

LIVE  Q&A





TRACK 4

SEXUAL VIOLENCE & JUSTICE, FINANCING AND SYSTEMS BUILDING

Chat with

**Bob
Muchabaiwa**

"Protecting children from sexual violence through financing and tracking child protection expenditures"

on 21 Sept 2017 at
8 am NY | 1 pm London
3 pm Nairobi | 7 pm Bangkok



Proteknôn

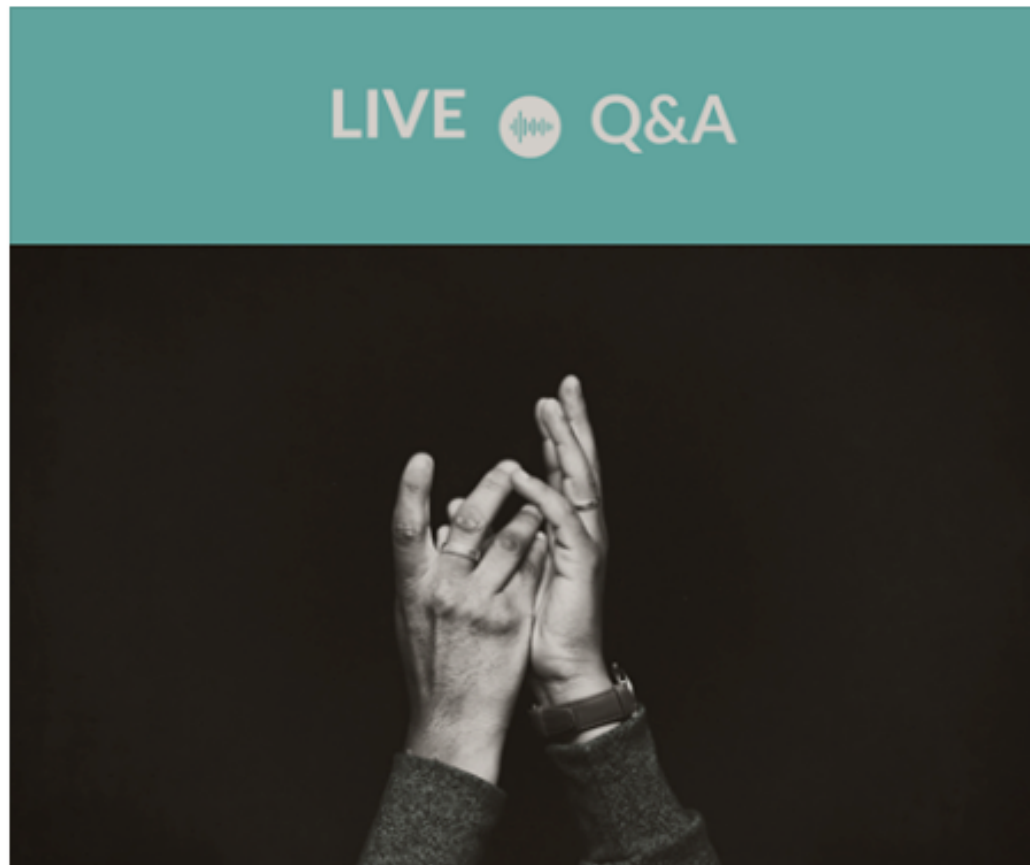
Published by Sara Lim Bertrand [?] · 3 hrs · 🌐



LIVE Q&A with Bob Muchabaiwa on how to measure child protection budgets.


We're also privileged to have Dr. Lauren Graziani with us related to her presentation on access for justice for girls.

So, please share your questions & your thoughts in the comments section below. Welcome!





Proteknôn Bob, thank you so much for taking time with her to answer questions related to your presentations on how to measure child protection budgets. How did you end up developing an expertise in this area?

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Bob Libert Muchabaiwa Its a combination of academic training in economic theory and practice, practical trainings in child rights and in budgeting for children. The above have been combined with practice. I have been working on issues of budgeting for children ever since 2001.

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Write a reply...





Claire Whiting Topinkova Hello Bob and lauren, thank you for your presentations today.

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Laurene Grz Thank you Claire ! Was a pleasure

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Proteknôn Bob, I also wondered if you had seen any successful advocacy initiatives to increase CP budgets at a national level, based on tracking CP budgets?

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Claire Whiting Topinkova It would also be interesting in terms of how increased visibility of CP budgeting impacts on CP system quality and impact - do you know if there is any research in this area? Thank you

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Bob Libert Muchabaiwa Indeed. In Kenya for example, evidence generated by Save the Children through budget analysis helped influence changes in County government budgets. The key issue is to utilize outcomes of budget analysis and advocacy through strategic communicative actions. The budget analysis work should also be linked to a broad agenda on investing in children.

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Bob Libert Muchabaiwa Claire Whiting Topinkova Save the Children undertook child protection budget studies in Kenya, Somalia and Ethiopia and India, for example. UNICEF in Bangladesh analysed allocations to tackling early child marriages. The key connection between visibility of CP budgets and strengthening of CP systems lies in that increased visibility often leads to increased funding to CP systems. For example more interest will be generated in funding data and information systems, professional work force etc.

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Claire Whiting Topinkova Bob, I wondered if you could share any concrete steps or recommendations in working together with national authorities towards transitioning towards visibility of Child Protection budgets at national and local levels?

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Bob Libert Muchabaiwa I will share the experiences of UNICEF Malawi: First, make a case for child protection through evidence building. Second, arrange one on one meetings to discuss the case, including the need to budget adequately for CP. Third, offer to jointly review budgets, also looking at budget classification. UNICEF Malawi is currently undertaking a child protection budget analysis jointly with government. Fourth, lend technical support and training to ensure shared understanding on issues. Fifth, do a few joint advocacy missions to Parliament and Ministry of Finance with child welfare ministries. Sixth, mobilize other constituences of support such as civil society, donors and international finance institutions. In all this, analyse political economy variables at play.

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Leilani Elliott Bob, do you find rights-based or utilitarian arguments for increased funding to be more successful? How much does it depend on context or organisation?

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Bob Libert Muchabaiwa Rights based arguements, only serve as anchors, they do not quite sell in finance circles, and in developing countries. One needs a combination of social, economic and political arguements. Additionally, the arguements should also be adapted to suit context.

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Proteknôn And Lauren, thank you for your presentation on access to justice for girls. I wondered if you could provide more information on what happened in the first case example you provided in your presentation. What was the outcome of the court case involving the 16 year old girl?

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Laurene Grz Thank you for your question!

About X. and Y. vs the Netherlands:

Y resided in a privately-run home for children with mental disabilities and was raped by the son-in-law of the home's director. Y's father, Mr. X, reported the rape to the police on her behalf because Y was unable to do so independently given her mental status. The public prosecutor decided not to open proceedings. Mr. X appealed against this decision to a national court asking that criminal proceedings be instituted, but the court refused to make such an order because victims over the age of 16 should lodge complaints of crimes themselves and the law did not say whether the father can complain on the child's behalf. Mr. X then complained to the European Court on Human Rights that the failure to prosecute Y's rapist violates the European Convention on Human Rights.

The Court found the protection afforded by civil law to be insufficient where fundamental values and essential aspects of private life are at stake. Effective deterrence from committing further crimes is indispensable and can only be achieved by criminal law. Therefore, the Netherlands criminal code provision that required a complaint to be made by the actual victim before criminal proceedings can be instituted presented a clear procedural gap in the law in respect of minors and the people with a mental disability and did not provide Y with practical and effective protection. Y was therefore the victim of a violation of Article 8 of the Convention.

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Laurene Grz For more information :

<http://www.crin.org/.../legal-database/x-and-y-v-netherlands>

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Proteknôn So did the decision of the Court make any impact at the national level?

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Sara Lim Bertrand Thank you Lauren for the link. I can see that changes were made in Netherlands as as result of the regional court ruling.

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Laurene Grz Of course! States have to take concrete measures to reinforce human/children's rights and review their legislation. The Netherlands Criminal Code was amended following the decision. See Section 61(1) which states: "If the person... has not yet reached the age of sixteen years or has been placed under guardianship for reasons other than prodigality, or is suffering from mental disease or defect to such an extent as to be incapable of deciding for himself whether it is in his interest to file a complaint, his legal representative in civil matters shall file the complaint."

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Proteknôn Lauren, I was wondering if you could expand on your comment that international and regional mechanisms offer the best judicial protection.

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Laurene Grz Thank you for your question

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Laurene Grz There is often a lack of investigation and a sense of impunity at the national level. Moreover, victims of sexual violence often face important obstacles in their quest for justice. If the State fails to comply with its obligations, international courts and human rights committees offer effective effective remedies to girls victims of sexual violence.

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Claire Whiting Topinkova It would be interesting to hear how this applies in in contexts outside of Europe, if thats possible too? Thank you

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Laurene Grz However, State parties should have accepted their jurisdiction. For instance, the United States refuse to accept the jurisdiction of the Inter American Court of Human Rights and is not bound by its decisions. That's why it is important to encourage every States to ratify treaties and protocols, mostly the 3rd Protocol to the CRC to allow children and their representatives to bring complaints before the CRC Comittee.

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