



**Day of General Discussion on
“Resources for the Rights of the Child – Responsibility of States”
Investments for the Implementation of Economic, Social and Cultural Rights of
Children and International Cooperation (CRC art.4)**

Geneva, 21 September, 2007

Introduction

In its annual follow up Report (May 2007) the *Gruppo di Lavoro per la CRC* (Italian NGO Group for the CRC) concentrated on a specific paragraph dealing with the question of resources available in Italy for children, including those obtained through international cooperation. We would like to contribute to the Day of General Discussion by sharing some considerations and concerns that have been highlighted in the Report with the Committee's members.

Working Group 1: ‘available resources’ and their allocation to children

Estimating how much countries spend altogether on children's needs both at a regional and national level is a complex proposition for a number of reasons.

First of all, not all countries have set aside a **specific fund for children**, which would serve to better identify resources available for children.

In Italy, article 1 of Act 285/1997 instituted a National Children's Fund having a three-year cycle, to be divided among the various Italian Regions (70%) and 15 specific Metropolitan areas (*“città riservatarie”*) identified in article 2. This fund was used to finance interventions linked to early childhood, support for parents and free time activities, carried out with respect for the rights of children. The fund was instituted not only to finance social emergency measures, but also in order to promote children's rights and welfare (for example it served to finance a variety of projects linked to the implementation of children's rights to access these resources). When Act 328/2000 took effect, the Regional part of the National Children's Fund became part of the National Social Fund, a so-called “indistinct” fund, meaning that it is not expressly required to devolve a specific quota to children. Only the 15 specified cities continue to receive the sum (30%) expressly set aside for them by the former National Children's Fund. Without a specific requirement as to how much money to dedicate to children, the Regions are free to make use of the National Social Fund according to their own priorities, especially since a constitutional reform (Constitutional Act 3/2001) has granted the Regions full autonomy in setting up their social policies.

In addition, it is essential that there be total **clarity and transparenance with regards to the amount of the Fund** allocated for children.

Article 1, comma 1258 of Financial Act of 2007 (n. 296/2006) states that *“the endowment of a National Fund for Children as provided for in art. 1 of the Act of August 28, 1997 no. 285, as of 2007, shall be determined annually according to Financial Law as stated in art. 11 comma 3 of the Law of August 5, 1978 no. 468, and*

successive modifications". This declaration seemed to imply that the Children's Fund was supposed to be entirely re-instated, however no trace of it can be found in the budget nor has its financial endowment been directly identified for 2007, even though the law specifically requires that it be established annually. According to some institutional references, it appears that this financial law refers instead exclusively to that 30% of the funds reserved for the selected cities, a figure, moreover, which has remained invariable since 1997, as no monetary adjustment has been carried out since that time.

Finally, it must be stressed that determining amount of the Fund only on an annual basis does not permit any medium-range planning to be carried out. Therefore, one of the advantages to setting aside a fund exclusively dedicated to children and youth is that it would thus allow for **long-range planning**, consenting a financial outline designed to unfold over a number of years. An Italian example can be seen in the three-year terms of its National Children's Fund, instituted by Act 285/1997.

It is therefore the Gruppo di Lavoro recommends that:

- 1. Governments institute a National Children's Fund, whose long terms will allow longer-ranged planning and whose amounts will be expressly specified by law. These Funds should be designed not only to provide support for the underprivileged, but also to promote equal rights and should be monitored annually.**

Another critical point is represented, **on a national level**, by the dividing up of the resources allocated for children among various Governmental Departments, consequently leading to the fragmentation of funds among a variety of budget items and requiring the various departments to come up with an agreement as to how to administer these resources. In Italy, for example, a special Plan for social-educational services (Infant Day Care Plan – *Piano Asili Nido*) is to be created in accordance between the Ministry for Family Policies, the Ministry of Public Education, the Ministry of Equal Rights and Opportunities and the Ministry of Social Solidarity.

The amount allocated by each Ministry for resources for children and youth in Italy remains undisclosed, in spite of recommendations to the contrary having been brought to the attention of the Italian government by the United Nations Committee following its review of the most recent report not to mention the express request by civil society. The Gruppo di Lavoro, during the data-gathering phase preceding the compilation of the 2007 Report, formally requested information regarding the total amount of resources allocated for children by the various Ministries, in most cases receiving no response whatsoever to this request.

It therefore appears necessary that each individual Ministry take responsibility for identifying what expenses on behalf of children and youth they have underwritten and make their contributions public and verifiable.

Identifying available resources for children is complex even at **a regional level**. Data is not always systematically gathered regarding the budget quota allotted by the individual regions to policies in favor of children and youth, nor is such data necessarily rendered accessible and verifiable.

For example, in Italy constitutional reform of Title 5 of the Italian Constitution (by Constitutional Act. 3/2001) granted regions exclusive competence regarding social policies. The State maintains exclusive competence regarding *"the determination of essential performance levels concerning civil and social rights which must be guaranteed all over the country."* According to this constitutional reform, the Regions are required to define regional priorities in terms of social policies and their relative resource allocations. It would therefore be a good idea to promote the creation of a regional Fund for Childhood for each Region, to assure a continuity in resource allotment for the promotion and protection of children and at the same time avoid inequality among the regions. It should be noted that the Government is still inadequately fulfilling its responsibilities, in particular regarding the definition of minimum levels of social service provisions in order to guarantee nation-wide uniformity. These essential levels have yet to be determined.

As far as resource allocation is concerned, it must be noted that often **overall attention to family policies *per se* can tend to obscure the child-centered perspectives** they are meant to adopt, neglecting to pay due consideration to the pressing needs of children when drawing up social and financial economic policies.

In Italy, for example, in 2006 the Ministry for Family Policies was set up to deal with many of the main children's issues. Even though Italian Financial Act expressly requires resources be allocated for the elaboration and implementation of a specific Plan for dealing with family issues, nothing has been specified regarding setting up the much-anticipated National Children's Fund, although its institution is required according to Act. 451/1997. The last two-year National Plan for Children was for the 2002-2004 period and no funding was provided for its implementation.

Finally, it should be pointed out that making use of **third sector consultation** would be extremely useful in planning phases of programs on behalf of children and youth.

It is therefore the Gruppo di Lavoro recommends:

- 2. a monitoring system be introduced to annually analyze the total resource quotas which countries devote to children, taking into consideration resources stemming from various Departments involved, as well as from local and regional bodies.**

It is equally important in the context of **international cooperation** to be able to identify the monetary amount of the resources set aside by a given country for international cooperation projects in favor of children, and information must be adequately gathered from all the geographic areas involved, from each sector (education, health, social services, trafficking, exploitation of under-age workers, etc.) and from the various executive entities (governments, international organizations, NGOs).

In 2006, for example, Italy invested € 18,356,317.54 in international cooperation projects aimed at childhood development programs, € 11,792,748.68 of which in Africa (Angola, Egypt, Ghana, Kenya, Morocco, Nigeria, Senegal). Only 38,4% of the sum total of the resources aimed at projects for childhood development programs was issued to NGOs, compared to the remaining 61,6% dedicated to bilateral and multilateral government cooperations. In 2006, 15 Italian regions set up decentralized projects in cooperation with developing countries on behalf of children.

It is also essential to point out that fully effectuating the rights put forth by the CRC would require not only the allocation of adequate resources but also that, for any cooperative development program or humanitarian intervention undertaken, attention be paid across the board (*mainstreaming*) to the promotion and protection of the rights of children and youth, and not only, therefore, in specific programs aimed at children's welfare. In the second place, the programs of international cooperation have got to adopt an approach based on respect for human rights, and in particular on the rights of children and youth. This approach, as expounded clearly by the fundamental beliefs and actions of the United Nations, and by civil society at large on an international level, is in contraposition to a cooperation approach based on needs.

It is therefore the Gruppo di Lavoro recommends that:

- 3. resources be implemented aimed at promoting and protecting the rights of children in every cooperation project and that any international cooperation project maintain an approach based on respect for the rights of children.**

Working Group 2: the use of resources to the 'maximum extent'

Estimating countries' total expenditure on children's welfare programs is particularly complex, and therefore in many cases, in addition to the complexity of estimation, it is almost impossible to evaluate whether the amount allocated truly corresponds to the maximum quantity of the available resources, in accordance with article 4 of the CRC.

It is interesting to note how the original English phrase "*to the maximum extent of their available resources*" has been translated into Italian to read "*within the limits of their available resources*" significantly altering the underlying meaning of the original text. It would therefore be interesting to verify exactly what formula has been used to translate this expression in the countries which have ratified and translated the CRC and how its interpretation affects its application.

In countries where social policies are completely in the hands of regional governments, as is the case in Italy, it should be the task of the national government to establish valid minimum standards to be applied all over the country in terms of implementing social, economic and cultural rights of children and youth, in order to guarantee that no discrimination or special treatment is proffered based on geographical origins.

In Italy, however, while standards have been set for health services, standards regarding social services have yet to be defined (despite the provisions of art. 22 of Act. 328/2000 which expressly specifies the principles and criteria to be applied). On a more general scale, standards have not even been set concerning civil and social rights which should be guaranteed equally everywhere in the country, according to the provisions set forth in the Constitution (art. 117 comma 2 letter m, as modified by art. 3 comma 2 letter m of Constitutional Act. 3/2001).

It is therefore the Gruppo di Lavoro recommends that:

- 4. national Governments define nationally valid standards for services concerning civic rights of children, thereby guaranteeing uniformity of treatment.**

Rome, June 2007