAW and ICPD (Cairo) through relevant reports, resolutions and meetings; • ensuring increased funding for GFATM and EU's related development budget lines within the report to the Budget Committee on the EU budget, so that $10.1 billion is the minimum global, annual commitment to addressing the needs of OVC; • ensuring that this funding is targeted to keys areas such as health, nutrition and education; • encouraging multilateral and bilateral trade agreements and drug pricing have systems in place which take account of the huge cost of not providing affordable treatment in humanitarian, social and economic terms.
Strengthening Structures and Mechanisms	**General**	**In monitoring the progress in the fulfilment of children's rights:** • apply political pressure on governments in developing countries through resolutions, etc to ensure laws and structures which discriminate against OVC, or do not allow for a fulfilment of their rights, are abolished; • highlight constraints in reaching the 35% benchmark for spending on social infrastructure in regional funding mechanisms; • introduce references to progress in implementation of relevant international legal instruments, including the UNCRC as standard reference in all relevant resolutions, reports concerning countries affected by emergencies; • monitor progress on the implementation of the UNICEF/ UNIAIDS *'Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS'* (http://www.unicef.org/aids/Framework_English.pdf).
	ACP-EU JPA	• Encourage the New Partnership for Africa's Development (NEPAD) to be used effectively to strengthen regional and national responses to the Declaration and the commitments made at 2003 AU Summit (http://www.au2003.gov.mz/maputodocs/assdecl.pdf) and provide political pressure to encourage the elimination of health fees, and associated costs for OVC. • Contribute towards ensuring mutual accountability and monitoring of progress in the fulfilment of children's rights in developing countries by producing a Standing Committee on Social Affairs report using the example of the EDF to highlight the challenges experienced and good practice in child rights programmes for OVC, particularly in the social sector (particularly education and health).

SIMULTANEOUS ACTION	EUROPEAN PARLIAMENT	POLITICAL COMMITMENT & DECISIONS
	Foreign Affairs Committee	• Use the Annual Report on Human Rights in Third Countries to address the issue of children's rights, and assess and monitor the EC's response to addressing the impact of HIV/AIDS on children's rights.
	Development committee	• Contribute towards ensuring accountability by monitoring progress in developing countries on the commitments made at the UNGASS on HIV/AIDS and by monitoring progress on the implementation of the UNICEF/UNAIDS *'Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS' (http://www.unicef.org/aids/Framework_English.pdf)*.
Building constituencies of support	**General**	**In Delegation visits and when speaking to national government representatives:** • become directly involved as spokespersons on the issue of HIV/AIDS, including in regions of Asia, the Pacific and Eastern Europe where action is immediately needed to prevent another huge expansion of the epidemic; • raise the call for urgent action for OVCs especially in sub-Saharan • Africa. Raise the importance of the commitments made at the UNGASS on HIV/AIDS; • reiterate policy commitments on OVC and call for respective monitoring in UN fora and Organisation for Economic Cooperation and Development (OECD); • meet with relevant NGO fora in countries to support exchange in best practice; • MEPs to raise awareness amongst groups of people in home areas or regions on this issue through use of own websites and media and work with civil society, in order to mobilise the local public and media to call for Southern Governments to act on this issue.
	Budget Committee	• Include reference to support for efforts to raise awareness in EU partner countries, within discussions with the EC prior to submission of preliminary draft, and draft budget, and within appropriate inter-institutional conciliation procedures.
	ACP-EU JPA	• In meetings with NEPAD and the African Union (AU), highlight the importance of the Declaration and the commitments made at 2003 AU Summit (http://www.au2003.gov.mz/maputodocs/assdecl.pdf) and provide political pressure to encourage the elimination of school and health fees, and associated costs for OVC.
	Foreign Affairs Committee	• During visits to Delegations and AACs, visit HIV/AIDS programmes (including EC-funded programmes), especially those designed to address the needs of OVC, and health sector programmes in HIV/AIDS prevalent countries.
	Development committee	• To support related political efforts within the Government of the EU's partner countries governments, prioritise HIV/AIDS and children's rights issues in Delegation missions to AACs, project visits to HIV/AIDS programmes (including EC-funded programmes), especially those designed to address the needs of OVC.

European Council

SIMULTANEOUS ACTION	EUROPEAN COUNCIL	POLICY DECISION-MAKING & POLITICAL ACTION
Specific and Practical Actions	**General**	• On the basis of article 5, Resolution of the Council and representatives of the Governments of Member States on Health and Poverty, (2429th Development Council Meeting, 30 May 2002), monitor specific regulations on poverty diseases and sexual and reproductive health and ensure future regional and financial regulations provide direct reference to the impact of HIV/AIDS on children with the aim of developing clear strategies in the delivery of EC external assistance programmes to strengthen governmental, family and community capacities to provide a supportive environment for OVC. • Ensure the inclusion of adequate allocation of funding within the relevant Roadmap section of the Financial Perspectives 2007-2013 to support relevant programmes for children affected by HIV/AIDS, towards the international objective of $10.1 billion as the minimum global annual commitment to address the needs of OVC. • Revise policy guidelines to include the need to assist EU partner governments in fulfilling their rights obligations, ensuring that the rights and needs of OVCs are not ignored. • Support political action of the EU's partner governments in the implementation of the UNICEF/ UNAIDS *'Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS (http://www.unicef.org/aids/Framework_English.pdf)*. • Offer supportive political action to the EU's partner governments in creating strategies that will deliver on national and international children's rights commitments and ensure that the increasing rate of children affected by HIV/AIDS is not neglected. • Support the creation of a category of AACs that entails a more flexible approach to development funding and conditionality. Like LDCs, AACs should have the 'everything but arms' tariff-free entry of their goods into the EU. • Appoint a Special Representative for children affected by armed conflict in line with article 20 of the EU guidelines on children and armed conflict and ensure that the mandate includes attention to children affected by HIV and AIDS. • Strengthen early warning indicators by incorporating indicators in line with the UN CRC and integrate attention to these within the EU's monitoring activities. • Strengthen mechanisms across EU institutions to integrate lessons-learned from previous situation analyses, child impact analyses, programme evaluations, conflict prevention analyses, and Council early warning and response into EC programming. • To protect children`s rights, and ensure that action is in the best interests of the child, EU Military Staff to ensure a child impact analysis of military operations before, during and after all military operations in Third Countries, is conducted with all relevant stakeholders. • To support holistic and long-term approaches to protecting children`s rights before, during and after conflict, urge the implementation of EU commitments to address HIV/AIDS as a cross-cutting issue in conflict prevention by including HIV/AIDS prevention and care policies in conflict prevention, crisis management, peace support operations, and post-conflict reconstruction planning and implementation.

SIMULTANEOUS ACTION	EUROPEAN COUNCIL	POLICY DECISION-MAKING & POLITICAL ACTION
	Presidencies	• Prepare through Presidency Troika the next steps to the Programme for Accelerated Action on poverty diseases and give priority to OVC.
	General Affairs Council	• On the basis of article 65-67 of UNGASS on HIV/AIDS, future regulations on poverty diseases and sexual and reproductive health should provide direct reference to the impact of HIV/AIDS on children and include an article calling for clear EC policies and strategies in the delivery of its humanitarian and development aid to build and strengthen governmental, family and community capacities to provide a supportive environment for OVC and children living with HIV/AIDS. • Call for children's rights approaches to EU's development and humanitarian aid policy and delivery.
	High Rep. For CFSP/ Secretary General of European Council Secretariat	**To ensure that the protection of children's rights in the EU's partner countries is supported effectively by EU staff and officials:** • in the ESDP effort, make sure all staff have mandatory children's rights training and awareness of health and psycho-social needs of children affected by HIV/AIDS; • develop HIV/AIDS awareness, prevention and child protection training for personnel involved in humanitarian response, peacekeeping, peace support operations and wider demobilization and security sector reform strategies.
	Council Secretariat	• Assess the impact of HIV/AIDS on children and liaise with the EC on providing response to the commitments made on OVC at the UNGASS on AIDS and feed info into all relevant Council working groups: Council Working Group on Human Rights (COHOM), Council Political and Security Committee (PSC), and Committee of Permanent Representatives from EU Member States (COREPER) so that they can streamline their approach. • To address serious gaps in providing humanitarian in line with UN CRC, or urgent issues of child protection, strengthen processes at the level of CIMIC, the Council PSC (Political and Security Committee) and CIVCOM (the Military and Security Committee) involving relevant experts and European Commission officials.
Strengthening Structures and Mechanisms	**General Affairs Council**	• Pass resolutions to ensure that countries take swift and high-level action to ensure that their HIV/AIDS policies and programmes comply with the Declarations provisions for 2003 and involve key constituencies in this process, including people living with HIV/AIDS. • Ensure technical assistance and capacity-building to governments to strengthen their ability to achieve rights commitments.
	High Rep. For CFSP/ Secretary General	• Ensure that all existing commitments to the rights and needs of OVC are addressed in all human rights dialogue.

SIMULTANEOUS ACTION	EUROPEAN COUNCIL	POLICY DECISION-MAKING & POLITICAL ACTION
Building constituencies of support	General	• Encourage ACP-EU Ministerial Group and relevant working groups to ensure sufficient focus on children, especially OVC in all EDF projects. • Ensure effective liaison with UN, the World Bank and other multilateral agencies with a view to creating a greater constituency between all multilateral bodies on children's rights issues, especially issues related to OVC. • Uphold CRC and UNGASS on HIV/AIDS Declaration in international meetings, including UN meetings, global summits, etc.
	Presidencies	• Use the Presidency Troika to highlight the plight of OVC as a priority in discussions with Third Countries on their National Plans for OVC to be drafted by 2005, on the Declaration made at the UNGASS on AIDS. • Host an international conference on OVC to support the endorsement and implementation of the *'Framework for the Protection, Care and Support of Orphans and Vulnerable Children Living in a World with HIV and AIDS (http://www.unicef.org/aids/Framework_English.pdf)*.
	General Affairs Council	• In resolutions and Council Conclusions, uphold the AU and encourage this as a potentially effective platform for monitoring and evaluations of regional and national HIV/AIDS responses.
	High Rep. For CFSP/ Secretary General	• High Representative to use political demarches and diplomatic meetings to highlight the link between HIV/AIDS and conflict. • Early warning task force to assess impact of the epidemic on children and produce reports on the impact of this on the security of the country/region. • High Representative to use as many political demarches and diplomatic meetings as possible to highlight the importance of combating HIV/AIDS and the effects it has on children.

Appendix 1:
SIDA policy on child rights in development cooperation based on the four principles of the UNCRC

CRC core principle	SIDA comments[44]	SIDA: an analysis of the impact on children based on the four main principles of the CRC[45]	Key questions which apply to all stages of child rights programming (SCA)[46]
The best interests of the child	"Programmes of development cooperation should: • give the 'best interests of the child' priority based on an assessment of the consequences of the support for the children; • make child impact assessments."	"Which criteria have been used to ensure that the solution selected is 'in the best interests of the child'? If the solution is not in the best interest of the child, what alternative solutions are available?"	• What is the vision of the best situation / interest for children in the particular area of intervention? • How and by whom has this vision been defined? What are the underlying assumptions? • What have girls and boys contributed to the development of this vision? Is the best interest of girls and boys being fully considered during project planning and implementation? • Is it possible that there might be negative effects for any groups of children / child (within or outside the target group)? Is the best interest for each individual child sought? • How is the budget allocated? Is it in the best interest of all children in the target group? • Is there a plan to lobby the government and other actors to undertake gender and child / impact analysis before taking decisions, passing new laws, etc.? • Did the principle of the best interest if the child remain paramount during project implementation? • What other interests were involved and how ere conflicts resolved?
Non-discrimination	"Programmes of development cooperation should: • contribute to changing attitudes and values leading to discrimination against children and to violation of their rights, as well as to discrimination against various groups of children (in the legal system, public health and medical services, and education etc.); • contribute to ensuring that legislation and legal practices give all children the	"Has the project similar consequences for all children or does it contribute to discrimination against certain groups? Does it contribute to a situation in which those children who are discriminated against are given the same opportunities as other children? What are the effects on girls and boys respectively, school children and working children respectively? Etc."	• Are statistics and information disaggregated by sex, disability, class, ethnicity, etc.? • Is the project / programme likely to benefit boys and girls from different social identities/groups in different ways? If yes, how? Doe it have an inclusive approach ensuring full participation and access for all? Are empowering strategies included? • Will the project address discrimination? (age, disability, sex, ethnicity, class, HIV/AIDS status etc.)? Think about attitudes, practices, laws and policies. • Does the project / programme aim to provide one group of children with rights not enjoyed by other groups of children? If so, is it appropriate? • Is there a plan to lobby the government and other actors to mobilise resources

[44] *SIDA (2000) The Rights of the Child in Swedish Development Cooperation, pp. 6-7.*
[45] *Ibid, p.59.*
[46] *International Save the Children Alliance (2002) Child Rights Programming: How to Apply a Rights Approach in Programming, pp. 36-38.*

CRC core principle	SIDA comments	SIDA: an analysis of the impact on children based on the four main principles of the CRC	Key questions which apply to all stages of child rights programming (SCA)
	same rights and that discriminated children are included in programmes and, where necessary, are given support; • strengthen the legal rights and the protection of children against abuse and exploitation."		in order to prevent and combat discrimination and stereotypes? Does this plan include lobbying governments to provide information (in relation to budgeting, spending and impact) disaggregated by sex, class, age, etc.? • Which were the issues of difference and discrimination within the target group and between the group and other children – and how were these dealt with? • Has the project / programme preserved stereotypes and traditional gender roles or has it promoted a change? • Have those girls and boys with less power become empowered? • Has a gender analysis been made?
Right to life, survival and development	"Programmes of development cooperation should: • contribute to developing economic, social and political structures which enable communities and parents to guarantee the fundamental needs of children; • contribute to implementing free and compulsory primary education for all children and providing access to further general education and vocational training; • contribute to ensuring that the living conditions and environment of children are not harmful to their health and that children have access to public health and medical services and rehabilitation; • support programmes which increase access to resources and job opportunities for poor young people and families;	"Does the project improve the child's actual and felt security and the child's possibilities for survival and development? Have the rights of the child been given priority in both the national budget and the development cooperation budget?"	• Does the programme address different survival and development needs for all boys and girls? Are measures taken to prevent and address different forms of neglect, violence, abuse and exploitation? • Is a multi-sectoral approach taken in order to address and strengthen physical, cognitive, emotional, social, cultural and spiritual development of the boys and girls concerned? • Are children's evolving capacities recognised? Are parents and the extended family recognised as primary care givers? • Are there any possible negative consequences for different groups of boys and girls in relation to survival and development? • Is there a plan to lobby the government and other actors to allocate the maximum amount of resources for the survival and development of all children? Are statistics in relation to education and health, for example, disaggregated (age, gender, disability, etc.?) Are indicators on quantity and quality provided over time (in order to measure impact)? • What was the impact (direct and indirect) of the project on survival and development?

CRC core principle	SIDA comments	SIDA: an analysis of the impact on children based on the four main principles of the CRC	Key questions which apply to all stages of child rights programming (SCA)
	• support the development and introduction of labour legislation which protects children from economic exploitation and hazardous work and which regulates minimum ages, working conditions and working hours; • create the space and opportunity for creative play and recreational ctivities."		
Participation	"Development cooperation should: • contribute to changing attitudes towards girls and boys in accordance with the understanding of childhood and vision of the CRC; • make children visible as partners in society; • develop and strengthen opportunities for children and young people to participate in the planning and decision-making which affect their lives (education, health care, rural development, housing, job opportunities etc.); - support education programmes on children and child rights in society and in the democratic structures; - include the expectation and experience of children and young people in planning and decision-making."	"Have the children's own experience and opinions been included in the planning? Will the project contribute to facilitating the participation of children in the future?"	• Are the views of boys and girls being incorporated in all stages of programming, identification, planning, design, implementation and evaluation? • Are the views of different groups of girls and boys being taken into consideration and given equal weight? Is relevant and accessible information being provided? Are the evolving capacities of the children concerned being respected? • Are any special measures being taken, so that all children are encouraged to participate? What kind of support is provided in order to help girls and boys to develop their capacity to make informed choices? • Are government and other actors being lobbied to take children's views into consideration on any matters that affect them? Are children provided with relevant information in a form they can understand? • How were the views of boys and girls involved sought during the planning and implementation of the project and what actions were taken as a result of these views?

Appendix 2:
SIDA priorities for cooperation and support in a child right's perspective[47]

Specific areas of development cooperation	Key (human rights) issues	SIDA priorities for cooperation and support in a child right's perspective
4.1 Human Rights and democracy	• The right to an identity • The right to participate and to exert an influence • Education in human rights and children's rights • Follow-up process • The ombudsman function	• Changes in attitudes towards girls and boys in accordance with the attitudes and vision of the CRC; • Changes in attitudes / values to reduce discrimination against children and violations of their rights, as well as discrimination against individual groups of children; • Education on children and children's rights in the democratic structures; • Development of systems for the registration of births, for the issuing of identity papers and for the regulation of citizenship; • Education and training in the rights of the child for the police force and agencies involved in the administration of justice; • Review and revision of legislation in order to integrate child rights, and a review of systems and routines for taking young offenders into custody; • The work of the countries with the reporting process, data collection and data processing.
4.2 Public administration	• Statistics • Central and local administration	• Training of local politicians and decision-makers in children and child rights; • Training and methods development to increase the opportunities for children to participate in the planning and decision-making processes affecting their lives; • Development of systems and structures necessary for the state to fulfil its commitments towards children in accordance with the CRC (Article 4); • Impact analyses of planning and budgeting based on the fundamental principles of the CRC; • Collection, analysis and presentation of statistics broken down by sex and age.
4.3 The health sector	• Maternity care and child care • The health of teenagers • Infectious diseases and accidents • HIV/AIDS • Health reforms • Tobacco and drug use • Physical and psycho-social rehabilitation	• Support to maternal and child health care, and contraceptives available to all; • Information on nutrition, hygiene and accident prevention; • Programmes for the sexual and reproductive health of teenagers; • Health care for older children; • Information and international cooperation to reduce the use of tobacco, alcohol and drugs; • Rehabilitation of children with disabilities and children suffering from psycho-social ill-health; • Cooperation across sector boundaries for accident prevention, access to food, and environmental issues.

[47] Based on Chapter 4 of SIDA (2000) The Rights of the Child in Swedish Development Cooperation, pp. 22-49.

Specific areas of development cooperation	Key (human rights) issues	SIDA priorities for cooperation and support in a child right's perspective
4.4 Education	• Free basic education • The content of education • Democracy in the school • Children with special needs • Discipline in school	• Extending the education system so that all children have free and compulsory access to primary education and access to further education; • Development of curricula, textbooks and teaching methods in order to integrate the intentions of the CRC in school education; • Education in human rights and development of a democratic culture in the school; • Teacher training based on the demands the CRC imposes on teaching and education; • Alternative education programmes in the regular school for children who, for various reasons, have difficulties to participate; • Efforts to integrate, wherever possible, disabled children in the school; • Development of programmes of psycho-social support for children with distressing experiences in cooperation with the health services; • Promotion of a change in attitude among teachers and parents towards humiliating disciplinary action and of the prohibition of degrading forms of punishment, for example, corporal punishment.
4.5 Culture and the media	• Cultural and artistic life • Rest, play and leisure • Ethnic, religious and linguistic minorities • Information and the media	• Development of children's libraries, production and dissemination of children's books; • Support for theatrical, musical and artistic activities for and with children, possible as part of work for peace or psycho-social rehabilitation; • Development of creative leisure and play environments for children; • Training of journalists in children and the CRC, in particular the right of the child to integrity; • Opportunities for children to acquire information and to spread information themselves via the media; • Production in the media of information material on the CRC; • Information on environmental risks and protection.
4.6 Rural development	• Social services • New roles and values • The work of children	• Support to enable children to participate in the development of society; • Expansion of primary education and vocational education; • Expansion of social services and communications; • Job opportunities for young people and the regulation of working conditions and wages for workers under 18 years of age.

Specific areas of development cooperation	Key (human rights) issues	SIDA priorities for cooperation and support in a child right's perspective
4.7 Agriculture, forestry and fisheries	• The role of children • Accidents and health risks	• Support for the visibility and participation of children in the development of society; • Expansion of relevant and meaningful primary education and vocational training; • Information and actions to protect children from injuries and risks; • Job opportunities for young people and the regulation of working conditions and wages for workers under 18 years of age; • Environmental impact assessments from a child rights perspective.
4.8 Water issues	• Water as a basic resource • Risk of accidents and health risks • Information and knowledge	• Extension of water and sanitation systems in towns and densely populated areas; • Information and education on hygiene and sanitation; • Programmes for accident prevention; • Methods and models for the sustainable use of water resources.
4.9 Environmental issues		• Support for the visibility and participation of children in the development of society; • Expansion of relevant and meaningful primary education and vocational training; • Information and actions to protect children from injuries and risks; • Job opportunities for young people and the regulation of working conditions and wages for workers under 18 years of age; • Environmental impact assessments from a child rights perspective.
4.10 Urbanisation	• Housing and infrastructure • The street – a place for work and leisure • Children on the street	• Participation of children in the planning of housing environments and infrastructure; • Planning of a safe and creative outdoor environment for children; • Development of social services, access to schools and health care; • Development of public communications also adapted to the needs and situation of children; • Job opportunities for young people and the regulation of working conditions and wages for workers under 18 years of age.

Specific areas of development cooperation	Key (human rights) issues	SIDA priorities for cooperation and support in a child right's perspective
4.11 Infrastructure	• Social consequences • Participation of children	• Integration of the principles of the RC in the impact assessment of infrastructure projects; • Information to and dialogue with children on planned projects and their implementation; • School and health care programmes for children who accompany their parents when the construction site moves; • Job opportunities for young people and the regulation of working conditions and wages for workers under 18 years of age; • Follow-up of the situation children during and after the implementation of infrastructure projects.
4.12 Development of the business and industrial sector	• Small industries and cottage • industries • Export industry • Children and the economy	• Development of economic and political structures and reforms which enable society to and parents to • ensure that the fundamental needs of children are satisfied; • A children's appendix in the national budget; • Micro-credits for small companies; • Opportunities for poor people to save and to obtain loans which take the situation of children in to consideration; • Job opportunities for young people and the regulation of working conditions and wages for workers under 18 years of age; • Development of national legislation and regulation of the economy; • Debt write-off with an emphasis on social sectors.
4.13 Research	• Non-discrimination • The best interests of the child • The right to life, survival and development • The participation of children	• Research which includes both children and adults, girls and boys; • Research which specifically focuses on the needs and situation of different groups of children in order to increase knowledge and understanding of differences; • Research which analyses the economy and social policies from a child right's perspective.

Notes

Glossary
Bibliography

Glossary

AAC	AIDS Affected Country
ACP	Africa, Caribbean, Pacific countries
ARV	Anti-retroviral
AU	African Union
CBO	Community Based Organisations
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CIDA	Canadian International Development Agency
COHOM	Council Working Group on Human Rights
COREPER	Committee of Permanent Representatives from EU Member States
CSP	Country Strategy Paper
DAC	Development Assistance Committee
DG DEV	European Commission Directorate General for Development
DG RELEX	European Commission Directorate General for External Relations
Duty-bearers	Those with an obligation to uphold specified rights
EC	European Community
ECHO	European Union's Humanitarian Aid Office
EDF	European Development Fund
EIDHR	European Initiative for Democracy and Human Rights
EP	European Parliament
ESDP	European Security and Defence Policy
EU	European Union
EuropeAid	European Aid Cooperation Office (European Commission)
FGM	Female Genital Mutilation
GFATM	Global Fund to Fight AIDS, Tuberculosis and Malaria
HIPC	Highly Indebted Poor Countries
ICPD	International Conference on Population and Development

IQSG	Inter-service Quality Support Group
JPA	Joint Parliamentary Assembly
LDC	Least Developed Countries
LRRD	Linking Relief Rehabilitation and Development
MDGs	Millennium Development Goals
MED	Micro enterprise development
MEP	Member of the European Parliament
MoU	Memorandum of Understanding
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
NIP	National Indicative Programme
ODA	Official Development Assistance
OECD	Organisation for Economic Cooperation and Development
OVC	Children orphaned and made vulnerable by HIV/AIDS
PCM	Project Cycle Management
PLWHA	People Living With HIV/AIDS
PRSP	Poverty Reduction Strategy Paper
PSC	Political and Security Committee (European Council)
Rights-holders	Those with a claim to specified rights (or claim-holders)
SIDA	Swedish International Development Cooperation Agency
TRIPS	Trade Related aspects of Intellectual Property rights
UNCHR	United Nations Commission on Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNGASS	United Nations General Assembly Special Session
UNICEF	United Nations Children's Fund
WFFC	World Fit for Children
WTO	World Trade Organisation

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Child Rights (see Recommendations Matrix for further resources)

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