

ACCOUNTABILITY FOR CHILDREN'S RIGHTS

With special attention to social accountability and its potential to achieve results and equity for children



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ACCOUNTABILITY FOR CHILDREN'S RIGHTS

With special attention to social accountability and its potential to achieve results and equity for children

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Twenty-five years ago the Convention on the Rights of the Child (CRC) envisioned a world in which all children will survive and thrive, learn and grow, make their voices heard and reach their full potential. That powerful vision has guided our efforts and led to remarkable achievements on so many fronts. Despite the progress, we must be reminded that our work is not yet completed. With glaring disparities and inequalities growing, far too many children are left behind – think of the millions who are marginalized and excluded due to poverty, disability, gender, religion or ethnicity.

To a great extent, the world knows what it takes to reach these children with proven, cost-effective interventions for health, nutrition, education, water and sanitation, and protection. However, evidence shows that reaching the unreached requires more than technical solutions. Addressing the gaps takes collective action, not least by engaging communities, and especially children and young people, in innovative ways to identify and solve problems on their own terms.

Social accountability, that is, people-led accountability initiatives, is a powerful approach to engage communities in the planning and monitoring of policies and services. It complements the more traditional forms of accountability, generally comprising State-coordinated judicial mechanisms and institutions. Supported with various information and technology tools, social accountability mechanisms empower people, both by providing vital information regarding their rights and by amplifying their voice in public affairs. The common initiatives involve a range of instruments, including citizen reports and community scorecards, citizen budget monitoring and expenditure tracking, and using media to raise awareness and pressure governments. Social accountability can improve efficiency in extending services to marginalized populations, and this has been shown to increase opportunities for children, and thus advance equity.

The Human Rights Unit within the Programme Division of UNICEF commissioned this working paper on accountability for children's rights, and convened a two-day workshop in March 2014, bringing together social accountability researchers, practitioners and child rights experts to discuss how civil society engagement can help accelerate results for children by holding governments accountable. This paper focuses on social accountability and its potential to achieve results and equity for children, as experiences are emerging that show its benefits to governance, citizenship and development outcomes. It also outlines how social accountability can help engage children and adolescents meaningfully in matters that affect them and their communities.

We hope that this paper will advance UNICEF's and partners' understanding of how the voice, demand and capacity of communities can harness technical and proven solutions to achieve results for children.



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ACCOUNTABILITY FOR CHILDREN'S RIGHTS

With special attention to social accountability and its potential to achieve results and equity for children

We are off course because of unmet commitments, inadequate resources and a lack of focus and accountability.

United Nations Secretary-General Ban Ki-moon

Addressing inequities must be embedded throughout the post-2015 development agenda. The agenda should inspire every society to look beyond national averages, and commit to the rights of every person, female and male, young and old – no matter where they live – to have the same opportunity to live a healthy, fulfilling life. [And the agenda should enable] citizens to hold leaders and decision-makers accountable for doing so.

Anthony Lake, UNICEF Executive Director

ACCOUNTABILITY IN THE POST-2015 DEVELOPMENT AGENDA

The post-2015 development agenda has sparked wide-ranging, multifaceted and passionate discussion, but central to all stakeholders is the demand for much greater accountability of States to their citizens, of global institutions to States, of wealthy countries to poorer countries and of this generation to the next generation. This demand surfaced repeatedly among the million-strong ordinary citizens who participated in the 'World We Want' consultations for the post-2015 agenda. Behind this call for accountability is the collective realization that both expanding human agency and dignity, as well as increasing economic growth, is the central purpose of development; as such, men, women and children have a right to voice and demand fulfilment of their claims. In the case of children, fulfilment of their rights is an obligation not only of the State, but of the community and the family, who collectively have a duty to children in both public and private realms.

This paper aims to develop an accountability framework that clarifies the concept, mechanisms and instruments of accountability to rights holders, while examining how one particular type of accountability, social accountability, can help advance the equal rights of children in development programmes. Social, or citizen-led, accountability initiatives that engage ordinary

citizens, including children themselves, and/or civil society organisations, has particular relevance for advancing the realization of child rights in view of its potential for reducing corruption, improving service quality and increasing empowerment (McGee and Gaventa, 2010, p. 21). As social accountability is a mechanism that helps remove barriers to service access and quality, it can serve to extend the opportunities for rights-fulfilling services to groups of children and families who may otherwise have been excluded, and thus it can advance equity. Through social accountability initiatives, rights holders can also monitor the implementation of laws, policies and budgets and generate a demand for improvements in the enabling environment.

After a brief conceptual introduction to formal and informal accountability and its components, this paper will present the purpose, mechanisms, instruments and activities of social accountability, and relate them to the current state of knowledge on the impact of social accountability for children's rights. It has been informed by a review of some of the latest literature on accountability, and by the presentations, practice and discussions of an eclectic group of experts brought together by UNICEF at a meeting in London in early March 2014.¹

WHAT DO WE MEAN BY ACCOUNTABILITY?

A cornerstone of human rights law is accountability, or in its simplest terms, the ability to make certain that those charged with protecting and fulfilling child rights actually do what they are supposed to do, and if they do not or cannot, that children and their representatives have some recourse. Accountability is both a mechanism and a process by which government and private actors are required to demonstrate,

explain and justify how they have fulfilled their obligations to realize children's rights, while children and their representatives are given the opportunity to understand how these duty bearers have (or have not) discharged their responsibilities (adapted from Potts, 2008, p. 13), and to decide, given that information, what action they want to take to claim their rights. For the accountability process to function, there need

¹ The March 2014 meeting 'Rights in Principle and Accountable in Practice: Child rights and social accountability in the post-2015 world' gathered international child rights experts, special rapporteurs, UN and NGO development practitioners and academic researchers to explore social accountability's potential to accelerate the realization of children's rights and improve development outcomes; the meeting also highlighted the importance of ensuring that accountability for realizing child rights is firmly embedded in the post-2015 agenda.

to be a set of standards that those responsible are expected to meet, indicators against which performance is measured, and monitoring to produce data that assesses performance against standards. The data can be produced by governments themselves or by citizen groups, but to serve the purpose of advancing equity, this data needs to be disaggregated and of high quality. Quantitative data can usefully be contextualized using qualitative data that, for example, reveal children's perceptions and community attitudes relevant to non-discrimination, which may have relevance to the disaggregated quantitative data. As such, the global demand for accountability entails a revolution in the generation, analysis and use of data (UNDG, 2013, p. v).

An effective accountability process also requires that remedies or sanctions exist, so there are consequences when duties are not fulfilled or standards are not met, and citizens' claims are honoured. In formal terms, the four elements of the accountability relationship (Joshi, 2010, p. 2) are:

1. setting **standards** of performance and indicators to measure it,
2. obtaining **information** about action taken to meet those standards,
3. making **judgements** about the adequacy of actions measured against standards, and
4. imposing **sanctions** for unsatisfactory performance.

The independent Expert Review Group on Information and Accountability for Women's and Children's Health (iERG)² has combined the first two of the above four elements, so that its accountability framework consists of (a) monitoring and data, (b) independent performance review and (c) remedy and continuous improvement (iERG, 2013, p. 8). However, for the purposes of this paper, four elements of accountability will be used, given that the element of identifying both an agreed-upon standard of performance and the indicators to measure the standard is sufficiently important to merit

being separated from the element of obtaining information about that performance via monitoring and data.

Types of remedies will be explored later in this paper, but their effectiveness in achieving results for children also depends on the participation of children themselves and of their representatives in *using* the information produced. A discussion on citizens' roles in implementing a law on the right to information, which could apply to any law for the implementation of child rights, pointed out that:

Not all the burden [of accountability] lies with government: citizens, civil society and community organisations, media, and the private sector must take responsibility for monitoring government efforts and using the law. Without an adequately developed demand side, the law is likely to wither on the vine. (Calland and Neuman, 2007, p. 3).

There are two faces to the accountability coin: on one face of the coin, the State or duty bearer *supplies* an enabling environment, social services and transparent processes for realizing child rights, and on the other face, children, citizens or rights holders *demand*, are engaged in and participate in ensuring that the supply effectively meets the established standard. In the absence of demand, citizen participation and engagement, even the best possible supply of services to protect and fulfil children's rights will not manage to produce the ambitious child survival and development outcomes to which the international community is committed through the Millennium Development Goals (MDGs), the post-2015 agenda and the implementation of the Convention on the Rights of the Child (CRC).

Strengthening accountability helps close the gap between the supply of services and equitable outcomes for children, as it bolsters the demand side of the equation; by empowering children, their representatives and citizen groups with information to demand and obtain the services they have a right to expect, accountability shifts the balance toward greater equity in opportunities.

² The iERG was established in 2011 after the publication of the Commission on Information and Accountability's final report. This Commission was created by the World Health Organization (WHO) at the request of the UN Secretary-General to accelerate progress on his Global Strategy for Women's and Children's Health. The purpose of the iERG is to assess the extent to which stakeholders honour their commitments to the Global Strategy and, among other responsibilities, to make recommendations to improve the effectiveness of the accountability framework developed by the Commission (WHO, 2014).

TYPES, ROLES AND INSTRUMENTS OF ACCOUNTABILITY FOR CHILDREN'S RIGHTS

There are several types of interrelated accountability mechanisms. The realm of formal accountability consists of four types, each with different time-frames and capacity for enforcement: judicial accountability, quasi-judicial accountability, political accountability and administrative accountability (OHCHR & CESR, 2013, p. v). The primary informal mechanism is social accountability, which, in addition to generally having the shortest time-frame from measuring performance to remedy, is also closest to oversight of service delivery and demand.

Quasi-judicial accountability at the international level: UN treaty bodies, the Human Rights Council, special rapporteurs, international and regional courts

Through individual complaint mechanisms, certain regional courts and human rights treaty bodies can render recommendations, decisions and judgements that are quasi-judicial; even though these bodies have no power of international legal enforcement, States parties that ratify the relevant international conventions, including human rights conventions, commit themselves to act on the judgements of the corresponding international body. For example, Article 25 of the UN Charter states, "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter," while the American Convention on Human Rights stipulates in Article 62 that "upon deposition its instrument of ratification ... it [the State party] recognizes as binding *ipso facto* the jurisdiction of the court on all matters relating to the interpretation or application to the Convention." Security Council resolutions (for example, pursuant to 1612 reports), rulings of the International Court of Justice and of regional courts such as the Inter-American Court of Human Rights, fall within this category of quasi-judicial accountability. Through the Third Optional Protocol to the CRC on a communications procedure, children will have access to an individual complaint mechanism and to accountability from States parties that have been found to violate the rights of an individual child or group of children.



International human rights law is binding when States parties, particularly those of the common law tradition, have incorporated treaty provisions into national legislation. In those operating under the civil law system, the process is less stringent: treaties generally have the force of law upon ratification or publication in an official gazette. International treaty bodies charged with monitoring national compliance with the CRC, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD) or other human rights instruments, while not having the capacity for enforcement, do have the responsibility for broad oversight of States parties' actions, and for making recommendations for improvement in meeting the provisions of the treaty. The reporting process on progress in meeting obligations that flow from the CRC and other treaties shines a light on governments' performance and allows civil society to demand that the Committee's recommendations be implemented; these demands can motivate new laws and policies. Indeed, of the 70 States that

have enacted consolidated children's statutes as part of their commitment to harmonize national legislation with the CRC, 12 implemented these codes in response to an express recommendation by the Committee on the Rights of the Child (CRC Committee) (UNICEF, 2009, p. 26).

The Human Rights Council, although also without enforcement capacity, provides a degree of international political accountability through the Universal Peer Review process, but also through the work of the special procedures whom the Council appoints. These procedures – e.g., rapporteurs and independent experts – draw attention to particular challenges a State may face in realizing the human rights of people under its jurisdiction; their recommendations increase the answerability of States to their citizens (& CESR, 2103, p. 49). Recommendations of human rights treaty bodies, special procedure mandate holders and the Human Rights Council's Universal Periodic Review mechanism, though not enforceable, strengthen the efforts of civil society to defend and advance universal rights. By providing guidance on the expected standards of performance, these recommendations serve to reinforce the claims of rights holders and offer a framework against which civil society can monitor State performance and make accountability claims through social audits, scorecards, media pressure and, ultimately, alternative reports.

Other forms of international accountability that operate not through enforcement, but through civil society and media pressure, are international scorecards, such as the United Nations Development Programme's (UNDP's) Human Development Index or the African Child Policy Forum's Child Friendliness Index (which provides a composite measure of African governments' commitment to children and their performance in realizing child well-being). A country's relative ranking in these indices can mobilize domestic demands, through media and civil society, for the government to explain and answer for a poor showing, or reward/recognize those that have done well and encourage further action. As will be discussed later, indices and scorecards are instruments of social accountability, which can be used at the international, national, local and community levels.

Quasi-judicial accountability at the national level: National human rights institutions, ombuds offices for children

National human rights institutions are, broadly speaking, independent bodies established and funded by governments (usually through a legislative act) for the specific purpose of advancing and defending human rights (Pohjlainen, 2006, p. 6). Since the 1990s, more than 70 countries have established independent human rights institutions for children (IHRIC), also known as ombudsperson, *defenseur* or *procuraduria* for children, which independently monitor, promote and protect children's rights:

Their role is to monitor actions of government and other entities, advance the realization of children's rights, receive complaints, provide remedies for violations and offer space for dialogue about children and society and between children and the State ... filling gaps in checks and balances and as direct accountability mechanisms. (UNICEF Office of Research, 2012, p. 5).

They very often exercise 'soft power' through social accountability instruments (see below), but their public yet independent status gives them the power to serve as a bridge between the government and civil society (UNICEF Office of Research, 2012, p. 10) and thus to effect change in both legislation and policy. Although IHRIC are public institutions, they also do not have enforcement capacity, but rather work alongside children and their advocates to ensure accountability for respecting the rights and best interests of individual children and groups of children, particularly the most marginalized. IHRIC are active in monitoring the implementation of the CRC Committee's recommendations. For example, in 2011, Panama's IHRIC set up an Observatory of the Rights of Children and Adolescents for ongoing follow-up of the CRC Committee and other UN treaty bodies (Defensoría del Pueblo de Panama, Annual Report, 2011, p. 92). Because of their close connection with the CRC Committee, IHRIC are foreseen to be the primary domestic link supporting access to the international communications procedure, or accountability mechanism, established under the CRC's Third Optional Protocol to investigate violations of the

rights of individual children or groups of children (UNICEF Office of Research, 2012, p. 29). IHRIC have several quasi-judicial functions both within the country and, at an international level, between the country and the CRC Committee.

Legal and judicial accountability

Legal accountability can be exercised when constitutional provisions enshrine children's rights, like the right to non-discrimination or the right to health; when binding legislation implements the provisions of the CRC and other relevant international conventions; or when laws establish a standard of rights fulfilment (e.g., compulsory education until age 16 for both boys and girls, free and universal birth registration, iodization of all salt, a total ban on corporal punishment in schools). With the existence of a law comes the right to demand its enforcement through mechanisms of judicial accountability. Children, their representatives and citizen groups have recourse to the courts if the State fails to enforce its own laws and, through litigation, can obtain redress for the violations that resulted, whether this occurred in the public sphere (e.g., failure to protect street children from arbitrary detention) or the private sphere (e.g., failure of parents to provide financial support to the child). Redress can take several forms, as will be discussed in the section on remedies, but the establishment of a human right and a standard in national law provides a guarantee that, notwithstanding any obstacles due to capacity or other governance deficits, those rights and standards are recognized and enforceable by the courts, the police, victim support units and, in some countries, social welfare services empowered to recognize and, on behalf of a child, seek redress for abuse. Law and the judiciary have a unique power in accountability for child rights realization, but to

use that power, rights holders need information (about the law, its application and the operation of the judiciary), and citizens need to be engaged in monitoring implementation and presenting cases to the courts. The complexity of preparing a court case and the time needed to successfully pursue legal remedies for realizing children's rights may present a practical barrier to effective use of judicial accountability by children and their representatives.

Political accountability

Political accountability is primarily exercised through periodic elections that, if free and fair, allow citizens to participate in shaping laws and policies by voting for political representatives whose platform best appeals to them, and by voting against politicians who may not have kept commitments they made in past elections or who in other ways may have violated the public trust. The length of time between elections, and the uneven say of citizens in the selection of candidates, means that elections are what the World Bank calls a "blunt instrument" of accountability (World Bank, 2007, p. 5). When these blunt instruments fail to function on behalf of society, the population's demand for genuine accountability in the respect of their rights can be sudden and dramatic, as during the Arab Spring.

Parliamentary committees are another, more timely and responsive form of political accountability, and serve both to hold the executive to account and to implement laws, budgets and policies that are themselves instruments of accountability; such committees are sensitive to public and media pressure for influence and change. Through hearings, investigations and reports, parliamentary committees exercise oversight of State and private actors' responsibility for the protection and realization of human rights and other essential

ZAMBIA Community complaint mechanism

In Zambia, the National Water and Sanitation Council (NWASCO) is attempting to heighten its presence in low-income areas serviced by water utilities, while promoting non-adversarial conflict resolution between consumers and service providers. To that end, it has created a number of Water Watch Groups (WWGs) throughout the country. Made up of water users, WWGs are voluntary associations that monitor the effects of national policies at the local level, as well as water quality, interruption of service, and billing, on behalf of the Council. However, their primary function is to foster dialogue between

consumers and service providers by following up on consumer complaints and even acting as arbitrators in ongoing conflicts. In cases where the WWGs fail to resolve the dispute, they refer the matter to NWASCO, which assesses the complaint and, if necessary, either penalizes the service provider or publicizes the infraction. WWGs succeeded in managing over 50,000 complaints between 2004 and 2005 alone, and reports indicate a much improved relationship between service providers and consumers. (Source: de Albuquerque, 2013, p. 195).

functions. As such, parliamentary committees are in a position to hold government and private actors (such as health service providers) to account by sanctioning malfeasance or voting new laws (OHCHR/CESR, 2013, p. 37).

At the local level, elected officials in municipalities are held to account through local scorecards or public hearings, where citizens can complain to the mayor and the town council about unmet standards of service and other local issues. Their grievances can be resolved – as the local authorities are present and, presumably, vulnerable to community pressure (Ramajrishnan & Mertenskoetter, 2013, p. 33). Although they may have a basis in law, public hearings depend on civic engagement to function, and are thus also a form of social accountability.

Administrative, or horizontal accountability

All States have internal mechanisms of accountability, to make certain that standards of fiscal management and public service are maintained. In the accountability literature, this internal administrative accountability is referred to as horizontal accountability, as it is a mechanism that operates checks and balances across State institutions. (In contrast, vertical accountability refers to accountability mechanisms that are external to the State and usually citizen-led). Forms of administrative or horizontal accountability are **(a) political** – the constitutional separation of powers between the executive and legislative branches; **(b) fiscal** – auditing of government expenditures, formally established budgeting and accounting procedures; **(c) administrative** – public service codes of conduct, rules and procedures of transparency and public oversight, reporting hierarchies within ministries; and **(d) legal** – the judiciary, corruption control agencies, and ombudspersons (adapted from World Bank, 2007, p. 6). Although administrative accountability does not get much prominence within the human rights framework,

The quality of administrative supervision within institutions is probably the most powerful determinant of their performance. No amount of external monitoring is likely to improve the performance of institutions or public officials if their internal systems of control are dysfunctional or corrupt. (OHCHR & CESR, 2013, p. 37).

Social accountability

The engagement of citizen groups, children and their representatives in overseeing government conduct is the central feature of social accountability:

Social accountability can be defined as an approach towards building accountability that relies on civic engagement, i.e., in which it is ordinary citizens and/or civil society organisations who participate directly or indirectly in exacting accountability. Mechanisms of social accountability can be initiated and supported by the state, citizens or both, but very often they are demand-driven and operate from the bottom-up. (Malena, Forster & Singh, 2004, p. 3).

Driven by demand and functioning between the State and the citizenry, social accountability is a form of vertical accountability. Although social accountability initiatives have been used most extensively to improve service delivery, such initiatives are also used in budget and expenditure monitoring, and in monitoring freedom of information, environmental governance and aid transparency (McGee & Gaventa, 2010, p. 3). Social accountability initiatives aim to improve the quality of governance (especially by exposing corruption), to increase the effectiveness of development (particularly by enhancing transparency in the delivery of public services) and to empower poor people with information about their rights and increase their voice in the management of public affairs (Malena,

COLOMBIA Social accountability accompanying legal reform

The Child Code of Colombia has a unique provision, Article 2004, which establishes not only that “public policy in favor of children and adolescents is the responsibility of authorities at the national, departmental, district and municipal levels,” but also that these authorities are accountable to the public, and the non-fulfillment of this duty would be subject to disciplinary action for “bad conduct.” Under the Colombian governance system, the attorney general has the power to suspend the elected governors, if they do not fulfill their legal obligation as established by the Child Code. Article 2004 goes on to stipulate that local governments also have to allocate the budget needed to implement the policies and plans they developed for children and adolescents. Adherence to this law is monitored through annual public hearings, at which governors present their plans and budgets for realizing the rights of children in their provinces, and listen to a critique from civil society, including from adolescent groups, prior to a review by the attorney general’s office. (Source: Author’s mission notes, 2005).

Forster & Singh, 2004, in McGee and Gaventa, 2011, p. 13). By shifting power from the State to the people, especially to poor people and marginalized children, social accountability has the potential to advance equity.

As mentioned above, forms of social accountability accompany legal and judicial, quasi-judicial and political accountability, and contribute to an enabling environment for the realization of children's rights through children's parliaments, citizen and civil society organization (CSO) participation in budget monitoring, monitoring of government action on treaty body recommendations, and on legal or policy reforms for children.

Social accountability, when applied at the local level, is an effective means for "making services work for poor people" (World Bank, 2003) through community monitoring and reporting on the quality of services, with a view to improving their effectiveness in achieving intended results. Social accountability tends to be used in areas of precarious statehood, because formal structures of governance are inadequate.

However, living in a weak State exposes people making accountability claims to heightened challenges of physical insecurity, elite capture and weak administrative capacity, all further complicated by a lack of community trust and the constraining effects of poverty (de Albuquerque, 2014, London Remarks). Planning and support for social accountability thus needs to take these challenges into account.

Social accountability at the local level serves to address the service supply and demand determinants of child rights outcomes and is also consistent with the obligation that, to fulfil child rights, services must be:

- **available** in sufficient quantity for all children in the country;
- **accessible**, physically, financially and without discrimination, including by providing essential information in an accessible language;
- **acceptable**, culturally and ethically;
- **with good quality** treatments, training, equipment and care (CRC General Comment 15, paras. 112–116).

NEPAL Governance reform and social accountability for children's rights

The Nepalese Government legislated for decentralized governance through the Local Self-Governance Act of 1999. Building on a strong foundation of civic engagement through a plethora of community networks, this legislation platform was an important window of opportunity that advanced discussions with Government on strengthening social accountability for children's rights, resulting in the Child-Friendly Local Governance (CFLG) initiative led by the Ministry of Federal Affairs and Local Development (MOFALD).

Building on efforts to improve the capacity of 15,000 children's clubs across the country, Bal Bhelas or children's consultations have been mainstreamed in the Government's largest decentralized and local governance programme, the Local Governance and Community Development Program (LGCDP), and they occur prior to the local government annual planning processes. These consultations, informed by the results of participatory tools (visioning and risk mapping) similar to community scorecards, and by budget monitoring, culminate in public hearings at which the children's clubs present their recommendations to the local government. These have a real impact in village, district and municipal budgets, supported by a national policy decision that 10–15 per cent of the local capital block grant budget must be dedicated to children, especially the most marginalized. To ensure that the children's clubs and consultations are inclusive, the local bodies give attention to avoiding elite capture, and to ensuring that the most disadvantaged children are represented. Because

children are involved in essentially political processes, great care is taken to protect them from being exposed to security risks that may occur as a result of their participation.

The CFLG process has enhanced coordination and collaboration among sectoral line agencies, local associations, civil society and development partners on child rights issues and has provided a forum for sectoral convergence. Out of the 23 districts in which UNICEF Nepal promoted social accountability investments during 2008–2012, five have elevated their Human Development Index (HDI) to a point where UNICEF's focused support is no longer required, and annual monitoring continues to register increasing district level HDIs. Four other districts have made significant HDI progress and will soon no longer require intensive UNICEF assistance.

Boosted by demonstrated success, the cabinet approved the National Strategy on Child Friendly Local Governance (CFLG) in July 2011, leading to local bodies allocating over US\$ 48 million per year of the Government's own funding to disadvantaged children and women across the country, with priorities informed by Bal Bhelas.

In Nepal, social accountability, in this case through children's clubs, accompanied, instigated and depended on legal and policy reforms, and on judicial and administrative accountability. (Source: Parks, W., & Pradhan, A., UNICEF Nepal, Presentation March 2014).

Social accountability depends upon and is led by citizen participation in monitoring government efforts to fulfil their human rights obligations and their stated commitments; when those efforts fall short, social accountability enables citizens to obtain recourse of some kind. Ideally, citizens and service providers work collaboratively with the shared objective of closing the gap between the supply and demand for quality services, and redressing service failures. Practitioners at the London meeting were unanimous in viewing constructive engagement with government as indispensable to achieving results from social accountability initiatives, and the preparation of public officials to receive citizen feedback, listen to children and recognize their own responsibility is also crucial. However, depending on circumstances, State actors may not always be involved in the initial stages of implementing a social accountability mechanism.

Yet some service failures, if due to corruption or to violation of the law or code of conduct for public servants, cannot be addressed by collaboration alone. For that reason, social accountability has been found to have more impact when recourse for performance failures is tied to systems of formal judicial or administrative accountability (Joshi, 2010, p. 12; OHCHR & CESR, 2013, p. 45; McGee and Gaventa, 2011, p. 23). Some believe that social accountability best achieves its impact when civil society is able to create alliances and leverage the power of horizontal accountability actors, or internal reformers in the legislative, judicial or executive branches (Fox, 2008, in McGee and Gaventa, 2011). Stated otherwise, accountability can be achieved when a coalition of pro-accountability forces across the State-society divide act to offset anti-accountability forces, which are also linked across the State-society divide (Fox, 2014).

Social accountability and children's participation

In ratifying the CRC, States become accountable to fulfil children's rights, including the right of children to be heard and to participate in decisions that affect them. Yet because of their political, cultural and social status, children are precluded from direct participation in many public processes of accountability. Thus, unlike women, the poor and other marginalized groups who participate as social change agents, children are not yet autonomous and must count on

adults as intermediaries. Child-responsive social accountability thus "faces a compounded challenge because it relies on redrawing two layers of unequal relationships: between children and adults, and between state and society" (UNICEF Office of Research, 2013, p. 22). As children may be invisible and powerless without active efforts to make a space in which they can be heard, they cannot be considered synonymous with 'community' when planning child-sensitive social accountability. Moreover, the community's own social norms may prevent children from realizing their rights, notably their rights to equality, protection and participation. Thus, children's intermediaries must have the vision to confront community norms, where that is an issue, and they need to be counted on to both develop children's capacity to participate, and to protect them from any risks to which participation in social accountability initiatives may expose them. Consultation with children in social accountability processes thus serves as a proxy for their direct involvement, giving them a voice, through, for example children's parliaments, school councils, municipal child councils and the like – although ensuring the voice and representation of marginalized children is challenging, as children themselves recognize. Practitioners supporting children's participation in accountability processes have an obligation not only to prepare them and protect them, but to ensure non-discrimination in selecting whose voices get to be heard. The CRC Committee's General Comment on Article 12 provides essential guidance on these obligations.

TANZANIA AND BRAZIL Local child-responsive social accountability

In Tanzania, child councils brought the needs of street children, child labourers and orphans to the attention of local government, which responded to their claims by arranging special health and education outreach for these excluded children, thereby advancing equity. In Brazil, under the Municipal Seals accreditation program, children's councils monitored and influenced municipal budgets, holding authorities accountable for allocations to priority child rights programmes. In those municipalities where children have had a role in planning and budgeting, outcomes for children have been better. For example, the neonatal mortality rate – that of children younger than two months – was reduced by 8.5 per cent, compared to the national average of only 1.6 per cent; educational enrolment and achievement were also higher in municipalities that participated in the Seal programme. (Source: UNICEF, 2012, p. 56.)

With the development of information and communication technology (ICT) to provide feedback to State service providers, the participation of children and adolescents has the potential to become direct, largely bypassing adult intermediaries. This is the case in Uganda, where UNICEF has instituted U-report to enable mass citizen participation in real-time monitoring of health and education services, via mobile phones. With 257,000 people registered, some 20,000 young people responding to each biweekly poll, and the results communicated in the media, U-report is strengthening accountability of both service providers and parliamentarians (UNICEF Uganda, 2014). Although the average age of U-report respondents is 24, it is easy to imagine, as cell phone ownership extends to younger Ugandans, that children under 18 will increasingly be able to provide direct feedback, without adult intermediaries, and expect their complaints to be answered by duty bearers. As empowering as these ICT developments are for children and young people, adults must still take steps so that they are protected from any potential backlash on the part of authorities, which may find such citizen participation threatening and react with repression, violence or both. Adult intermediaries have their role in guarding against such reactions and helping authorities see that responding to issues young people raise in their U-reports will benefit their reputation and, hence, their political aspirations (UNICEF Uganda, 2014).

Beyond the potential risks of ICT monitoring to participating children lie the more macro-level

considerations of safeguarding privacy, generating huge quantities of data with uncertain strategies for how to use it to inform mid- and long-term decisions, and keeping costly ICT systems alive when international funding stops (Sheqem, Y., 2014, London Remarks)

Children's participation in social accountability is both a right today and an investment in citizen engagement tomorrow. It generally requires adults as intermediaries to build and facilitate children's capacity to seek, analyse and use information on the performance of the duty bearer they want to monitor, and to interface with the adult world when presenting their findings and asking for and obtaining accountability. The outcomes of children's participation in social accountability may be measured differently than in the case of adults, for whom empowering participation is a means to improving services, reducing corruption or other accountability outcomes. For children, participation is an empowering exercise of their civil rights, which can be considered an end in itself. The transformation of children into active citizens may be the best outcome of their engagement in social accountability initiatives, valuable whether or not they obtain redress in rights-fulfilling services.

PHILIPPINES **Checkmyschool: Using ICT to improve education equity**

Recognizing that there was a gap between rural schools and the education authorities in transmitting information about school infrastructure needs, the NGO Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA-EAP) developed a website, www.checkmyschool.org, to improve accountability. Underserved schools can register their complaints on the website, from which the Department of Education can easily access information and mobilize the necessary remedial action. Given the 30 per cent rate of internet connectivity in the Philippines, and because rural communities may not have access to the internet or even to power, Checkmyschool mobilizes scouts and other youth to serve as 'infomediaries' to visit the schools, engage children in monitoring the quality of school infrastructure, validate any complaints, and enter the data on the

website, bridging the digital divide. The infomediaries further provide important follow-up with Government to ensure remedial action is taken in response to the registered complaint. The Checkmyschool website is also accessible to the public and the media, increasing the potential for reputational damage if the school's complaint is not addressed, but also serving to restore trust in and improve the credibility of the Government when it takes remedial action. So far this hybrid model, combining ICT with offline monitoring, has accelerated responses to complaints, liberalized access to information and achieved a 55 per cent rate of remedial action taken. Its success depends on constructive engagement between the community and the state, the active involvement of youth and the hybrid model that advances equity for rural children. (Source: Parafina, 2014).

REMEDIES: HOW ACCOUNTABILITY ACHIEVES RESULTS

As mentioned above, accountability mechanisms get their power to achieve results for children by triggering remedies to whatever accountability failures have been detected. Just as there are different, if interrelated, types of accountability, so too are there different remedies, or outcomes, for accountability demands. A given accountability claim may also result in more than one remedy, as the case of Argentina demonstrates (see box).

Redress is a remedy that achieves results by rectifying service failures or providing alternatives that lead to the same level of rights fulfilment; an example would be the reinstatement of a mobile vaccinator service that had been curtailed due to budget cuts, or the provision of transport to allow mothers to bring their children to the nearest clinic with the same schedule. Redress is also achieved when new social services are provided to populations who were previously unserved or excluded.

Sanctioning or punishment of the duty bearer responsible for the accountability failure or violation is another form of remedy. Examples include an official apology; the demotion or dismissal of the responsible public official, be it a minister or a schoolteacher; or legal action in case the violation is of a criminal nature (embezzlement, rape and other acts of violence against a rights holder).

Compensation is a form of remedy by which the State or service provider provides monetary damages for harm caused by failure to meet their responsibility. For example, compensation may be made for illnesses contracted due to lack of vaccines or essential medications, or for wrongful death in the case of street children murdered by police.

Guarantees of non-repetition are longer-term remedies that prevent future recurrences of the accountability failure. These may include new or reformed legislation (e.g., strengthening the laws against child abuse or requiring that all salt sold in the country be iodized), improved public planning and budgetary processes, additional training for

service providers, institution of new monitoring and enforcement mechanisms, and full and public disclosure of the truth (one of the functions of Truth and Reconciliation Commissions) (adapted from Ramajrishnan & Mertenskoetter, 2013, p. 3, and Potts, 2008, pp. 28–29).

All forms of accountability can produce the demands for rights realization that these remedies address. Indeed, with respect to social accountability demands, the literature documents some apparent successes in improving the enabling environment and supply of services for children. However, evidence is mixed on the scale, impact or sustainability that such informal mechanisms can have, especially for the most excluded children, when they are not connected to either judicial accountability and legal sanctions, or to mechanisms of internal State accountability (OHCHR & CESR, 2013, p. 45).

ARGENTINA Redress and guarantee of non-repetition

In 2007, in the court case *Asociación Civil por la Igualdad y la Justicia contra el Gobierno de Buenos Aires*, residents of a shantytown known as Villa 31 bis sued the government of Buenos Aires after it ceased delivering water to the community in container trucks. Citing the Committee on Economic, Social and Cultural Rights' General Comment no. 15, as well as the principles of progressive realization elaborated in the Committee's General Comment No. 3, the court recognized the right to water as a human right, arguing that it forms part of the rights to life, autonomy, human dignity, health, well-being and work. The court held that "it has been demonstrated that the right to water is an operative right that must be complied with without delay." The court ordered the city to continue providing the neighbourhood with water via container trucks, but also to begin work on expanding and improving the piped water network in that area. As of 2010, it was reported that the city had awarded a contract to begin constructing water infrastructure in the area. (Source: de Albuquerque, 2013, p. 195).

PRECONDITIONS AND ENABLING ENVIRONMENT



Functioning accountability processes are needed to plug the gap between laws and policies for children, and the outcomes children experience. For these processes to produce sustainable results for rights holders, a number of preconditions should be satisfied, the most basic being the State's respect for human rights and the social contract with its citizens, and a government commitment to ensure an enabling environment for citizens' voice and public participation in governance. This commitment can only be realized if accompanied by effective institutional arrangements for civil society and the State to work together to remedy human rights violations and service failures. An independent and active mass media is critical in helping to both publicize the reports on government performance and maintaining community pressure for remedies. Among participants at the London meeting, there was debate over the extent to which the existence of local actors advocating for

rights fulfillment is a necessary precondition to the implementation of sustainable social accountability. Ideally, international actors should support indigenous movements demanding accountability, rather than set up social accountability mechanisms that, while technically sound, are divorced from local politics and power relations. However, not all social movements are either inclusive or democratic, particularly at the community level, and not all failures of accountability should wait for mass mobilization before being rectified. Thus the existence and the power dynamics of indigenous social movements should be examined as part of the feasibility analysis for social accountability, but not be required as a precondition.

SOCIAL ACCOUNTABILITY IN PRACTICE

Mechanisms of social accountability

Social accountability operates through citizen-led, participatory mechanisms; examples include community health committees, community school management committees, WASH management committees, citizen observatories, child protection committees, child councils and budget watchdog groups. While the form of these mechanisms will be specific to each context, the job of their volunteer members is to either establish or learn the standard of performance for which providers are responsible, to gather and interpret data relevant to the standard, to judge whether performance meets the standards, to manage a set of instruments through which to make their accountability demands and, where needed, to amplify those demands through local or national media.

Capacity development

To carry out these accountability functions, participants need to be prepared for civic engagement and have their capacity developed for building networks and coalitions; collecting, analysing, using and presenting information; dialoguing and advocating with government; and campaigning for redress (UNDP, 2013, p. 4). In short, if their members are not empowered, social accountability mechanisms cannot function; to increase the potential of social accountability to advance equity for children, the capacity of marginalized members of the community, children, and their adult intermediaries must be developed, and extra measures must be taken to ensure their voices are heard.

Instruments of social accountability

There are a range of instruments that citizens participating in the mechanism employ, singly or in combination, to obtain accountability.

These include:

- Collecting, publishing and disseminating data about duty bearers' performance (community monitoring),
- Public Expenditure Tracking Surveys (PETS),
- Participatory budget formulation,
- Complaints instruments,
- Citizen report cards (which are similar to consumer satisfaction surveys and can include public opinion polls),
- Local government or community scorecards (developed with service providers, with whom the standard of performance is jointly monitored),
- Public hearings and social audits, in which reports monitoring goals and standards are publically presented and discussed with all stakeholders present.

(adapted from Joshi, 2010, pp. 9–10, Ramajrishnan & Mertenskoetter, 2013, and World Bank, 2007).

Many instruments for social accountability get their power from informal sanctions and incentives (OHCHR & CESR, 2013, p. 44), particularly public pressure, at both the national and local or community levels. Local media, including those in local languages, can be especially effective in exerting public pressure,

ZIMBABWE Children's Budget Clubs

This initiative's purpose was to increase policymakers', citizens' and budget-makers' understanding of the impact budgets have on girls and boys, to influence policy in favor of child-responsive budgeting and to influence budget allocation for orphans and vulnerable children (OVCs). Combining budget analysis instruments, community scorecards and public hearings, the initiative aimed to secure accountability

for excluded OVCs. The National Association of Non-Governmental Organizations (NANGO) facilitated the establishment of different Children's Clubs, run by children, and developed their capacity to engage with policymakers. Among the outcomes: the 2007 budget for OVCs increased by 50 per cent, and an increase in transparency and accountability was reported. (Source: Muchabaiwa, 2010, p. 124).



as officials are more likely to know the people calling them to account. Social media is another, increasingly potent form of both sharing information and increasing peer pressure, as the U-report example demonstrates. If nothing is done after rights violations and service failures are exposed, community and peer pressure threaten reputational damage. Sometimes, merely the fear of reputational damage is sufficient to achieve results, as was the case in the Mazowe district of Zimbabwe: When school authorities realized that community members were monitoring their conduct and that they would have to explain themselves, corruption in rural schools reportedly fell (OHCHR & CESR, 2013, p. 45). Public pressure is greatly amplified by an independent, active media; therefore, citizens engaged in social accountability also need support in using the media.

Evidence of social accountability's impact

Social accountability is a relatively young field in development, and the evidence of its impact on its purported purposes is mixed. In a meta-study that included an extensive literature review, McGee and Gaventa concluded that evidence of social accountability's purported impact on governance, development outcomes and empowerment is sparse and uneven, and heavily context-specific. Moreover, studies that do show impact often have not articulated a clear theory of change, making it difficult to isolate the impact of the accountability mechanism from other factors (McGee & Gaventa, 2011, pp. 18–19), including the factor of international development agencies' often indispensable role. Joshi further specifies that the overall evidence

KENYA Solid waste scorecard in Kenya

In 2005, the Kenya Alliance of Resident Associations – a consortium of stakeholders that included service providers – introduced a community scorecard on water quality, the results of which were used to promote dialogue and highlight rights holders' priorities. Rights holders were well aware of the poor quality of their water, and the scorecard process revealed that 81 per cent boiled water before consumption, and that they judged their sanitation facilities to be of poor quality. Redress for

this situation was not discussed, as “stakeholders are still analyzing the results of the scorecards” as of 2008. This is an example of how communities can lose faith in social accountability initiatives, if redress is not obtained in a timely manner. (Source: World Sanitation Program, Citizens' Report Card 2012, in Ramajrishnan & Mertenskoetter, 2013, p. 45).

suggests that social accountability initiatives score higher on effectiveness, in that they are often well implemented and reach first-order goals – people use complaint mechanisms; corruption and poor performance are exposed – but fall short of achieving an actual impact on outcomes for rights holders and often do not even improve the responsiveness of providers (Joshi, 2010, p. 6). However, others have argued that when social accountability is ‘strategic’, that is, accompanied by governance reforms that coordinate citizen voice with State capacity to respond, the initiatives are successful in improving services (although not necessarily services for the most excluded). A State-society synergy is needed for social accountability to achieve results (Fox, 2014, slides 15, 21). In addition, there is some evidence that the element of time is crucial to determining whether social accountability results in better outcomes for children, in addition to better processes. A longitudinal study of public participation in the formulation of municipal budgets in Brazil found that between 1990 and 2004, popular preferences shifted the municipal budget allocation for health and sanitation by approximately 2 percentage points, representing between 20–30 per cent of this sector’s budget share. This in turn resulted in an average reduction in infant mortality of approximately one infant for every 1,000, or between 5 and 10 per cent of the total infant mortality rate, as compared to States without participatory budgeting. However, this outcome, presumably an effect of improved sanitation and health services, was only detected after four years (Goncalves, 2013, pp. 1–2). In another meta-study, it was found that participating in the budget process had a governance effect of reducing tax evasion and improving the efficiency of public expenditure, presumably due to the increase in transparency and, hence, citizen’s confidence that their taxes would be well spent (Peixoto, 2012).

Social accountability and the private sector

With the State subcontracting so much provision of health and education services to the private sector, and with the economic power of transnational corporations, children’s rights are at risk in the absence of mechanisms to hold the private sector to account. Recent developments in corporate social responsibility allow the private sector to commit to respecting children’s rights

by, for example, adhering to guidelines set out in *Children’s Rights and Business Principles*, under which the private sector can be held accountable in the workplace, the community and the marketplace (UNICEF, The Global Compact, & Save the Children, n.d.).

While there is no legally binding instrument addressing the business sector’s responsibility to respect human rights, businesses are subject to the laws in the countries where they operate, and hence to judicial accountability, and it is up to the State to ensure that businesses operating under their jurisdiction respect child rights (CRC Committee, General Comment no. 16, para. 8). States’ jurisdiction need not be limited to their own territory:

Home States also have obligations, arising under the Convention and the Optional Protocols thereto to respect, protect and fulfil child rights in the context of businesses’ extraterritorial activities and operations, provided that there is a reasonable link between the State and the conduct concerned. (CRC Committee, General Comment no. 16, para. 43).

A reasonable link exists when a business enterprise has its centre of activity in the State

UZBEKISTAN Corporate accountability: The Cotton Campaign

Every year the government of Uzbekistan forcibly mobilizes over a million children, teachers, public servants and employees of private businesses for the manual harvesting of cotton. Children and adults are also forced to weed and prepare cotton fields in the springtime. Threats of expulsion from school keep children in the fields despite the hazardous nature of the work, and even though they receive little or no financial benefit. A coalition of NGOs have organized the Cotton Campaign, calling on the Government of Uzbekistan to curtail this practice of modern slavery, and calling on international clothing companies and their suppliers to boycott Uzbek cotton. As a result of the campaign, the Government has banned children under 15 from harvesting cotton, and some 130 companies have pledged not to buy Uzbek cotton. In addition, the Responsible Sourcing Network is holding these companies accountable by publishing a scorecard, the *Cotton Sourcing Snapshot: Survey of corporate practice to end forced labour*. A lot of work remains; of 49 companies surveyed, only five scored above 50 per cent, and for its part the Government of Uzbekistan continues to use forced labour in its cotton production. However, the pledge has given the Cotton Campaign a means for holding the private sector accountable to its commitment to keep Uzbek cotton, and forced labour, out of its supply chain. (Source: Anti-Slavery and Responsible Sourcing Network, 2013)



concerned, is registered or domiciled there or has its main place of business or substantial business activities there (Ibid., para. 42).

The private sector is subject to judicial accountability when, for example, its products are shown to have caused injury or death. But given the vast power imbalances between children and business, and the costs of litigation, a more practical means for children to secure accountability may be through company grievance mechanisms, which can provide flexible and

timely responses in children's best interests.

Social accountability demands can also be asserted through consumer boycotts, media pressure, strikes over unfair labour practices, formal consumer protection mechanisms, and scorecards. In 2014, the Global Child Forum and the Boston Consulting Group issued a baseline study, scoring over 1,000 international companies across nine actions to protect and fulfil child rights. It found that while 62 per cent of the companies have a child labour policy, only 24 per cent address other issues related to child rights. The scorecard is a first step towards developing a children's rights benchmark for the corporate sector. The ambition is to repeat the study annually in order to track progress over time in sectors and geographic areas where companies are particularly exposed to children's rights issues, such as product responsibility and safety, responsible marketing, and sexual exploitation. (Global Child Forum & BCG, 2014, p. 4).

While approaches for holding corporations and other private sector actors to account for child rights protection and fulfilment are in their infancy, the adoption of *Children's Rights and Business Principles* is spreading. An important obligation of States is to disseminate knowledge of the various ways by which children and their representatives can hold businesses accountable, through both judicial and social accountability mechanisms. As social accountability initiatives for children's rights extend into the post-2015 development agenda, so too will mechanisms for holding the private sector to account.

MALAWI Community-based monitoring of Integrated Management of Childhood Illnesses (IMCI)

With a focus on children aged 0–3 years, the community dialogue instrument (a form of community scorecard) is a key platform for implementation of community-based IMCI. A study by the Government of Malawi, UNICEF and the UK Department for International Development (DFID) observed that the instrument aimed “to maximize the enjoyment of child rights.” Community-based IMCI underlines the importance of iterative, transformative processes based on dialogue between health workers and community members. Successful implementation often requires changes in the roles of health workers and community members. Through dialogue, community health workers become more accountable for their services and more

receptive to input from the community. In turn, community members may increasingly value, and access, the services provided. The evaluation concluded that there was plausible evidence that the community dialogue tool contributed to halving Malawi's under-five mortality rate between 2000 and 2010. Not only were fewer children becoming sick or dying because families and community members were more able to provide quality care, but the community also felt empowered to demand accountability. This sense of empowerment and increased capacity helped community members fulfil their human rights responsibilities and claim their entitlements from health providers. (Source: Mhango, Mvula et al. In WHO 2013: 47-50).

CONCLUSION



As this paper aimed to demonstrate, social accountability initiatives can contribute to advancing equity for children and achieving better outcomes for children. These initiatives are a tool with which to make certain that the principle of accountability is alive in the day-to-day experience of children and their communities by creating the necessary dialogue between citizens and the State, which is needed to support sustainable change. Rather than being reactive, social accountability is about creating a culture of citizen engagement and has the potential to prevent governments from failing in delivering upon their human rights obligations.

Considering the benefits that social accountability has already demonstrated for children's rights, operational research on how best to strengthen and universalize these innovative initiatives, is critical. This research is particularly timely as the

post-2015 framework provides the opportunity - now and in the coming years - to address the implementation gap between universal children's rights and thus far inequitable results, including through addressing issues of governance, policy formulation, and service provision. The active and meaningful participation of civil society, including children themselves, would allow for transparent monitoring of progress and accountability for action. People-led monitoring, in particular, could change the dynamics of accountability and bring in new voices and ideas about what is working, where and why, and in doing so, go great lengths towards addressing the tremendous gaps in development outcomes and rights fulfillment for the poorest and most excluded, almost half of whom are children.

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