
Nepal Case

Creating Change in
Children's Lives: An
Evaluation of Save the
Children's Child Rights
Governance Programme

A Limited Study

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By Era Shrestha

Disclaimer: *The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy or position of the clients, Save the Children–Norway and CRG Save the Children Global Initiative.*

Nordic Consulting Group
Fr. Nansenspl 4, 0160 Oslo
www.ncg.no

Country Study Team: Era Shrestha (Team Leader), Ananda S. Millard (Support).

Evaluation Team: Dr. Ananda S. Millard (Team Leader), Janne Lexow (Team Member), Charlotte Ørnemark (Team Member), and Eldrid Midttun (Quality Assurer)

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It should be noted that the findings presented here are the independent views of the team. Although we have made our best to validate and check information, any errors remain the responsibility of the author.

Executive Summary

Save the Children (SC) has been working in Nepal since 1976 and Child Rights Governance (CRG) is one of the thematic programmes. This case study documents Save the Children Nepal's experiences of working with the CRG theme. This case study (one among the four) forms part of a broader global evaluation initiated and funded by Save the Children Norway (SCN), that seeks to document different types of CRG interventions and their effects on children's lives.

Save the Children Nepal (SC Nepal) has a long history of engagement on CRG issues in Nepal, though the theme emerged more formally as a separate thematic area in the Country Strategic Plan (2010-2015). The CRG country programme builds upon the General Measures of Implementation of the Convention on the Rights of the Child (General Comment No 5) and entails three sub themes, namely a) Strengthening National Systems, b) Monitoring of Child Rights, and c) Building Awareness and Capacity. The focus of the sub-theme *Strengthening National Systems* is on policy reforms and strengthening government structures and includes initiatives such as support for the Child Rights Officer (CRO), implementation of action plan, capacity building and financial/technical support for policy review and reforms. SC Nepal primarily works with the Central Child Welfare Board/Ministry of Women, Children and Social Welfare for this sub-theme. The sub-theme *Child Rights Monitoring* focuses on supporting the government, civil society actors and independent institutions like the National Human Rights Commission (NHRC), to conduct child rights monitoring, follow up on the Universal Periodic Reporting (UPR) recommendations and to fulfil the reporting obligation of Convention on the Rights of the Child (UNCRC). The sub-theme *Building Awareness and Capacity* focuses on building the awareness of the general public to seek popular support and enabling civil society organizations (networks and child clubs) to organize and collectively act to promote, lobby and advocate for compliance with child rights.

The interventions are broadly targeted at national level but in some cases also at sub-national and international levels (for lobbying with Member States regarding recommendation to UPR report). Advocacy (both directly and in collaboration with civil society actors) has been the main approach for engaging with the government for all the sub-themes, but not as prominent a component of work on '*Building Awareness and Capacity*', where the efforts focus on building advocacy capacity rather than direct advocacy. Child participation features across all sub-themes, but is clearly more prominent as part of work focusing on '*Building Awareness and Capacity*'. Children have been involved in child rights monitoring, consulted for policy reviews and reforms and actively participate in awareness raising campaigns.

There is positive indication of increasing programme sustainability because of some key achievements. The government of Nepal has recognized and formally adopted various initiatives that SC Nepal has contributed towards, such as integration of Child Rights Officers (CROs) and Village Child Protection Committee (VCPC) in the national mechanisms, and institutionalization of child rights and child participation formally within national provisions. District Child Welfare Boards (DCWBs), the mechanism supported by SC Nepal together with other partners, are increasingly accessing local resources, which gives indication of progress towards continued functioning and access of the state's child rights mechanisms. Increased political interest at the national and international level and an increasing sphere of engagement of national actors in the monitoring and reporting process (including building up capacity among the agencies engaged in lobby and monitoring) further indicate sustainability of the child rights monitoring processes.

Various system level changes could be noted, as a result of contribution made by SC Nepal in collaboration with other actors. Major achievements include institutionalization of state mechanisms for child rights, with appropriate policy and constitutional framework, functional structures and improved governance processes in terms of increased participation and investment in children and increased recognition of children as the rightful stakeholders for decision making. Considerable progress towards institutionalizing the process of CRC reporting within civil society for supplementary

reporting can also be noted as major milestones. The reporting now is more collaborative (with wider participation), consolidated (where earlier it was fragmented) and with increased involvement of children (with progress towards child-led reporting). There is also indication that the government is increasingly committed to regularizing the CRC (and UPR) reporting, hence indicating potential for institutionalizing the CRC reporting within government mechanisms as well in future. Further, the increased political attention placed on the UPR process and acceptance of the recommendation (31 out of the 34), also need to be noted as key results. The process was instrumental in opening up dialogue among government and civil society actors, other member states, and the NHRC, regarding the child rights situation in Nepal, and it also speeded up the follow up action such as passage of the Child Rights Bill and review of the National Plan of Action for Children. Increased awareness and capacity of the civil society organizations and the Child Clubs to lobby and advocate for child rights, were also instrumental in achieving the results discussed above.

Aside from notable successes at system level outcomes, the review also noted some constraints which indicate that progress beyond the outcomes noted at the systemic level, may be difficult to achieve. Achieving results (beyond system level), which impacts the lives of children sustainably, is a challenge in a country context like Nepal given socio-cultural and economic constraints. Any long-term impact would require major social and political reforms (in terms of addressing power dynamics and structural inequalities), which stretch beyond any specific policy and system reform. For impact level results some issues for consideration for future CRG programming could be:

1. Strengthening national monitoring mechanisms with consolidated reporting so that continued surveillance/monitoring can be undertaken, given the fact that cases might not always be reported in the Nepalese context and hence the government mechanism needs to have its own surveillance system to trace any cases of violation or potential violation (instead of relying on only reported cases).
2. Supporting stronger multi-sectoral coordination and collaboration aimed at addressing the issue multi-dimensionally. This would require lifting the legitimacy of the national coordination mechanism to a much higher level. General Measures of Implementation can be the basis for promoting this agenda.
3. Building and supporting a social movement that has sufficient legitimacy and credibility to challenge social norms and address structural barriers by engaging with a wide range of civil society actors. For this SC Nepal needs to reflect upon the need for additional partnerships with wider civil society (in addition to NGOs and government), especially at the local level, which needs to include individuals and institutions close to the community, such as mothers' groups, youth groups, community volunteers, religious leaders and even political party representatives. This would require re-thinking of civil society beyond what is conventionally defined in Nepal (where civil society is often equated to development agencies/NGOs).
4. Finally, to ensure results at impact level, it is also essential to monitor them. Constraints in measuring the impact of the CRG programme are contextual, as results are contingent to external factors and achievable over an uncertain time frame. However the fact that present framework of CRG, which does not necessarily plan (and monitor) results at impact level as the interventions focus on the system level changes, can also be a constrains. As the CRG programme is envisaged as being foundational in nature, other thematic programme are expected to build upon the results of the CRC programme, to create positive impact on the lives of individual children. This programme logic would require a stronger interfacing of the CRG programme with other thematic programmes for impact level changes. The impact level indicators of CRG programme have to be built, captured and measured within the framework of other thematic programmes (e.g. the effectiveness of policy reforms needs to be assessed in terms of how the policy affects the governance and service delivery of health or education thematic programmes, and how it impacted individual lives. It is difficult to measure this change within the framework of CRG, and hence can be considered to be measured within the framework of other thematic programmes).

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Acronyms

CA	Constitutional Assembly
CCWB	Central Child Welfare Board
CFLG	Child Friendly Local Governance
CR	Child Rights
CRC	Convention on the Rights of the Child
CRO	Child Rights Officer
CSO	Civil Society Organization
CSP	Country Strategic Plan
CZOPP	National Coalition for Children as Zones of Peace and Child Protection
DACAW	Decentralized Action for Children and Women
DCWB	District Child Welfare Board
EU	European Union
GMI	General Measures of Implementation of the Convention on the Rights of the Child as stated in General Comment No 5 of the Committee on the Rights of the Child
GON	Government of Nepal
LGCDP	Local Governance Capacity Development Program
MDGs	Millennium Development Goals
MoWCSW	Ministry of Women, Children and Social Welfare
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
NPA	National Plan of Action
NPC	National Planning Commission
NRs	Nepali Rupees
SC	Save the Children
SC Nepal	Save the Children, Nepal
SCPC	School Child Protection Committee
UPR	Universal Periodic Reporting
UNCRC	United Nations Convention on the Rights of the Child
VCPC	Village Child Protection Committee

1. Objectives and Methodology

Save the Children (SC) first initiated its operations in Nepal in 1976 with the establishment of SC UK, followed by SC US in 1981, SC Norway in 1984, and SC Japan in 1992. In 2011, SC unified into Save the Children Nepal (SC Nepal). SC Nepal is active in 55 of the 75 districts in Nepal, in various areas such as strengthening access and quality of services, community mobilization, awareness raising, capacity building, research, information, and advocacy. SC Nepal's programmes are organized around seven thematic areas as outlined in the country strategic plan (2010-2015). These thematic areas include 1) Child Rights Governance, 2) Protection, 3) Education, 4) Health and Nutrition, 5) Livelihood, 6) HIV and AIDS, and 7) Emergencies.

This report is one of a number of country studies¹ focusing on Child Rights Governance (CRG) theme and informs the overall evaluation of CRG initiative globally (global study). The overall evaluation aims to 1) Provide an overview of types of CRG interventions, including a system to classify types of outcomes and impacts, 2) Provide SC with evidence of outcomes and impacts (positive, negative, intended, and unintended) and establishing the causal link between outcomes at system level and outcomes and impacts in children's lives, and 3) Providing SC with a manageable methodology to capture outcome and impact from various CRG programmes.

This case study was a 10 working days assignment, which delimited the scope and coverage of the study, as well as the field visits and number of respondents engaged.²The findings presented here are primarily based on secondary and self-reported data (taken from reports by SC Nepal and gathered through interviews). The report is limited to presenting the key interventions under the CRG program and its contribution to results (outcomes) in Nepal. A literature review was the principal methodology used for the study in addition to in-depth interviews with the key informants and focus group discussion with the children (of one Child Club). Individuals closely linked to/supporting the child club was also interviewed, which included head teacher, teachers who are members of the school child protection committee and the field staff (from the local SC partner). Tools such as timeline and Venn diagrams were also used to solicit information and engage the children of the Child Club in discussions.³

Refer to Annex 1 for the Terms of Reference of the Global Study and Annex 2 for the list of organizations/individuals interviewed (individuals and focus group discussions). Documents reviewed are listed in the bibliography.

2. Country Context and the Child Rights Situation⁴

Nepal is a country of more than 125 caste and ethnic groups, speaking 123 different languages⁵. Established social hierarchy and disparity based on factors such as caste, ethnicity,

¹ Other case countries included Ethiopia, North West Balkans and Nicaragua

² It includes only one field visit for interacting with children of a child club. It does not include any field visit out of Kathmandu (the capital). The study also is limited to the CRG initiative alone and does not explore how it relates to other thematic programs of SC Nepal. It is also limited to the CRG initiative of SC Nepal alone and not related to initiatives of other actors/development agencies in Nepal.

³ Since the board members of the child club were recently elected and it had limited activities and linkages with external stakeholders outside the school (except for parents and teachers), the tools were not very useful in soliciting in-depth information with regards to growth (milestones) and relationship (linkages).

⁴ The data source for this section includes Population and Housing Census 2011, Country Programme Action Plan 2013 – 2017 (GON/ UNICEF); Child Poverty and Disparities in Nepal, 2010 (UNICEF) and Children's Situation in Nepal, not dated (SC)

language, class/income, gender, geographic location and other factors such as disability and HIV status characterize the Nepali society⁶. Nepal is currently engrossed in a complex political transition and peace building process following the end of an armed conflict that gripped the country for over a decade. In 2008 the country was declared a ‘republican, federal, and secular’ nation, after the monarchy was overthrown, following a joint movement by major political parties and the Maoists (who came to mainstream political arena following a peace agreement signed in 2006). Constituent Assembly (CA) was elected in 2008 to draft the new constitution, but was dissolved in early 2012, after two terms of extensions⁷.

2.1. Child Rights Situation in Nepal

The transition process and overall fragile political situation has impacted on the situation of child rights in Nepal. Nepal is well on its way to achieve the targets set for Millennium Development Goal (MDG) regarding primary education enrolment and primary health care (infant/maternal mortality rate, nutrition) with government initiatives promoting free education and extension of primary health care. However, caste, ethnicity, gender disparity⁸, poverty⁹ and other factors such as disability¹⁰ continue to play a role in access to education and other basic services¹¹. School dropout rates remain high, and quality of medical facilities is sub-standard, especially in remote rural areas. Furthermore, poverty is one of the many obstacles augmenting the hardship faced by thousands of children and their families in Nepal and the main contributing factor for child labour, trafficking and other forms of child abuse. Another important issue is the right to nationality, which currently cannot be granted through mother’s nationality and therefore many youths are without citizenship.

Challenges to implementing adequate child protection are often deeply rooted in Nepalese society and popular beliefs. Culturally promoted traditions and practices are among the major

⁵ Population and housing census, 2011 (GON)

⁶ Country Programme Action Plan 2013 – 2017 (GON/UNICEF)

⁷ The new CA election took place in November 19, 2013, while this report was being finalized. The child rights activists and organizations actively advocated against use of children in political campaigning.

⁸ Though the flash report published by the Ministry of Education of Nepal, indicates that gender parity in education has improved, gender discrimination is still a factor for concern [(Children's situation in Nepal (SC), Country Programme Action Plan 2013 – 2017 (GON/UNICEF)]. Girls from remote districts, in the lowest income quintile, or from vulnerable population groups tend to drop out of school, especially in higher grades (Country Programme Action Plan 2013 – 2017 (GON/UNICEF).

⁹ The Country Programme Action Plan 2013 – 2017 (UNICEF/GON) states that “while overall poverty is decreasing, two thirds of the children are still deprived of at least one of seven basic needs”. Similarly the report ‘Child Poverty and Disparities in Nepal, 2010 (UNICEF)’ states that “child poverty has not declined as quickly as overall poverty, and inequalities are rising”. The report views child poverty as being multi-dimensional, such that if a child is deprived of one of his or her rights, it is likely to affect the child’s ability to exercise other rights.

¹⁰ 22% of children with disabilities aged 5-14, have never been to school [(Country Programme Action Plan 2013 – 2017(GON/UNICEF)].

¹¹ The report Child Poverty and Disparities in Nepal, 2010 (UNICEF), states that “significant disparity in access to health services and health outcomes exists between poor, rural and urban, marginalized and non-marginalized groups, and less educated and more educated families.”

concerns with regard to child rights¹² with practices such as child marriages, early pregnancy, trafficking and similar forms of gender based violence. Practices such as “Chhaupadi” (where women are kept outside of their homes, often in cattle sheds, and denied other basic facilities during their menstruation period) and “Kamalharis” (where children are offered as bonded labour, often for repayment for loan)¹³ are still prevalent in the far western region of Nepal.

2.2. Child Rights Actors in Nepal

In 1990, Nepal ratified the United Nations Convention on the Rights of the Child (UNCRC); this was followed by the enactment of the Children’s Act (1992) and its regulations (1995) for the implementation of UNCRC. Over the years and following the ratification and implementation of various international conventions, the state administration and institutional mechanisms related to child rights have evolved and been re-structured a number of times.

The Ministry of Women, Children and Social Welfare (MoWCSW) is the focal ministry for child rights in Nepal. It is responsible for overseeing and coordination of development of policy, planning and programming. The Children’s Act (1992) specified a mechanism for implementation, which included the provision for a Central Child Welfare Board (CCWB) and District Child Welfare Boards (DCWBs) based on all 75 districts¹⁴, under the oversight of the MoWCSW. These boards are responsible for coordination, facilitation, safeguarding, and monitoring of child rights at the national and district level respectively. This system has been further strengthened with the inclusion of Village Child Protection Committees (VCPCs) and Municipality Child Protection Committees (MCPCs) as its formal mechanisms. These committees have been responsible for collecting data related to children in jeopardy, and coordinating and conducting protection interventions, including accessing local level resources. Further, Child Rights Officers (CROs) are included under the DCWBs. In addition to the aforementioned mechanisms, the MoWCSW also has another implementing arm, called the Department of Women and Children, which focuses more on women’s rights issues. The National Human Rights Commission (NHRC) was established in 2000 as part of the National Human Rights Commission Act of 1997. The Commission has five regional offices in each of the development regions and sub-regional offices. The NHRC is responsible for monitoring, investigating and providing recommendations on human rights violations, including child rights violations. With regard to judiciary, specialized police service centres have been established in all 75 districts and specialized courts in 32 districts. Juvenile courts serve children in conflict with the law, but not children as victims and witnesses of crime.

The Child Friendly Local Governance (CFLG) programme is one of the most important child rights governance related programs in Nepal. The framework was introduced in 2007 through a joint effort by the Ministry of Local Development (MLD) and UNICEF with the goal to mainstream child rights issues at the local governance level. The programme has been implemented by various development actors, including state level offices. This programme is said to have evolved from other efforts that focused on decentralization, such as the

¹² Country Programme Action Plan 2013 – 2017 (UNICEF/GON); Children’s situation in Nepal, not dated (SC) .

¹³The practice has been legally abolished but continues in other forms such as domestic labor.

¹⁴Nepal’s administrative structure includes ‘Development Regions’ (Eastern, Central, Western, Mid-Western and Far-Western). Each development region includes districts (75 in total) with villages (3734 in total) and municipalities (59 in total) organized under it. District development committee (DDC) is the governance body at district level while Village development committee (VDC) and municipal committee are the governance bodies at village and municipality level respectively.

Decentralized Action for Children and Women (DACA) and Local Governance Community Development Program (LGCDP). DACA addresses problems underlying children's wellbeing and the realization of their rights and LGCDP serves to substantiate the objectives, policies, and principles of the Local Self Governance Act so as to translate these into the practice of local self-governance.¹⁵ LSGA and CFLG give scope for institutionalizing child rights in the local governance structure and mechanism. In 2010/2011 SC joined the Child Friendly Local Governance (CFLG) initiative, with the commitment to support its implementation in its programme districts.

3. SC Nepal's Child Rights Governance Theme

SC has a long history of engagement on CRG issues in Nepal, though the theme emerged more formally and as a separate thematic area for the first time in SC Nepal's Country Strategic Plan 2010-2015. In SC Nepal, all the thematic areas are organized separately. However, though CRG and Child Protection are separate thematic areas, they are institutionally organized under one unit for internal management purpose, whereby the same team is responsible for both the portfolios.¹⁶

The CRG is conceptualized as being foundational in nature, such that it serves as the basis for other thematic areas to operate effectively because of the system, mechanism, and enabling environment achieved through CRG interventions.

SC Nepal's Country Strategic Plan (CSP) 2010-2015, broadly organized CRG work under three sub-themes:

1. *Strengthening National Systems*: Improve capacity of government bodies to ensure child rights recognized by the UNCRC and other relevant human rights treaties
2. *Child Rights Monitoring*: Strengthen national systems and mechanisms for monitoring of child rights
3. *Building Awareness and Capacity*: Strengthen capacity within civil society, including child-led groups to promote child rights

The total cost budgeted for the CRG theme for 2013 is US\$245,614.¹⁷ In the CSP, the projected funding for CRG in 2013 was US\$700,000. Therefore, the current 2013 budget amounts to 35% of the projected budget in the CSP. In relation to other investments in Nepal, the CRG budget amounts to less than 1% of the total budgeted expenditure for 2013. SC Norway, SC Finland and more recently the European Union (EU) are the major funding partners to this theme.

Refer to Annex 3 for an outline of budget and secured funding as presented in the Country Strategic Plan of 2010-2015.

¹⁵LGCDP Program Document, 2008 (GON/ Ministry of Local Development)

¹⁶ There is no specific strategic reason for this arrangement, except administrative convenience. Hence there isn't any significant implication of this. However, this arrangement has made managing two portfolios, with similar and often overlapping issues and approaches, easier. The only challenge is to ensure that a clear demarcation is maintained between the two so that the two is not considered synonymous.

¹⁷CRG Annual Plan (2013)

4. Child Rights Governance Initiative: Interventions and Outcomes

The CRG country programme is geared towards the 'General Measures of Implementation of the UNCRC as stated in General Comment No 5 of the Committee on the Rights' (GMI), which provides the framework for a more holistic programming, focused on multi-dimensional interventions involving multiple actors. SC Nepal engages with a wide range of actors to implement multiple interventions for complementary results.

The main strategies (approaches) adopted by the CRG programme, that builds across all the sub-themes includes advocacy, technical inputs/capacity building and strengthening civil society forums (networks, including Child Clubs). With regard to lobby and advocacy, SC Nepal engages both directly (independently) with the government agencies (through activities such as meetings, dialogue, delegations, presentation of stance papers etc) and through the civil society networks, or in collaboration with other development agencies working in the sectors, like the Inter-Agency Working Group¹⁸. If an expertise input or institutional position is needed, SC Nepal engages directly whereas if it concerns sensitive issues or concerns noted by civil society in a joint agenda, SC Nepal promotes the agenda through the civil society forums. Capacity building includes training, workshops, financial and technical inputs as well as institutional building support.

For strengthening civil society for collective actions, SC Nepal has promoted the following two networks that are also supported by other development agencies, mostly the Inter-Agency Working Group:

- a. Consortium of Organizations Working for Child Participation (commonly known as Consortium), which has 61 member organizations (NGOs) and is represented in 29 of the 75 districts nationwide.
- b. Children as a Zone of Peace and Protection (CZOPP). SC Nepal has especially supported this network, when it comes to issues of child protection, not just related to conflict but with regard to all kinds of violence, abuse, exploitation and neglect. CZOPP currently has 28 members, including both national and international NGOs. The NHRC and Nepal Red Cross Society (NRCS) have observer status in the network. The secretariat is housed in SC Nepal's office.

Aside from these two networks at the national level, SC also supports the formation and expansion of loose networks of NGOs working on child rights issues at the district level. Child Clubs is the main mechanism promoted by SC for organizing and empowering children for advocacy.

In many cases the strategies interact with each other within or between sub-themes which are discussed in the section that follows under the respective CRG sub-themes. The discussion is not limited to the Country Strategic Plan period of 2010-15. The CRG interventions that are undertaken today are a reflection and continuation of initiatives started before the unification of SC. Hence, it was difficult to specify the exact timing of the engagement of SC Nepal with

¹⁸This working group is especially formed to collaborate and coordinate support to CCWB/DCWB. It comprises of 5 international development agencies working for child rights, namely Save the Children, Plan Nepal, Terre des Hommes, World Vision International and UNICEF.

various institutions (or projects).¹⁹ However, where relevant and where data was available, specific dates and time frames have been indicated.

4.1. Strengthening National Systems

The interventions, as part of this sub-theme, focus on three key areas: policy reforms, strengthening government structures to implement child rights programmes, and increasing investment in children. Under this sub-theme, SC Nepal engages with actors which include MoWCSW/CCWB, Ministry of Finance and the National Planning Commission, policy makers and parliamentarians. In addition civil society actors have been supported to engage in advocacy and to increase legitimacy of different efforts. SC Nepal aims to influence policy reforms through advocacy and technical input so that the major national policies are in the best interest of children and in line with the CRC and other Human Rights treaties. Besides advocacy, SC Nepal also provided technical inputs, advisory and financial support to the MoWCSW and CCWB to review policies, develop policy drafts as well as consult (seek inputs) and lobby with other ministries and stakeholders for policy endorsement.

Further, SC Nepal has strengthened the capacity of the CCWB and DCWBs structure by funding CROs as well as supporting the implementation of its institutional action plan. CROs have been central to increasing outreach and access to child rights related services and compliances. SC Nepal also conducted capacity building initiatives for the CROs, VCPC members and Women Development Officers (WDOs) and funded activities to support CCWB's compliance with their own action plan. SC has also been involved in a series of efforts to monitor and strengthen budgetary capacity in an effort to increase investment for children. It has built the capacity for the civil society actors to undertake budget analysis and use the evidence for advocacy for increased investment for children.

Advocacy: SC Nepal has been conducting direct advocacy and lobbying through dialogue and interactions with various government actors, especially with the MoWCSW and CCWB, and by consulting with parliamentarians (when previous CA was still in existence). Further, SC Nepal has supported advocacy engagement carried out by the Consortium and by CZOPP, which aimed to secure policy changes. Currently SC Nepal is engaged in mobilizing civil society networks in an effort to convince the government to sign and ratify the 3rd Optional Protocol to the CRC. Additionally, SC Nepal, in collaboration with other development agencies, is advocating for an independent child rights constitutional body (i.e., if not a separate institution then at least a special commissioner for child rights within the existing NHRC or an ombudsman). To emphasize the importance of a dedicated constitutional child rights body and to create increased clarity on the issue, SC Nepal, the Royal Norwegian Embassy, and UNICEF have jointly coordinated a visit of the Norwegian Ombudsman for Children. High level meetings were held during the visit, in which political leaders, high level bureaucrats, and the members of the CA expressed their commitments.

Child Participation: As compared to other sub-themes, child participation is limited in this sub-theme. Child participation here often involves consultations regarding policy frameworks, with the aim of distilling advocacy agendas for policy reform and identifying recommendations. Children were found to be increasingly consulted for constitutional and policy reform

¹⁹The study team did not have access to documentation from the period before unification. Either because it was not readily available or because of the time limitation the study team did not take extensive efforts to obtain project report or information from before the unification period.

processes. For example, the Consortium, which focuses on promoting child participation, invited children representing various districts and the Child Club networks, for consultation on ideas and understanding of the policy and constitutional advocacy agenda for furthering child rights. National and district level consultations were held with children on a number of laws and policies, like the Child Rights Bill, the National Youth Policy, the Child Participation Framework, and the National Plan of Action for Children (2005-2015). In addition, children were consulted as part of the mid-term review of the National Plan of Action (2005-2015).

Level of Execution and Replication: The interventions for Strengthening National Child Rights Systems primarily focus at the national level, mostly on government actors. Besides the government actors, the interventions also focus on civil society organizations to support advocacy efforts. In terms of scale up and replication, the collaboration of SC Nepal with the CCWB and Inter-Agency Working Group for funding CROs can be taken as an example. SC Nepal's support to CCWB is part of a joint initiative of the Inter-Agency Working Group for jointly funding the action plan of the CCWB. This increases the effectiveness of the funding and guards against duplication. This kind of collaboration has also led to the scale up of SC Nepal's initiative of Child Rights Officers (CROs). CROs were initially only funded in districts where SC Nepal worked. However, SC Nepal lobbied with other agencies on the usefulness of the CROs, and hence the approach has been adopted by other partners in their respective programme districts. As a result CROs are currently deployed in all 75 districts.

Outcome: SC Nepal's interventions in this sub-theme can be said to have contributed to institutionalizing child rights state mechanisms and structure, and the governance processes in terms of ensuring an appropriate policy and constitutional framework, as well as participation; and increased investment in children. SC Nepal can be said to be one of the key actors that contributed to the key policies and framework enacted or endorsed during the strategic plan period such as National Youth Policy, Child Rights Bill, National Child Policy and National Plan of Action for Children (2005-2015)²⁰. These policies, frameworks and guidelines can be said to enhance the accountability of the Government of Nepal to its international commitments (assuming proper implementation).

There is evidence that as a result of capacity building and presence of CROs/VCPS the DCWBs have been able to respond in cases of need, though the limitations and challenges continue to exist. The six DCWBs generated local funds worth NRs. 3,393,923/- (approximately US\$ 34,631²¹) to be utilized in district level child right programming. The budget allocated for children increased by 33% compared to the year before (Annual Report of SC, 2011). There is evidence that children are increasingly recognized as important and rightful stakeholders in decision making. Child Clubs have increasingly submitted their plans to the local government bodies requesting resources. In 2010 five percent of the child-led institutions, like Child Clubs and their networks, received resources from the local government to implement their plans. In 2011 the number of Child Clubs that received government support increased by 135 percent from the previous year (SC Nepal's Annual Reports 2010 and 2011). SC Nepal is one of the key advocates (among other development agencies and civil society organizations) who have contributed towards realizing these results.

Sustainability: The government of Nepal has accepted and recognized various initiatives, to which SC Nepal has contributed. For example interventions aimed at policy change and guidelines development, like the National Child Participation Framework, have led the

²⁰ See Annual Reports of SC Nepal and the website of the Consortium

²¹ Approximate exchange rate of 1US\$= 98 NRs, as of October 2013

government to accept the integration and institutionalization of child rights and child participation formally, with national provisions for Child Clubs and child participation²². Further, the government has emphasized the establishment of children's organizations and networks, the right to children's participation, right to voice opinions and receive respectful hearing in its working policies and strategies. In addition, the government has recognized and formally integrated CROs and VCPCs as important government mechanisms for child rights. VCPCs were accepted as councils directly under the DCWBs, thereby increasing local access to the state's child rights mechanism. DCWBs are increasingly accessing local resources. This gives indication of sustainability to continued functioning and access to the state's child rights mechanisms.

4.2. Child Rights Monitoring

SC Nepal has adopted various approaches like advocacy, capacity building, technical support, and financial support to achieve results in this sub-theme with focus on fulfilment of the commitments to the UNCRC. SC Nepal has supported the government, civil society actors and independent institutions, like the NHRC, to conduct child rights monitoring and fulfil the CRC and UPR reporting requirements. SC Nepal works with civil society actors (CZOPP, the Consortium and loose networks of NGOs in districts) to advocate and lobby for implementation of international reporting obligations by the government. SC Nepal also supports these civil society actors to prepare a supplementary report on CRC and its two optional protocols. To this end, support was provided to the CRC committee which was part of the network of civil society organizations preparing and submitting the supplementary report. Further, with regard to the support for CRC reporting by government, CRO and VCPC role in monitoring has been instrumental in informing the CRC (and UPR) report. Further, with regard to UPR, SC Nepal has been one of the key actors for instigating the process through creating awareness and capacity building for understanding the importance and technicalities of UPR reporting among civil society actors and enabling them to advocate with the government for state reporting.

In addition, SC Nepal has also supported NHRC through various activities to fulfil its mandate of monitoring the status of human rights, including child rights, and to hold the government accountable for violations of these rights in light of international commitments. SC Nepal has been working with NHRC to strengthen their capacity to focus more on child rights by establishing a child desk (from 2004-2011) and by advocating for child rights focal persons. SC Nepal supported a series of interactions and lobbying meetings within NHRC and the Ministry to increase the resources for child rights monitoring in the NHRC. Additionally, SC Nepal has funded NHRC to conduct child rights violation fact finding missions, follow up, investigation of back-log cases, and providing appropriate recommendations to the government. Capacity building efforts included training of staff to carry out monitoring activities and investigations in child rights. SC Nepal has also enabled NHRC to follow up on UPR recommendations accepted by the government by supporting a study on the status of implementation and by funding consultation with the government stakeholders.

Advocacy: Under this sub-theme, advocacy is the main strategy for raising awareness among responsible government actors for monitoring and reporting on CRC and UPR. Lobby was conducted at international level to ensure that as many member state provided recommendations to Nepal. Further, lobbying was conducted with the national government to accept as many UPR recommendations as possible. SC Nepal also submitted its own

²² Strategic review of child club, 2011-2012 (Consortium/CCWB).

recommendations and reviews on the UPR report and made an oral statement during the June Session of the Human Rights Council in 2011. This statement highlighted the need for effective implementation of the recommendations accepted by the Government of Nepal. (Refer to *Annex 4* for advocacy agenda of SC Nepal and *Annex 5* for the UPR review submission of SC Nepal).

Child Participation: Consultations on CRC reporting have been conducted with children, primarily by the Consortium. Further, SC Nepal is planning (in 2013 work-plan) to support the Consortium in its efforts to prepare a child-led CRC supplementary report next to the child-informed report. Additionally, Child Clubs also support the civil society agency for monitoring child rights violations by flagging issues of concern and submitting reports to the appropriate body.

Level of Execution and Replication: The interventions for child rights monitoring and reporting are aimed at both national and international level. The interventions at national level focus on enabling government actors to fulfil UPR and CRC reporting commitments. At the sub national level the engagement is with CSO and NGO networks, in monitoring child rights. The level of execution goes beyond the national level in terms of UPR reporting as SC Nepal also advocates internationally.

In terms of scale-up, SC Nepal's support has been instrumental in bringing together a broad coalition of civil society organizations and networks to engage in the upcoming supplementary CRC report. A larger coalition of seven different thematic networks (e.g., network of organization working on issue like street children, child labour, trafficking etc.), is being formed to engage in the upcoming CRC supplementary report. One of the network members shared that this was partly the result of learning of the UPR reporting supported by SC Nepal and other partners, where 200+ organizations had come together to prepare a joint report.

Outcome: One of the key results which SC Nepal has contributed towards is the increased awareness and commitment for the child rights monitoring and reporting process as well as making the process more consultative and participatory (with increased involvement of children). It can be said that SC Nepal has contributed towards institutionalizing the CRC process (supplementary reporting) within the civil society as now the process is more consolidated (where earlier it was fragmented with duplicated efforts). A formal mechanism for consolidated reporting is emerging with the formation of a larger coalition for consolidated CRC reporting (larger network of seven thematic networks). The process has also further evolved to include child-led reporting (where earlier it was only child informed). Further, there is indication that the government is increasingly aware of the importance (and obligation) for regularizing the processes of CRC and UPR reporting and also for greater involvement of children in the process. During the interaction with the study team, the government officials have expressed their commitment for regularizing the reporting process (where earlier it has been inconsistent) and shared plans for preparing for the next cycle of reporting, which included plans for consultation with civil society and children. This indicates gradual progress towards institutionalization of the CRC (and UPR) monitoring and reporting process within the government mechanism as well. It can be said that SC have contributed to this through advocacy by civil society organizations and regular lobbying and dialogue for building awareness and preparedness of the government actors. SC also has played a key role in collaboration with other child rights actors to increase the political attention placed on the UPR process and acceptance of the recommendation (31 out of the 34). It has also been instrumental in ensuring that many member state provided recommendation to Nepal. Indeed the OHCHR's summary of Stakeholders' included 15 recommendations, issues and

concerns raised by SC Nepal (presentation by SC Nepal, n.d.²³). 14 Member states asked 65 advanced written questions to the Government of Nepal during the UPR process, out of which 8 questions from 5 member states related to children. The child related questions led to 34 recommendation made by member states. It can be said that CRG interventions by SC Nepal (in collaboration with other partners) were key not only to support the fulfilment of reporting obligations, but also to influence the follow up process and opening up dialogue among government and civil society actors, other member states, and the NHRC regarding the child rights situation in Nepal. Overall the outcome of this regarding child rights has been positive, for example the government sped up the passage of the Child Rights Bill and reviewed the National Plan of Action for Children.

Sustainability: Increased political interest at the national and international level and an increasing sphere of engagement of national actors in the monitoring and reporting process (including building up capacity among the agencies engaged in monitoring) indicates a positive contribution towards continuity and sustainability.

4.3. Building Awareness and Capacity

Under this sub-theme, the focus of SC Nepal's intervention is enabling civil society organizations (NGO networks – CZOPP, Consortium, District NGO Network, including Child Clubs) to organize and collectively act in support of child rights as well as building awareness of the general public. Support is provided for formation and expansion of networks of civil society organizations (and children's) and building their capacity in terms of awareness, technical understanding and ability to engage in collective actions (by financing their action plans).

SC Nepal has been supporting administrative expenses, training, workshops, and other activities for advocacy such as consultations, delegations, reporting etc. of CZOPP and the Consortium. Further, SC Nepal has been supporting the formation (and re-formation/re-strengthening) of Child Clubs to enable children to organize and voice their opinions and experiences with child rights. Interventions in Child Clubs include education on child rights issues, institutional and leadership development, facilitating linkages with the local government (and other development actors) and lobbying for resource allocation to Child Clubs and their networks.²⁴ SC Nepal has also provided support to child clubs to conduct assemblies and conferences, awareness campaigns and promotional activities. SC Nepal has been promoting inclusion of child rights courses in educational and training institutions as well.

Advocacy: Under this sub-theme SC Nepal has been only indirectly involved in advocacy, primarily enabling civil society actors to advocate for the rights of the child. SC Nepal has supported NGO networks, CZOPP and Consortium, to conduct advocacy and lobbying campaigns. However, direct advocacy efforts under this sub-theme are limited, as SC Nepal has mostly conducted capacity building and technical support activities, in addition to financial support for awareness raising and advocacy activities by other actors.

²³Retrieved on 30 October 2013 from:

http://sca.savethechildren.se/Global/scs/SCA/Publications/CRGI/Gallery%20Walk_Nepal_UPR.pdf

²⁴ SC supports child clubs through its partner NGOs. Partner NGOs are responsible for facilitating the formation, strengthening and mobilization of child clubs. Other thematic programmes of SC are also said to use child clubs for various initiatives.

Child Participation: SC is a pioneer organization in promoting Child Clubs in Nepal²⁵, which are now recognized as an important mechanism for child participation. Increasing linkages of Child Clubs with other mechanisms such as with local governance, school governance and other relevant actors (development agencies) have been instrumental for increased child participation on various fronts. Further, the civil society network, especially the consortium that interfaces directly with a large network of Child Clubs, sees them as an important mechanism for ensuring greater child participation in the programme planning and management of both CSOs and the government. There are examples where various organizations have approached the consortium to ask that they facilitate consultation with children. The consortium has also been actively engaged in ensuring outreach and participation of children in other important development agendas and processes such as CRC reporting, MDGs progress review and post MDG 2015.

Since this study included visit to only one Child Club, it was not possible to comment on the access, inclusion and composition of children in the Child Clubs. However the Strategic Review of the Child Clubs in Nepal (2011-2012), notes large scale exclusion of most marginalized and disadvantaged children in Child Clubs as one of the key findings. The list of excluded children identified in the report includes children of most marginalized communities such as Dalits, ethnic and religious minorities, children with disabilities, child labourers, street children, poor children (living in slums), children from remote areas, conflict affected children, children with substance abuse problems, children with HIV/AIDS, third gender children, married children and children under age 10 and above age 15 (due to club's membership criteria which does not include children above grade 9 and below grade 5). The reasons discussed in the report for this exclusion include among others poverty and house hold responsibilities, age, parents reluctance due to lack of understanding of the importance of the club and the perception that club activities distract children from studies and also forcefully builds self-confidence, and a perception among higher class that clubs are only for the poor and hence lead to reluctance to let their children associate with the poor children, lack of self-confidence (especially in case of children with HIV/AIDs, substance abuse, conflict affected or with less academic accomplishment) and accessibility (in case of disability). However, the study does not note any gender disparity in Child Clubs²⁶.

Level of Execution and Replication: The awareness raising and capacity building initiatives mentioned here, mostly involve interventions at the national level, where government mechanisms, NHRC and CSO/NGO networks are concerned. However awareness of child clubs and the society in general through mobilization of CSO/NGO also take place at the sub regional and national level. In terms of replication and scale up, SC Nepal's support to the consortium can be taken as an example. The Consortium has developed resources (tools) for capacity building on participation of children and is actively engaged in building capacity of various actors (member organizations, other CSOs). The consortium developed and maintains a pool of resource persons who are actively engaged in building awareness and capacity for child participation. Additionally, SC Nepal has been using the support of the institutions whose capacity it has built for further capacity building of other institutions. For example NHRC has been involved in building monitoring capacity of consortium/CZOPP and CZOPP are involved

²⁵ First Child Club was set up in 1982 with the support of SC. Currently, over 13,000 child clubs are established in Nepal. The Child Clubs have become recognized bodies by the government and many are formally registered - Strategic Review of Child Clubs (2011-2012)

²⁶ Reflection on this, SC staff shares that this might in fact be reflection of wider gender discrimination prevalent in the society, as child clubs are mostly in public school, where mostly daughters are sent while private schools are preferred for sons.

further in building capacity of the district networks and partner NGOs. This can be considered an example of replication and scale up. Further, the Child Club pioneered by SC is now a core mechanism of many organizations working on children's issues, and hence can be taken as an example of replication.²⁷

Outcome: SC Nepal can be said to have contributed towards increased awareness and capacity of civil society organizations. CSOs have been organized through the networks supported by SC and its partners and are active in raising awareness and advocating for child rights as well as directly addressing issues of violation through lobbying and advocacy. The CSOs and their networks are increasingly recognized as advocates and their inputs/support solicited in child related issues. SC Nepal's contribution to strengthening the Child Clubs and their networks can also be taken as a key milestone for CRG as child clubs have been proven to be important avenues to assist children to claim their rights. The Strategic Review of Child Clubs in Nepal (2011-2012) indicates that organizing children in Child Clubs has led to increased knowledge and awareness about child rights and better access to support networks and local government. Child Clubs have also enabled increased participation of children in school and local governance mechanisms and hence have contributed to increasing good governance in terms of inclusive participation. There is documented evidence of increased involvement of children in decision making bodies at District Development Committee and Village Development Committee level, where the Child Clubs are federated and operate as a larger network. For example in 2010, 317 Child Clubs submitted their plans to the DDCs and VDCs requesting resources. In 2010 Child Clubs in SC Nepal's working districts recommended 326 child rights issues to be addressed by various duty bearers at the district level, of which 63 were reported to having been addressed. In 2011, the local level government addressed 47 of 67 recommendations made by Child Clubs and their networks. These recommendations were related to allocation of resources, birth registration, banning corporal punishment, child protection issues, the establishment of an operational complaint mechanism, and other rights. Organizing and mobilizing children through Child Clubs and intensive advocacy and lobbying by child rights agencies (and activists) has also meant increased recognition of the Child Clubs, which resulted in the inclusion of the mechanism in the National Child Participation Policy Framework (see SC Nepal's Annual Reports 2010 and 2011). In addition, the School Child Protection Committee, a mechanism closely linked to the School based Child Clubs, which facilitates, guides, and supports Child Clubs, appears to be an important and innovative mechanism to actively engage teachers and the community (parents) with child rights issues. Through these mechanisms the representation of children's issues in schools and communities has increased. Further Child Clubs are also increasingly recognized as important mechanisms for child participation as the Strategic Review of the Child Clubs in Nepal (2011-2012) indicated that during the past decade the Child Clubs have been an integral part of the work of most child right agencies. This was also illustrated by the case of the SC Nepal partner, visited by the evaluation team. Children from the Child Clubs are represented in the partner's executive board (as advisory board members), as a way to ensure the NGO's accountability towards its constituency.

Sustainability: The fact that the CSO and their networks (CZOPP and consortium) have been able to gain recognition as child rights actors and important mechanisms and stakeholders for child rights, increased visibility and acceptance of the agenda promoted by them indicates program sustainability. The fact that children are increasingly being organized under Child

²⁷ The strategic review of child club (2011-2012) states that setting up of child clubs were seen by many partner NGO as one of the easiest programming options and many development actors, have established child clubs for implementation of their projects

Clubs and visible, they are increasingly recognized and approached for child right issues by different actors (government and development agencies) and intensive advocacy and lobbying by child rights agencies (and child rights activists) also positively directs towards sustainability. Further, increased recognition of the role played by Child Clubs resulting in their inclusion within the National Policy Framework is also a positive progress. The approaches to build capacity of the actors and engage them in building the capacity of other actors also does contribute towards sustainability. Further, SC Nepal continues to make efforts to increase the sustainability of awareness raising and capacity building efforts by not merely focusing on campaigns and event based awareness (and capacity building), but by working with education and training institutes to include child rights courses in the curricula. A master's programme on child rights is about to commence, which in a few years will hopefully deliver well informed professionals specialized in child rights. This initiative has the potential to contribute towards sustainability and achieve scale-up as the course would institutionalize child rights into a wider community and education sector.

5. Conclusion and Consideration for Way Forward

From the Nepal case study, it can be concluded that the CRG initiative has made a valuable contribution to results which are in line with the Child Rights Governance Global Initiative. The achievements reflect the SC's global theory of change unfolding in practice. SC Nepal is recognized as a pioneer in child rights in the country and it is evident that SC's CRG programme has made a valuable contribution. Not only SC Nepal but the forums and networks (like CZOPP and Consortium) are recognized as experts and voices of children. The role of these institutions locally is evidenced by consultations and advisory support requested from them by a variety of actors. The Consortium has been able to establish itself as an important mechanism for promoting children's participation, while CZOPP is recognized as an advocate for child rights. SC Nepal's success in building and promoting partnerships, coalitions and alliances have enabled it to raise the visibility and profile of child rights agenda and also scale up the children's voice. Many of SC interventions like the Child Clubs, Village Child Protection Committee (VCPC), and the CROs are recognized as innovations of SC and are not only replicated by other actors, but also recognized by the government and integrated into their policies and programs. Partnerships have been instrumental in enabling SC to influence others for collaboration and scaling-up.

Various system level changes could be noted as key outcomes of the CRG initiative. The CRG initiative has made meaningful contributions to institutionalizing systems, mechanisms and structures for realizing child rights. This not only includes institutional framework that confer rights (legal/policy provisions) but also mechanisms for ensuring compliance with legal obligations and enabling the making of claim.

These results (outcomes) can be said to be important contributions for enhanced good governance for child rights in terms of increased accountability and inclusion of children. Better policy framework, increased state's responsiveness to children's issues and increased investment in children indicates increasing state's accountability. Children are increasingly recognized as important and rightful stakeholders in decision making and have increased access to state mechanisms and resources.

System level results are valuable outcomes. However, the review also noted some constraints which make it difficult to move beyond these outcomes at the system level to actually affect the daily lives of children. CRG is envisaged to be foundational in nature, hence focuses on building the base, upon which the child rights can be realized, without extending to the level of impact. Hence, the goal of the CRG programme is to achieve system level changes, building upon the premises that system level results, such as policy reforms and building of institutional mechanisms, would eventually lead to impact on children's lives. Since the foundational work is virtuous in itself, its premise (axiom logic), such as "good policy when implemented eventually will result in positive changes in lives of children" is considered to be self evident and hence worthy of acceptance without controversy. However, this premise does not always hold true given the socio-cultural and economic dynamics and the resulting complexities in a country context like Nepal. This challenge was visible during the interaction with the children during the field visit. Empowering children and their representatives to seek their rights, getting political commitment from the government, and setting up mechanisms for delivering on that commitment are major steps towards securing rights for individual children. However, the assumption that aware rights holders will demand their rights and that the government, with the political commitment and strengthened structures and mechanisms, would be able to fulfil their demands does not hold true if other conditions (contextual factors) remain unchanged. The bottleneck can simply be resource constraints (such as CCWB not having enough resources to implement its action plan or to institutionalize the CRO as it cannot financially sustain it) or constraints stemming from deeply ingrained cultural norms and practices (see box 1).

Box 1: Children at Risk

Many issues related to child rights violations are often accepted as socio cultural practice and often not challenged because of social pressure or economic constraints. When institutions that safe guard human rights are not yet strong enough and impunity is prevalent, people have less trust in the state's ability and often no choice except to rely on the local social protection systems, such that cases of violence are often not reported or settled within a close community. Most of the members of the school child club that the study team visited were domestic household helpers (child labour, age ranging between 8 and 13), who had migrated to cities, leaving their parents behind to offer their services in return for education. The head teacher stated "*We know the child labour law, but if we demand their rights and take these kids out of their current employment, where do we take them? Here at least they have a decent shelter and an opportunity for education.*" Cases of abuse, ranging from students coming to school hungry, physical assault and even rape were noted. The case of rape was found out only when the child missed classes. The perpetrators could not be brought to court in spite of the persistent follow up by the School Child Protection Committee as the parents (with close tie with the perpetrators) did not file the case. Children are also well versed on their rights but still think it is okay to be beaten as their master have the right to reprimand them. They hesitate to report cases to teacher as their employer will be summoned to school, which is a social embarrassment and can have repercussion.

(Note: Bhaktapur, the district where this school is located is often in the media for child labour in brick kin factories. Recently the media also featured a case where a substantial number of children were rescued (by DCWB) from an embroidery factory. It was also reported that the local municipality is presently preparing a strategy for a child labour free municipality).

Consideration for way forward: Any long term impact will require major social and political reforms, which stretch beyond any policy and system reform. System reforms, including awareness and empowerment to raise voices, happen to be a prerequisite but not a sufficient

condition to bring about impact level changes, which requires major social transformation. For that some of the considerations for CRG programming are:

1. Ultimately the state holds the legitimacy and accountability to enforce policies and provisions. To fulfil this mandate a very strong state mechanism is required, which has a greater capacity for continual surveillance and reinforcement, not only to follow through reported cases but also to self-monitor to track cases of violence and check any existing probability of violations. Hence a greater investment in strengthening national monitoring (surveillance) mechanisms with consolidated reporting (at all levels, CCWB, NHRC, legal/protection body like police and civil society institutions) would be valuable for ensuring increased capacity of the government mechanism for timely tracking and response to cases of violation or potential violation²⁸. This would also contribute towards better CRC/UPR reporting.
2. It is challenging to envision the realization of child rights as part of the mandate and resources of a single institution, like the CCWB (MoWCSW). It is reasonable to expect that a multi-sector approach involving collective actions across all government institutions, development and private sector institutions (which have not yet mainstreamed child rights in their programme) would be needed. Hence, greater support for strengthening coordination and monitoring mechanism across all agencies would be useful. This would also require increasing the credibility and legitimacy of MoWCSW (CCWB) to fulfil its mandate for inter-agency coordination and monitoring²⁹. Deliberation needs to take place regarding what can be the best mechanism for inter-sectorial/inter-ministerial coordination, whether the political profile of the present CCWB mechanism can be lifted for better leverage, or another mechanism within MoWCSW needs to be created or alternatively the process would benefit from a formal mechanism at a much higher level (E.g. Issues such as inclusion of women and post conflict reconstruction are addressed through a coordination mechanism under the Prime Minister's Office, which is considered to be most legitimate and influential). GMI can be the basis for advocating for this as it provides space for dialogue for such higher level mechanism (with authority) for inter-ministerial coordination and cooperation.³⁰ At the local level CFLG gives a framework for mainstreaming child rights across all local level programs and hence also scope for greater coordination and cooperation.

²⁸ This is given the fact that cases of violations might not always be reported, and hence government needs to be proactive in its surveillance and also because the child protection system tends to focus more on rescue, recovery and rehabilitation than on prevention (Country Programme Action Plan 2013 – 2017, GON/UNICEF).

²⁹ The CCWB has a clear mandate for inter ministerial coordination and monitoring. However it has not been able to fulfil this mandate because of political legitimacy and acceptance of the CCWB among other sectoral ministries which stems from the fact that CCWB was before a dedicated ministry for children (MoWCSW) came into existence. When MoWCSW was established, CCWB was integrated within its structure. The inter-ministerial coordination mandate remained within CCWB and was not politically lifted to the ministerial level. This affected the legitimacy of the CCWB (as a ministerial body) to politically influence other ministries with regard to coordination and monitoring of child rights and mainstreaming in other sectoral programs.

³⁰ The General Measures of Implementation states "...a special unit, if given high level authority-reporting directly for example to the Prime Minister, the President or a Cabinet Committee on children - can contribute to both the overall purpose of making child rights visible in government and to coordination to ensure respect for children's rights across government and at all levels of government."

3. Finally, if addressing the issues at hand entails challenging social norms, local power dynamics, and addressing structural constraints; it calls for a stronger voice and collective civil action in the form of a social movement. For such social movement the issue of representation is crucial. The best authentic and legitimate advocates for rights are the rights holders themselves and without their direct engagement it would be challenging to sustain a social movement. However, in the case of children, direct engagement is a major constraint, as demonstrated by the SC Nepal's experience. The Strategic Review of the Child Clubs in Nepal (2011-2012) indicated that children were involved in direct advocacy and challenging social practices such as stopping child marriage or raising voice against perpetrators. These indicated success of the modality but as unintended results also had put children in a situation of great risk. Hence, SC no longer encourages children to act as activist and engage in activities that put children in any kind of risks³¹. This has, up to some extent, limited the capacity of the children to be their own voice which raises the question *"in cases where children cannot be their own voices, and then alternatively who represents them?"*. The NGOs network and SC partners have been increasingly recognized as the children voice by both the government and the children, but when it comes to larger society, NGOs does not often have the authority/legitimacy to question the social practices³². Hence, a critical mass which builds up to a broad legitimate social movement would be essential to address societal root causes of the problem. This would require mechanisms for engaging with wider community. Mechanisms, like the DCWB, DCPCs, VCPCs and SCPCs, which have been valuable means to engage members of the community, as these bodies have prominent local figures as committee members, is an option that could be explored. However, these child protection mechanisms are often not widely known³³ and the scale of the engagement of people through these mechanisms is too limited to sustain a large social movement. Further, these mechanisms do not always represent a stronger public opinion. Hence, in order to sustain a larger public interest and build a critical mass for child rights it is essential to engage with a wide range of civil society actors (besides NGOs), especially at the community level. This indicates a need to further deliberate on the SC's partnership for the CRG programme as SC might have to identify and engage with different civil society partners at different levels for different purposes. This would also require re-thinking of civil society beyond what is conventionally defined in Nepal (where civil society is often equated to development agencies/NGOs in Nepal)³⁴.

Strong partnerships are needed at the centre for policy and mechanisms, but even a stronger partnership is needed at local level to help build social movements. SC has been able to build strong partnerships, especially with civil society at the national level. Such

³¹ Child clubs are not encouraged to engage in activities that require direct confrontation or challenging authorities, in which case they need to report to adult forums such as VCPC or representing NGOs. They also are no longer promoted to solicit funds from local government in case of need. The child club activities now focus on extra curricular activities for child development and awareness raising in communities through rallies, street drama etc (which is focused on community in general without targeting a single family or person).

³² There was an example shared where SC's NGO partner's authority was questioned when it tried to inquire/challenge local community with regards to some reported cases of violation.

³³ Final Evaluation of the Program for Strengthening Central Child Welfare Board (CCWB) and District Child Welfare Boards (DCWBS), Plan Norway, 2008.

³⁴ Onta, Pratyoush. Himalayan People's War: Nepal's Maoist Rebellion, Edited by Michael Hutt, 2004

partnerships need to flourish at the local level, especially for the CRG programme³⁵. At the community level, it has to include those who are close to the community and can influence the local process and decision making. This can include local interest groups and community based social institutions (such as mothers' groups, youth groups, community users groups and religious groups) and also community based opinion leaders, activist and service providers (such as social or health service providers, community volunteers, activists, social entrepreneurs, religious leaders, and political representatives³⁶). Mechanisms for partnerships for sustaining their engagement for child rights need to be explored. Stronger partnerships are also needed at the local level with the local government mechanisms, as they are the ones who have the authority and access to make direct positive impact on a child's life.

Further, in order to continue to engage with the general public to sustain a greater public interest and action for child rights, stronger partnership with institutions that can influence as well as support, public voices need to be explored, such as media³⁷. A more formal partnership with journalists and their institutions (Associations/Federations) can be explored. The partnership with NHRC³⁸ also needs to be further strengthened as it has the legitimacy to question both the state and the citizens. Additionally for a more holistic approach partnership with other prominent actors such as private sector, which represents a large part of the society, as well as judiciary, police, and academia also need to be explored.

Further, other mechanisms to legitimately represent children's voice as self advocates, where child clubs have limited leverage (such as Youth Clubs which can engage children who have graduated from the Child Clubs and hence have better orientation of child rights and ownership of the issues) can also be explored.

4. *Consideration for capturing outcomes and impact:* Finally, to ensure results at impact level, it is also essential to have a system of measuring the results. As in case of any advocacy and governance related initiative, capturing, attributing and measuring changes are major challenges since outcomes are contingent to external factors to a great extent, and results often are visible over an extended period of time. Certain outcomes could be identified in the Nepal case study, but it needs to be noted that a long history of continuous and persistent efforts are behind it, which dates well ahead of the immediate

³⁵ Such partnership at local level might already exist for other thematic programme, which has not been explored in this study

³⁶ Political party representatives have emerged as among the most influential actors at the community level, especially given the lack of local government where more of the local decision were taken by multi-party political mechanism (in the past). Political party or their representatives can be one of the key actors that SC can engage with. There is scope for this as SC engagement is on the basis of 'issue' of child right (not political agenda such as political empowerment) and with multi-party mechanism (and not any specific party).

³⁷ Presently CRG interventions focus on building the capacity of journalists on ethical reporting. More focus could be on building capacity of the media for active monitoring, surveillance and reporting of cases of violations with active follow up on the status of action to hold the state and other actors accountable. Also the data gathered on child rights violations through the media can be connected to the relevant monitoring mechanisms either in government, NHRC or civil society.

³⁸ NHRC is presently supported for event based fact finding missions or follow-up on cases of violations. Support for more active monitoring, continuous surveillance and also regular follow-up with the government and other agencies on its recommendations could be valuable. Further focus can be strengthening local outreach and response.

strategic programme period where results were captured. Hence, for the CRG programme, it would be appropriate to define and measure results at different phases of the intervention and at different level, over the period of the interventions. Taking Nepal's case example, results can be classified and measured at three different levels.

- a) Process results: For CRG initiatives, process results are also equally valid and hence need to be recognized, captured and measured. These process results are not really results per se in terms of achievements directly related to improved conditions of child rights, but are valuable conditions or enabling factors that can leverage the achievement of higher level results. These results are inherent to the process of initiating a larger system level change. Examples include strategic alliances and enhanced capacity of the rights actors to organize and advocate (such as CZOPP, Consortium, Inter-Agency Working Group, Child Clubs in case of Nepal) and increased visibility/importance of the issue. This might also include institutional capacity such as capacity to persistently pursue the agenda, institutional credibility and recognition which gives extra leverage for influencing agendas and negotiations (such as SC Nepal and its partners recognized as experts, representatives of children's voice and hence inputs/advice sought).
- b) Outcome results: The outcome results entail the transformation in system and processes for child rights example of which in Nepal include institutionalization of child rights systems and mechanisms such as aligned legal/policy framework, functional CCWB/DCWB/VCPC and CROs and increased investment in children (such as increased access to local resources by Child Clubs and DCWBs). At a higher level, these system level changes can also include factors related to strengthened good governance of the sector such as indication of increased accountability and commitment and increased participation of children in various processes, (such as policy reforms and addressing of children's demands/recommendations by local government as in Nepal's case).
- c) Impact Results: Impact results are the direct changes in the lives of children. In Nepal case direct impact level results could not be ascertained with certainty because of the contextual constraints as discussed earlier, but also as the Nepal CRG programme presently focuses on the system level changes, and impact level changes are not planned within the present framework (and measured). For impact level changes, the monitoring process first starts with the intervention design itself. To ensure that the programme interventions are geared towards impact, the issues raised above for consideration need to be factors in the intervention design itself, which means the interventions (and hence the indicators for capturing the results) should extend beyond the present system (outcome) level. Further, the CRG programme is envisaged as being foundational in nature, which indicates the assumption that other thematic programmes would build upon the results of the CRG programme, to create positive impact on the lives of individual children. With this programme logic, to ensure results at impact level CRG programme has to have a stronger interface with other thematic programme. The impact results indicators have to be built and measured (captured) within the framework of other thematic programmes. For example, the effectiveness of policy reforms needs to be assessed in terms of how the policy affected the governance and service delivery of health or education thematic programmes, and how it impacted individual lives. Within the present framework it would be challenging to capture impact results within the CRG programme itself without taking some other thematic programme as a reference. The indicators for such impact level changes have to be built within the framework of other thematic programmes. For this the designing of another thematic programme (and its monitoring and evaluation framework) including of CRG programme, should consider the interface between CRG

programme and other thematic programme results. Further, a long term monitoring framework would be required, which might be a challenges if any fundamental differences between CRG programme and thematic programmes exist (such as time frame of intervention and measuring results, rights vs. service focused).

The interface between CRG and other thematic programme is also essential because the multi-dimensional constraints of the CRG programme (which is linked to issues such as poverty, livelihood, social discrimination empowerment etc.) cannot be addressed only within the framework of CRG programme.

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Annex 1: Terms of Reference of the Global CRG Study

Evaluation of Save the Children's Child Rights Governance programmes

Making Children's Rights a Reality

SAVE THE CHILDREN is the world's leading independent organization for children.

OUR VISION is a world in which every child attains the right to survival, protection, development and participation.

OUR MISSION is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

1 Background

Child Rights Governance (CRG) is one of six priority areas of work in SC's Global Programme Strategy 2010-2015. Nearly all governments in the world have ratified the UN Convention on the Rights of the Child (CRC) and in doing so agreed to establish a child rights system made up of laws, policies, institutions and processes to respect, protect and fulfil the rights of all children in their country. CRG aims to support and if necessary put pressure on states to put in place such a system, necessary to make rights realities, and facilitate a vibrant civil society (including children) able to hold governments accountable when they fail to do so. SC member organizations have joined forces in a CRG Global Initiative working to achieve the strategic objectives:

- Strengthened state institutions and mechanisms for the implementation and monitoring of children's rights
- Increased awareness and capacity among civil society and children to promote children's rights and hold duty bearers to account

CRG work supports the establishment of an environment where *all* children's rights are taken into consideration, and where the states take on relevant measures to implement them. In this sense a successful CRG programme will underpin all of SC's work and significantly contribute to the achievement of results of thematically specific SC interventions, e.g. in education, health, and protection.

The child rights focus generally became stronger in SC members' strategies and plans during the 1990s and the implementation and monitoring of the Child Rights Convention (CRC) started to appear as an explicit strategic objective early 2000. Child Rights Governance became a term and a distinct thematic priority in Save the Children's global strategy 2010 – 2015. Based on a quick mapping carried out in 2009, among 11 SC members, it was estimated that income for CRG programmes were 30 million USD. In 2011, 20 SC members spent together more than 47 million USD on CRG. The target as per the CRG business plan is 60 million USD before 2015. SC-Demark, SC-Sweden, SC-Norway, SC-Canada, SC- UK and SC-France, are contributing to the CRG initiative's core funding in addition to in kind support in the form of human resources. CRG programmes are implemented by SC country offices and local partners, by regional and international CRG offices (advocacy), and by SC member head offices (advocacy)

1.2 Save the Children's theory of change

Save the Children adopted a Theory of Change (ToC) in 2010 to provide overall strategic guidance to its programs. A ToC explains how organizational and financial resources will be converted into desired social results. The ToC is comprised of four linked goals, which all SC

programs should seek to implement in concert, in order to achieve long-term impact for children³⁹.

Be the innovator: Programs should analyze outcomes, using evidence to identify the most effective interventions. Effective programs should also be designed so that they can be replicated in other parts of the region and/or country.

Be the voice of and for children: Direct service delivery can improve the lives of many children, but far more can benefit if SC influences the political priorities of governments and decision makers in positions of power. Accordingly, programs should garner public and political support for interventions and causes.

Achieve results at scale: Programs should scale interventions so that they have nation-wide impact. However, rather than scaling programs itself, SC should utilize other NGOs and/or the government. This will empower local organizations and ensure local ownership of program interventions, leading to sustainable development.

Build partnership: Partnerships are central to each of the goals. Programs should form partnerships to advocate and leverage those relationships to achieve scale. Partnerships should facilitate the sharing of ideas, experience, and resources, and the building of mutual capacity.

Save the Children's ToC set us out to develop and test evidence-based solutions with a view to scaling them up through advocacy and partnerships.

2 Purpose of the evaluation

Save the Children is commissioning an evaluation of our CRG programs. The evaluation will involve a mapping of SC's CRG programmes globally and an impact study of a selection of them with the purpose of:

- Providing SC with a better overview of types of CRG interventions (including advocacy) at the national, regional and international levels, and a system for classifying types of outcome and impact resulting from them
- Providing SC with evidence of outcome and impact, positive and negative, intended and unintended, and establishing causal links between outcomes at system level and outcomes and impact for children. We hope that the learning from this evaluation will help us to make strategic decisions about priorities and directions in CRG, and develop our programmes, based on evidence. Examples of impact and good practice may also be used to attract donors, partners and allies to the work for children's rights. Furthermore, findings from the evaluation can prepare the ground for evidence based advocacy for children's rights.
- Providing SC with a manageable methodology to capture outcome and impact from different CRG programmes through monitoring and evaluation.

A well-known challenge in working to make human rights a reality is how to measure change – real change in the lives of rights holders. Monitoring data can only take us half way, and often stop at outcomes such as observed system change (be it laws, institutions, policy documents, action plans etc). Measuring the long term outcomes and impact in people's lives resulting from those system changes require a longer time dedication and more sophisticated methodologies, also addressing attribution, than project funding usually allows for. This

³⁹ This description of SC's Theory of Change is based on a graduate study, *Rooting Organizational Change at Save the Children* (de Vulpillières and Hu, 2011).

evaluation should help us to both document and better understand if and how longer term outcomes and impact come about, and suggest a methodology to better capture such changes within our M&E framework in the future.

3 Objectives and key evaluation questions

The objectives for the evaluation are:

1. Improved overview of SC's CRG interventions globally, and developed methodology for classifying and measuring different types of impact from CRG work.
2. Identified and documented intended and unintended, positive as well as negative outcome and impact in selected CRG programmes
3. Identified factors facilitating or obstructing positive CRG outcome and impact for children in different CRG projects and contexts.
4. Identified good practices in designing and implementing CRG programmes in order to achieve positive and sustained change for children
5. Identify assumptions on casual effects of specific interventions in programme contexts, and critically examine whether those are valid.
6. Assess how the theory of change is underpinning CRG work, and to which extent the theory of change is being implemented
7. Assess how CRG programmes link to other thematic priorities in the country offices

The following set of evaluation questions should guide the evaluation team in further developing the evaluation design and questions in cooperation with CRGI before an Inception Report is finalized. Evaluation questions should be refined in a participatory process involving SC staff and partners, other stakeholders and very importantly, children, when the evaluation start up in each case country. The external evaluation team will facilitate this process.

Evaluation questions:

1. How can CRG interventions at the national, regional and international levels and results from them be classified and measured?
2. What outcome and impact (positive and negative, intended and not intended) can be found from the selected CRG interventions?
 - on system level
 - in children's lives
3. Where the selected CRG interventions relevant in the context and how has relevance been assessed and taken into account during the implementation?
4. To what extent are outcomes and impact sustainable?
5. How was sustainability designed into the interventions?
6. What has SCs added value been in bringing the outcomes and impact about?
7. Why were some interventions successful and others not? Which factors are contributing to success versus failure, looking at programme design; implementation model (organization, skills and capacities, partners, involvement of children and communities, timing etc); political, economic and cultural context; relations with key stakeholders; funding etc?
8. How has risks, including risks for children involved, been managed from project design, through implementation, monitoring and evaluation?
9. Have SC missed opportunities in promoting a CRG agenda in the selected case countries? What were the consequences?
10. Are there cases of high impact and good practice that can be shared as models for CRG work outside the original context?

11. To what extent do the country offices lift their CRG agendas to regional and global levels, and what role do the different SC bodies, including SC advocacy offices, play in this?
12. Which intervention logics/theory/theories of change can be detected from programme implementation? Are these convergent with SC's overall Theory of Change?
13. Is it possible to identify some common 'success factors' or 'enablers and obstructers' for achieving impact for children through CRG work across the different CRG programmes evaluated?
14. What role do partners, including child clubs and child led groups, play in bringing about outcomes and impact in CRG? Has cooperating with SC increased the capacity of partners? If so, in what way?

4 Evaluation design and methodology

The evaluation should be carried out in two phases:

- 1) a desk study mapping of a wide range of different CRG interventions in different geographic areas leading to a classification of intervention and selection of cases to look closer at in the next phase
- 2) An in-depth evaluation of the selected cases to assess outcomes and impact of long term CRG interventions, and to identify the process leading to impact.

4.1 Phase 1: Mapping, classification and selection of projects

Classifying types of outcome and impact resulting from CRG work, and develop a methodology to actually capture such evidence, is a key task in this evaluation. Hence, the evaluation team will be invited to develop a classification and methodology as a first product and apply it in the impact assessment of the selected cases to answer to the objectives of this evaluation. Four to six case countries and CRG programs should be selected for the purpose of data collection. To inform the selection of projects for phase 2 we propose the following criteria:

- Selected CRG programmes (cases) should reflect the key components of the global CRGI strategy
- The projects should have been implemented by SC or/and partners for a period of minimum five years in order to allow for medium- and long term results and impact. When choosing to focus on program with a relative long and stable lifespan, it will also be possible to look at historical development to identify important steps and strategic choices along the way.
- Among the cases there should be examples of interventions where monitoring data indicate success. After conducting a more thorough impact assessment of the same interventions, it would allow for a critical analysis of how trustworthy monitoring data is in measuring outcomes in this field. These cases should also allow for a critical assessment of the assumed causal links between the short term and medium term outcomes at system level and longer term outcomes and impact in children's lives. This would help SC to understand better how to build a trustworthy M&E framework for CRG. Such cases will also have a potential to bring important learning to the larger group of CRGI stakeholders.
- The selection should ideally represent projects funded and supported by different members, in order to capture potential learning from different practices.

Both SC country offices, member head offices and SC advocacy offices will have archives of historical data that can be scanned in desk review. SC programme staff, child led groups and partner staff are obvious sources of information, as well as stakeholders in programme

countries. Information should be validated with programme beneficiaries. The evaluation steering group will provide the evaluation team with the following data sources for the mapping in phase 1:

- Financial information on CRG projects 2010-2013 (2013 budget)
- Annual reports, annual plans, CRG strategies, donor reports, evaluations and any other relevant written material about CRG programs
- Members' Indicator dataset, where available
- CRGI indicator baseline dataset 2011 (raw data)
- CRGI funding mapping 2012/2013

In addition to the written material, the evaluation steering group and other SC staff are available for interviews to provide the evaluation team with more information if requested.

By end of Phase 1, the evaluation team should present the mapping and classification, and suggest a selection of 4-6 cases for the phase 2 impact assessments. After receiving input from the evaluation steering group, the evaluation team chooses the final cases.

4.2 Phase 2, Impact assessment of selected cases

As the CRC is the foundation of the work of SC, it is vital that the evaluation of its CRG programme is solidly anchored in the CRC and the human rights-based approach to development commonly understood and agreed in the human rights community⁴⁰For that reason, methodology has to evolve with the evaluation and only basic principles will be set here:

1. A state of the art impact assessment methodology is required, relevant for human rights and good governance interventions, combining quantitative and qualitative data, with a historical retrospective approach. The question of added value and attribution should be explicitly addressed.⁴¹
2. The methodology should also help us understand the process leading to impact as well as processes failing to produce the intended impact, and how context influence.
3. The OECD/DAC evaluation criteria should be applied (Relevance, Efficiency, Effectiveness, Impact, Sustainability).
4. The methodology should enable the team to identify and explore the contextualization of the Theories of Change implied in the different programmes.
5. A more critical external audience in the selected programme countries should be able to input to the evaluation (human rights experts and advocates, INGOs and others)
6. Stakeholder participation and especially the meaningful participation of children and youth are key to any SC evaluation process, and a process to ensure this should be outlined in the Inception report. Evaluation activities must comply to SC Practice Standards for Child Participation (<http://www.savethechildren.org.uk/resources/online-library/practice-standards-children%E2%80%99s-participation>), as well as SC's Child Safeguarding framework and Ethical Standards for M&E.

⁴⁰See for example, the UN Statement of Common Understanding of Human Rights Based-Approaches to Development Cooperation and Programming, 2003.

⁴¹See Howard White and Daniel Phillips 'Addressing attribution of cause and effect in small n impact evaluations: towards an integrated framework', 3ie working paper 15, June 2012.

5 Organization, roles and responsibilities

Evaluation Team:

The evaluation should be led by an external evaluation team (consultant(s)/researcher(s)) with extensive evaluation experience and competence in human rights/child rights. In each of the case countries we suggest that one national consultant/researcher with the necessary competencies is commissioned to support the global evaluation team.

We would like to see involvement of staff, partners, children and government in the evaluation process in programme countries, both in the design phase and in the feedback of findings and recommendations.

The evaluation team will be responsible for developing the research methodology, facilitating participatory processes and managing data collection, as well as writing up the reports and presenting the findings and recommendations. The external evaluation team is ultimately responsible for conclusions and recommendations, and the quality of the evaluation reports.

The team of researchers/consultants is expected to fill the following requirements:

- Documented experience in undertaking impact studies in the field of human rights.
- Documented knowledge of the UN Convention of the Rights of the Child
- Fluency in the English language, written and spoken.
- A record of interest in/publications on methodology for capturing social change will be an advantage
- Experience with Child Participation is an advantage

National consultant/researcher should be recruited by the global evaluation team itself through their own networks, is possible, or calls will be sent out from the selected country offices and managed by SC if necessary

SC evaluation management

The Steering Group will approve the Inception Report and the draft final reports after consultations with the Reference Group. Case country offices will be expected to engage at SMT level as well as the relevant M&E staff and CRG staff, giving input to design, facilitate in the organization of the evaluation team's field visit, data collection, and child participation activities, as well as in commenting on draft reports and help feedback to participants at country level. The country offices will also be key in sharing and learning from the evaluation.

6 Deliverables

- A *classification* of the CRG interventions based on the initial desk study mapping, based on available documentation.
- *Inception report*/detailed work plan for the evaluation to be approved by the Steering Group
- A *methodological framework* for measuring outcome and impact from CRG work, designed for an INGO like SC, taking the already established SC M&E system and global indicators into account.
- Draft and final evaluation *reports* per case country (maximum 20 pages) in English, with executive summary
- Final *global evaluation report* (maximum 30 pages) with executive summary, in English
- *Easy-read version* of an extended executive summary, in English, for children
- *Visual (PP or other) presentation* of findings and recommendations
- *Presentation* at one CRGI workshop or conference

Possibilities for video documentation should be explored during the evaluation process.

7 Timeline

First SCN consultation with CRG GI	Mid October 2012	<i>Done</i>
Draft ToR shared for comments	By 23 th November 2012	<i>Done</i>
Second draft ToR for review	25 th January	<i>Done</i>
ToR approved	11 Feb	
Call for external consultants/researchers, application period, selecting evaluation team	11– 25 Feb	
Signing contract	By 4 th March	
Desk review and draft Inception Report	By end March	
IR approval	Early April	
Start-up workshop in one case country	Early April	
Field work/data collection	April – July	
Draft reports	Late August	
Participatory reflection and feedback	Mid September	
Final reports	Early October	
Presentations and input to follow up plans	October and November	

8 Budget/Resources

SCN will fund the evaluation, covering consultancy for approximately 140 days in total (global and national consultants/researchers) and cover travel costs, accommodations and participatory workshop(s). A detailed budget will be prepared based on the consultancy fees agreed and case countries selected.

9 Plan for dissemination and learning

A plan will be developed by CRGI in close cooperation with SCN, other members and the involved country offices. Feedback to stakeholders, particularly children, who were involved in the evaluation, is essential.

The evaluation reports will be published on the SC web. COs are also free to translate (if necessary) and publish the report locally. The reports will also be used to extract briefing documents, lessons learned documents, communication materials, and presentation at workshops/conferences.

Project name:	Impact assessment of SC's Child Rights Governance Programmes
Commissioned by:	Save the Children Norway/ CEO Tove Wang
Project owner:	SCN and CRG GI
Project manager:	Brynjar Sagatun Nilsen, M&E adviser, CRG GI
Project Group:	Brynjar Sagatun Nilsen, M&E adviser for CRG GI (Project Manager), Ingunn Tysse Nakkim, M&E adviser SCN/Nora Ingdal (director of Strategic analysis, SCN).
Steering group:	Lene Steffen, Director CRG GI Christine Lundberg, SCS Annette Giertsen, SCN
Reference group:	Jessica Sjolander Susanne Kirk Christensen, SC Denmark Ulrika SonesonCilliers, CRGI LjiljanaSinickovic, SC North-West Balkans Pedro Hurtado, CRGI DaviniaOvettBondi, SC Geneve Office Godwin Kudzotza, SC Zimbabwe Alison Holder, SC UK Will Postma, SC Canada Lalaine Sadiwa Stormorken – CR adviser SCN Ann Stewart Pedersen – Account manager Norad, SCN

Annex 2: List of Organizations/individuals Interviewed

Event Type	Name	Gender	Position	Organization
KII	Dilli Guragai	Male	CRG and Child Protection Specialist, SC Nepal	Save the Children Nepal
KII	Sita Ghimire	Female	Advocacy, Gender, Social Inclusion Theme Leader and SMT Member, SC Nepal	Save the Children Nepal
KII	Rodger Hodgson	Male	SMT Member, SC Nepal	Save the Children Nepal
KII	Madan Gotame	Male	Program Coordinator (CRG and Protection), SC Nepal	Save the Children Nepal
KII	Gauri Pradhan	Male	Commissioner and Spokesperson of NHRC	National Human Rights Commission (NHRC)
KII	Manju Khatiwada and Ram Adhikari	Female Male	Child Rights Focal Person	National Human Rights Commission (NHRC)
KII	Tarak Dhital	Male	Executive Director	Central Child Welfare Board (CCWB)
FGD	Kiran Rupakehti Laxmi Tripathi Sushila Paudel Khimraj Bhusal	Male Female Female Male		Ministry of Women Children and Social Welfare (MoWCSW)
KII	Gita Gautam and Samjah Shrestha	Female Female	Senior Officer Human Rights Monitoring and Advocacy	Informal Sector Service Centre (INSEC)
KII	Sunil Shrestha	Male	CZOPP Program Coordinator	Children as Zones of Peace and Protection
KII	Sushila Thapa Adhikari	Female	Coordinator	Consortium of Organizations working for Child Participation
KII	Gita Gautam and Samjahana Shrestha	Female Female	Senior Officer Human Rights Monitoring and Advocacy	Informal Sector Service Centre (INSEC)
KII	Arpanah Rongong	Female	Child Protection Specialist	World Vision International
KII	Yuvraj Ghimire and Bishnu Timilsina	Male Male	Thematic Coordinator - Human Rights and Governance Team Leader	Children – Women in Social Service and Human Rights (CWISH)

KII	Mandhuwanti Tuladhar	Female	Program Manager	Plan Nepal
KII	Sumnima Tuladhar	Female	Executive Coordinator	Child Workers in Nepal (CWIN)
KII	Nawjeet Karmacharya	Male	Child Protection Coordinator	Terre des Hommes
FGD	Children, teachers and facilitator (From partner NGO) of Child Club (Names not disclosed)			

Please note KII – Key Informant Interview, FGD – Focus Group Discussion

Annex 3: Outline of Budget and Secured Funding, CSP 2010-2015

Table 2: Budgeting (Secured and not secured funding) for all Themes: Funds requirements by theme: 2012-2015

Theme	2012		2013		2014		2015	
	Needed	Secured	Needed	Secured	Needed	Secured	Needed	Secured
Child Rights Governance	557,058	390,610	700,000	76,980	840,000	76,980	966,000	76,980
		70%		11%		9%		
Education	5,685,184	5,474,435	6,005,230	3,505,230	6,140,658	3,440,658	5,390,958	2,690,958
		96%		58%		56%		50%
Protection	2,049,493	1,896,245	3,227,175	1,269,507	2,791,077	818,669	2,890,519	444,220
		93%		39%		29%		15%
Health and nutrition	9,712,405	9,313,781	12,450,013	11,015,113	12,053,832	9,245,950	8,080,678	5,418,725
		96%		88%		77%		67%
HIV AIDS	4,341,756	3,521,691	5,342,231	5,195,983	10,560,873	2,315,614	11,616,961	
		81%		97%		22%		
Emergencies	2,000,000	1,893,626	650,000	162,621	725,000	61,584	800,000	61,584
		95%		25%		8%		8%
Livelihood	2,617,011	2,260,698	2,725,636	1,042,950	3,028,455	447,312	3,228,327	217,376
		86%		38%		15%		7%
Non Programmatic	4,283,509	4,833,806	5,140,211	4,909,227	5,397,221	4,476,923	5,667,082	2,220,102
Total	31,246,416	29,584,892	36,240,496	27,177,611	41,537,116	20,883,690	38,640,525	11,129,945

This table reflects the planning of SC Nepal in terms of budget requirements for all the themes as included in the Country Strategic Plan. We have calculated for each theme the percentage of the costs that were secured. This shows that for CRG and Protection, both right-based themes, less funding was secure at the time when the CSP was designed. This does not necessarily indicate much, however, it might be an indicator of the difficulty to fundraise for right-based and advocacy themes which do not present immediate short term results, compared to more service delivery focused themes.

(Please note: the budget figure has been taken from the budget (projection and secured funding) from SC Nepal Strategic Plan 2010-2015, and hence does not reflect the actual funding status as of now (in the 4th year of the strategic plan), as the study did not cover a financial review as such.)

Annex 4: Save the Children’s Advocacy Agenda of CRG

The advocacy agenda of CRG focuses on the following aspects:⁴²

- Ratification of conventions and instruments of high importance for the promotion and protection of Child Rights, like, the Convention relating to the Status of Refugees (1951); The Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption (1993); The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UNC against Transnational Organized Crime (2000); The Convention against Discrimination in Education (1960); and The Convention on Technical and Vocational Education (1989)
- Ensuring that the right to education, basic health, protection and social security provisions which were included in the interim constitution, are also given continuation in the new constitution. Further, advocating to recognize the right of a child to choose and hold citizenship based on either parent’s citizenship and that no child born to a Nepali mother will be without nationality
- Institutionalization of a Commission for Child Rights or a special Commissioner for Child Rights within NHRC (as a constitutional body)
- Increasing resource allocations for the Child Right sector, like strengthening the Ministry of Women Children and Social Welfare, the CCWB and DCWBs, the NHRC and establishment of a village level mechanism
- Advocating for the government to endorse the delayed endorsement of the Child Policy, Child Protection Policy, Minimum Standards for Child Care Homes, Child Rights Act and the Education Regulation, which are already four years in the making. Further, to urge to government to continue consultations with civil society on policy reform

⁴²Deducted from the “Submission by Save the Children Nepal for the Universal Periodic Review – 10th Session” 2011, by comparing the agenda in this document with CRG’s conducted and planned activities.

Annex 5: Submission of Save the Children for UPR Review 2011

Submission by Save the Children Nepal¹ for the Universal Periodic Review - 10th session

I. BACKGROUND AND FRAMEWORK

1. Scope of international obligations

Save the Children is concerned about the fact that Nepal has not yet ratified the highly important international instruments, which are important to promote and protect the rights of children

Recommendations:

- The government should *immediately ratify the (i) The Convention relating to the Status of Refugee (1951) (ii) Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption (1993) (iii) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); (iv) The Convention against Discrimination in Education (1960); and (v) the Convention on Technical and Vocational Education (1989).*

2. Constitutional and legislative framework:

Save the Children welcomes the fact that Nepal's current interim constitution recognizes special rights of children, including the right to education, basic health, social security and protection, which has also been incorporated in the recommendation to the Fundamental Rights Committees under Constituent Assembly in the impending constitution. These important provisions must be conceded in the new Constitution in an equitable and justifiable manner.

Recommendations:

- The government should *ensure right to education, basic health, protection and social security provisions in the interim constitution be given continuation in the new constitution; recognize the right of a child to choose and hold citizenship based on either parent's citizenship; ensure no child born to a Nepali mother is without a nationality.*
- The government should *either set up a separate commission for child rights or a special commissioner for child rights within National Human Rights Commission.*

3. Institutional and human rights infrastructure:

Save the Children is highly concerned about the non-existent infrastructure for children at village and municipality level. Concerned ministries and departments, particularly the Ministry of Women, Children and Social Welfare and the Child Welfare Board at center and district are not adequately resourced to carry out programmes. National Human Rights Commission does not have sufficient legislative mandate nor resources to act on complaints and to ensure redresses.

Recommendation:

- *The government should take immediate measures to set up mechanisms at Village and Municipality level to safeguard and fulfill child rights.*
- *The government should increase resources allocations in the child rights sector. It should, strengthen the Ministry of Women, Children and Social Welfare, Central and District Child Welfare Board and National Human Rights Commission to run adequate programmes and effectively respond to child rights violations.*

4. Policy measures:

Save the Children appreciates the positive initiatives of the government in policy and legislative reforms but expresses concerns, *inter alia*, in delays in endorsement of the child policy, child protection policy, minimum standards for child care homes, Child Rights Act and the education regulation which have been four years in the making.

Recommendation:

- *The government should continue consultations with civil society on policy reform and expedite endorsement of the Child Rights Act, Education Regulation, Child Protection Policy, minimum standards for child care homes and child policy immediately.*

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Implementation of international human rights obligations

1. Right to equality and non-discrimination

Discrimination is prohibited under the Constitution of Nepal. However, Save the Children is deeply concerned with the widespread discriminatory practices against girl children, *Dalit* children, children with disabilities, children with HIV and AIDS, which are more prevalent in semi urban and rural areas. Available and appropriate services for children with disability have not received attention.

Recommendation:

- *The government should increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination as stipulated in article 2 of the Convention of the Rights of the Child by adopting appropriate legislation and enforcement measures to end discrimination against girls, dalits, children with disabilities and children with HIV and AIDS, and strengthen monitoring mechanisms.*
- *The government should ensure HIV and AIDS infected mothers are not denied to take care of their non-infected children and ensure mothers are provided with additional help for ensuring non transmission.*

2. Children's right to life jeopardized by explosive devices

Children's right to life is currently threatened due to the presence of explosive devices which were placed during the armed conflict. Even after the signing of the Comprehensive Peace Accord (November 2006) 275 people have been reported killed with children accounting for more than 50% of casualties. Similarly more than 240 children have been injured leaving them with permanent disability including the loss of limbs, hearing and eyesight and psychological effect.ⁱⁱ

Recommendation:

- *The government should ensure every child affected by explosive devices receive necessary and free rehabilitation.*
- *The government should identify explosive affected areas and immediately start mine clearance including mine education program targeting children and communities.*

3. The right to health

Save the Children is severely concerned with the current health services and their quality in rural areas and the inadequate allocation made by the government for child health. Although basic health care is free, nearly 40% of Nepal's populations lack access to primary health care. Infant and under-five mortality stands at 48 per 1000 and 61 per 1000, respectively with most of these deaths being preventable and treatable. Among others, malnutrition remains a dominant underlying cause of death among children. Access to safe water and hygiene is largely absent in rural areas of Nepal. In year 2009, 17 districts in the western part of Nepal suffered from a diarrheal outbreak resulting in 356 deaths in a two month period including around 100 children due to lack of good hygiene and water facilities and inadequate management.ⁱⁱⁱ

Recommendation:

- *The government should take immediate steps to realize children's right to survival and health, in accordance with the principles of the best interests of the child and non-discrimination, including availability, accessibility, acceptability and quality of curative and primary health services for newborns, children and their mothers, especially for marginalized communities and in rural areas.*
- *The government should improve child nutritional status by implementing appropriate programs targeting poor communities and food deficit areas. .*

4. Violence, sexual abuse and harmful traditional practices

Save the Children is concerned with the prevalence of widespread domestic violence, harmful practices such as child marriage, *Chhaupadi* and corporal punishment in private and public sphere. The concern is also on neglect of children during rearing and more so of girls. The Domestic Violence (crime and punishment) Act 2008 does not sufficiently address the problem of children being victims of domestic violence. In cases of molestation, the legislative provisions are flawed because the state does not represent children in such cases. And the limitation to file a complaint to the police in case of rape/attempt to rape is only 35 days, which adversely affects reporting and justice. Lack of victim assistance, social in-acceptance of girls when they file complaints and insensitivity of state institutions towards justice for children has made the situation worse.

Recommendation:

- *The government should take immediate measures, including legislation, to protect all children, whether girls or boys, from sexual abuse until the age of 18, including lengthening the period for reporting abuse; ensure child molestation cases are represented by the state, ban corporal punishment; establish child friendly administrative and judicial procedures for child victims and witnesses of crimes to ensure they receive adequate protection, rehabilitation and compensation including right to confidentiality.*
- *The government should make sure that all children affected by sexual abuse, exploitation and violation during armed conflict have access to special procedure for redress.*
- *The government should strictly enforce the law prohibiting harmful practices that violate the rights of girls, i.e., badi, chaupadi, deuki, kamalari and child marriage.*

5. Prostitution and trafficking

Save the Children is gravely concerned with the high number of women and girl children being trafficked to India for commercial sex and the ineffectiveness of cooperative mechanisms between Nepal and India to counter such menace.^{iv} More than 20,000 girl children are estimated to be in the sex trade within Nepal.^v The state has no specific mechanisms and program to address spread prostitution, protect, rescue, rehabilitate vulnerable and victims and prosecute internal and external perpetrators. Many provisions and facilities guaranteed under the Human Trafficking Control Act are not being implemented. The inter-country adoption process in Nepal is frail and open to abuses and contravene the Hague Convention 1993. Monitoring is weak to oversee cash transfers and falsification of documents. The government has established diplomatic offices in migrant destination countries but their functions are too limited to respond to trafficking or forced labour.

Recommendation:

- *The government should establish or re-enforce national and international mechanisms to fight inter-country trafficking in persons, especially children, prosecute perpetrators, and provide protection, social rehabilitation and compensation for all victims.*
- *The government should significantly increase law enforcement efforts against all types of trafficking and sex trafficking*

6. Child Labour

There is no system of registration, control and monitoring of child labour in Nepal. Children are working in various sector. National legislation which has termed employment of children in hazardous sectors is quarries, brick kilns, mining, road construction, transportation, restaurants and roadside hotels. Children working in these sectors are prohibited by ILO convention. Employment of children in abusive and hazardous environment is a violation of UNCRC principles. Though employing children under 14 is prohibited by law, having very young children as domestic laborer is widely accepted. In the hope of escaping domestic labour, many working children end up in the street. In the absence of adequate state rehabilitation programs, there is an increasing number of children at risk coming into conflict with the law.^{vi} Although the *kamaiya*^{vii} system has been abolished, the government has failed to implement an effective program to ensure *kamalari* are brought into the formal or vocational education system.

Recommendation:

- *The government should strictly enforce laws prohibiting employment of children below 14 years of age, set up state offices to monitor, prevent, rescue and rehabilitate child laborers and children in street situations and prosecutor violators*
- *The government should strengthen programs to better address the educational and rehabilitative right of kamalari children, focusing on their place of origin.*

7. Birth registration and the right to nationality

Although birth registration is mandatory by law, Save the Children is concerned with the low rate of birth registration (35% of total children only registered birth according to the Ministry of Local Development), especially in rural areas. Many groups of children are not registered which makes it difficult for them to enjoy many other rights and privileges as children including citizenship. Save the Children is particularly concerned with the current provisions of the Birth, Death and other Personal Incidences (Vital Registration) Act of 1976, which limits a mother's right to independently register her child's birth. Similarly, the implementation of amended Citizenship Act of 1964, which allows a child to claim nationality with his /her mother's name, is also not fully implemented.

Recommendation:

- *The government should implement the newly amended provisions in the Death and other Personal Incidences (Vital Registration) Act of 1976, Citizenship Act of 1964 by developing facilitative measures such as a detail guideline for the local government agencies;*
- *The government should put into place measures to end discrimination against children born to foreign fathers, abandoned children, orphans, children born out of wedlock and children from the Badi community, amongst others, in birth registration and obtaining citizenship. Ensure that all children of refugees and asylum-seekers born in Nepal are issued with birth certificates.*

8. Children in conflict with law

Save the Children is concerned that the current juvenile justice system fails to promote diversion, restorative justice practices and alternatives to deprivation of liberty. There is insufficient training of juvenile justice actors and deprivation of liberty is the norm instead of the measure of last resort. Children deprived of liberty are still more frequently tortured than adults in Nepal.^{viii} The only correction center in the country is over populated and under resourced. The Children Act 1992 and Juvenile Justice Procedure Regulation 2006 categorically states provisions for a Juvenile Court or Bench but there has been no initiative on implementation; professional social workers and child psychologist to support children on trial have not been appointed to carry out social inquiry reports.

Recommendations:

- *The government should implement the Child Act 1992 and Juvenile Justice Procedure Regulation 2006; establish a Juvenile Court and there should be special units within the police, public prosecutor's office and judiciary to deal with children. Legislative reform must include restorative practices, diversion and child friendly procedures in juvenile justice system.*

9. The Right to education

Save the Children is deeply alarmed by the fact that primary education in Nepal is not completely free in the actual sense; there are direct and indirect associated costs. Parents do pay fees for examination and other annual charges in addition to stationary and uniforms. Save the Children is also concerned with lack of commitment by the government on compulsory education and also the disparities in retention in primary and secondary schools between girls and boys, between upper and lower castes and ethnic and indigenous groups. Save the Children is also concerned with inadequate public expenditure in education, shortage of qualified and trained teachers, poor physical infrastructure and overcrowding of classrooms.

Recommendations:

- *The government should take all necessary measures to ensure access to free and compulsory education without discrimination, especially in relation to girls, dalit and children with disabilities.*
- *The government should take all necessary measures to increase public expenditure for school education, particularly to make primary education compulsory and free.*
- *The government should ban all kinds of violence in school including corporal punishment and set up monitoring mechanisms for violations, implementation of policies and code of conduct.*

10. Refugee, asylum-seeking and internally displaced persons (IDPs)

Save the Children is concerned that refugee status presently can only be sought by certain categories of asylum-seekers. Bhutanese refugees and their children experience restrictions on movement and recreation and access to health and education is limited. There are no state programs for children of IDPs there are procedural and administrative hurdles to access education and health services.

Recommendation:

- *The government must ensure all children of internally displaced persons, refugees, asylum-seekers and their families enjoy their right to health, education and birth registration, without prejudice and discrimination.*
- *The government should bring special programs for children of internally displaced population.*

11. The right to be heard

Save the Children welcomes provisions in the Government's development plan (2006/07- 2009/10) aiming to strengthen child participation in all project cycle, in policy making and in its efforts in developing national child participation framework to implement UNCRC provisions.

Recommendation:

- *The government should ensure that the child's right to be heard be taken into account in on going policy, legislative and structural reform, in accordance with the Committee on the Rights of the Child's General Comment No. 12 (2009), including in all judicial and administrative proceedings affecting children.*

Annex

End Notes

ⁱ Save the Children Nepal is part of International Save the Children having ECOSOC status with the UN.

ⁱⁱ Information received from unicef Nepal Country office and Informal Sector Service Center (INSEC), who are monitoring the impact of explosive devices in Nepal.

ⁱⁱⁱ This is the government data compiled by the high level coordination committee, under whom Save the Children was working to respond the situation. The study done by New Era, A research institute, in 2006 revealed that there were 5000 women working as prostitutes in Kathmandu. Similarly In a study conducted by KRIPA, a local NGO, in 2000 revealed there are 260 places in Kathmandu for prostitution.

^{iv} Following table gives a detail account of the problem of trafficking and prostitution.

Source	Nature and extent of trafficking
CWIN, 1997	153,000 women and children trafficked to Indian brothels (20% of them below 16 years of age)
ILO-IPEC, 2001	12,000 children under aged 18s trafficked to India annually for commercial sexual exploitation
STOP/Maiti Nepal, 2002	5,000-11,000 women and girls trafficked annually for brothel based prostitution
STOP, 2002	5,000-7,000 girls and women trafficked to India annually for brothel based prostitution
Population Council, New Delhi, 2002	200,000 girls and women trafficked to India for sex industry
Asmita, 2005	22,600 girls and women trafficked from Nepal to Mumbai, Delhi, Kolkotta, Pune and other cities
Easter Benjamin Trust, 2007	600 children trafficked to India for circus performance
WCSC, 2007	2,216 missing children from various regions in Nepal between July 2007 and June 2008
WCSC, 2007	3,258 missing women in Kathmandu valley between 1998 and 2007

^v This information was shared by the Ministry of Women, Children and Social Welfare while celebrating the day against trafficking in 2009.

^{vi} See, A study conducted by Rebat Timsena and Shiva Prasad Paudel, *Sadalok Jindagani*, 2003. Also a study conducted by the Kathmandu School of Law, *Juvenile Justice System in Nepal*, 2003.

^{vii} Kamaiya is a bonded labour system which was abolished by Kamaiya Prohibition Act 2002. The bonded labour parents used to send their children as young bonded labourers (kamalari) to work as domestic labourers. Such tradition has been decreased but many of such children are still outside of school and working as a domestic labourere in urban/semi urban areas.

^{viii} Advocacy Forum, *Torture of Juveniles in Nepal : A Serious Challenge to Justice System*, 2010, Kathmandu, Nepal.