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DEVELOPMENT DISSERTATION BRIEF

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INTERNATIONAL ORGANIZATIONS AS ADVOCATES FOR CHILDREN'S RIGHTS: WHY, HOW AND WITH WHAT EFFECTS

International Organizations as Advocates for Children's Rights: Why, How and With What Effects

Johanna von Bahr

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Johanna von Bahr defended her dissertation “International organizations and children’s rights: Norm adoption, pressure tactics and state compliance” in February 2020, at the Department of Political Science, Stockholm University. She focuses on international and national human rights governance, in particular the rights of the child. Johanna has an NGO background in hiv/aids and human rights advocacy.

The full-text version of her dissertation is available here: <http://su.diva-portal.org/smash/record.jsf?pid=diva2%3A1380274&dswid=5476>

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Abstract

Since the adoption of the *United Nations Convention on the Rights of the Child* (CRC) in 1989, children's rights have increasingly been integrated into international relations. The number of international organizations (IOs) that promote state compliance with children's rights has also increased. Why do IOs adopt children's rights norms? What explains the tactics that IOs use to pressure states to comply with children's rights? And to what degree do different IO pressure tactics affect state compliance with children's rights? The dissertation presented in this DDB answers these questions through four self-contained essays, and a particular focus on the European Union (EU). It finds that several global regimes affect which children's rights norms IOs prioritize. Moreover, EU external policy has adopted children's rights but not mainstreamed the issue, due to the preferences of different actors and institutional factors. Case evidence shows that IOs have strategic reasons to treat children's rights as areas of common ground vis-à-vis autocratic regimes. Finally, state compliance with children's rights is affected by international factors (membership in a regional human rights court and development aid), and national factors (women's political participation, religious and legal context). These findings have implications for debates on mainstreaming as a policy design, IO pressure for human rights and children's rights governance.

Background and rationale

No other human rights treaty has been ratified as swiftly and by as many states as the *United Nations Convention on the Rights of the Child* (CRC), adopted in 1989. Despite the nearly universal commitment to international law on children's rights, many children in the world still experience hardship, hunger, and violence. Globally, 159 million children under five suffer from chronic malnutrition (UNICEF, 2015). About four in five children between the ages of two and 14 are subjected to some kind of violent discipline in their homes (UNICEF, 2014). Only 54 countries have banned all corporal punishment of children, and moreover, the minimum ages for work, marriage and criminal responsibility vary considerably across states. In addition, states fail to ensure children their right to participate in decisions that concern them (Stern, 2006).

In line with a growing awareness that progress for children does not come automatically with economic development, children's rights have increasingly been integrated into international relations, foreign affairs and development assistance. The number of global organizations that promote state compliance with children's rights norms has also increased. The UN Committee on the Rights of the Child, hereafter the CRC Committee, within the United Nations Office of the High Commissioner for Human Rights (OHCHR) and United Nations Emergency Fund for Children (UNICEF) are specialized children's rights bodies responsible for monitoring and promoting state compliance with the CRC. Regional organizations have also established mechanisms to oversee and promote state compliance with children's rights. In 1998, the Inter-American Commission on Human Rights installed a rapporteur on the rights of the child, and in 2001 the African Union (AU) established the African Committee of Experts on the Rights and Welfare of the Child. The Council of Europe (CoE) has adopted several children's rights instruments and has been launching children's rights strategies since 2006. More recently, the European

Union (EU) has increased its attention to children's rights, and the *Lisbon Treaty*, which entered into force in 2009, strengthened the legal status of the rights of the child in EU external policy.

International pressure for human rights is a large research field within the literature on international relations (IR). While scholars have come far in explaining international sanctions and humanitarian interventions, we still know very little about why, how and with what effects international organizations (IOs) adopt human rights norms, especially children's rights norms. Existing scholarship on IOs and human rights has largely overlooked children's rights and the tendency to neglect children's rights is also a feature of the wider body of human rights literature. Because of the very few systematic studies on children's rights compliance, our knowledge on the international and domestic factors explaining why states comply or fail to comply with international children's rights norms is limited. The dissertation presented in this DDB seeks to bridge these gaps by studying global and national governance in the area of children's rights.

Research aim and questions

The aim of the dissertation is to answer why and how IOs adopt and integrate children's rights and why country compliance with children's rights vary. These queries are examined through three interrelated research questions:

1. Why do IOs adopt children's rights norms?
2. What pressure tactics do IOs use to pressure for children's rights and why?
3. What explains state compliance with children's rights?

The dissertation applies a research design that combines quantitative and qualitative methods, applying comparative research strategies. Comparative designs serve to identify or explain similarities and differences across entities, dimensions, and time, aiming to assess if a particular phenomenon is a local issue or a general trend (Ragin et al., 1996:749).

The EU is selected as a case of an IO and examined during different policymaking phases: formulation of sector policy, bilateral economic and diplomatic strategies, and results. Moreover, pressure tactics by the EU and UNICEF are compared, and a novel panel data set with variables on development aid, diplomatic pressure, and child protection laws in 190 states is provided.

The first question, why IOs adopt children's rights norms, is answered through a within-case comparison of children's rights mainstreaming in EU development aid policy, common foreign and security policy (CFSP) and external trade policy. The EU is a significant trade and aid power, and the mainstreaming of children's rights in its external policy could play an important role in the global diffusion of children's rights.

The second question, how and why IOs apply pressure tactics for children's rights, is analysed through two studies examining the priorities, patterns, and tactics of IO pressure for children's rights. The first study examines EU external strategies for children's rights through development aid and diplomatic pressure, identifying which issues are in fact prioritized and which countries and actors are targeted. The second study explains IO pressure tactics for children's rights towards an autocratic state, through a comparative case study of EU and UNICEF pressure tactics towards Vietnam. Together, the two studies add knowledge on the role of IOs and development assistance in global children's rights governance.

Finally, I address the broader question of what explains state compliance with children's rights norms. This study serves to enhance our knowledge on the domestic and international factors that affect state compliance with the CRC. It presents a large-n analysis of the factors explaining domestic legislation on corporal punishment of children.

Contributions

The following section summarizes the dissertation's principal contributions. In exploring IO adoption of children's rights, I examine why and how the EU has mainstreamed children's rights in its external policymaking. The case of children's rights mainstreaming in EU external policy is highly relevant for children's rights advocates and development practitioners. Due to the EU's significant role in the world economy, children's rights mainstreaming in EU trade and aid has great potential to advance children's rights globally. This question is also highly relevant for policy research, as children's rights mainstreaming is a novel case in research on norm mainstreaming, and norm adoption more generally, within IOs. An analysis across different policy areas, as well as of the structures and actors that have influenced policymaking, can explain the conditions under which mainstreaming is likely to succeed or fail.

The examination of IO pressure on states to strengthen children's rights, contributes to the larger query about the degree to which IOs act normatively or instrumentally in international relations. As a sizable aid donor with bilateral relations with most states, EU external strategies potentially have important impacts for children worldwide. No previous study has systematically captured EU actions for children, and there is hence no mapping of which children's rights themes, countries and actors are (not) prioritized in EU strategies over time, and across policy instruments and geographical regions. The dissertation therefore contributes with the first comprehensive assessment of the EU as a

global actor for children's rights. The comparison of EU and UNICEF efforts to influence Vietnam to comply with the CRC, explores how these IOs use different pressure tactics in the context of an authoritarian regime. It questions some of the conventional assumptions about how transnational advocacy leads to state compliance, suggesting that IO pressure mechanisms operate differently in the case of children's rights. The findings are relevant for human rights and development policy.

Finally, the fundamental question of what explains state compliance with children's rights aims to determine the extent to which international and national factors matter for state compliance with children's rights. The analysis includes an assessment of the effects of IO pressure for children's rights compliance, including the effects of EU and UNICEF development aid. This question is of central policy importance as it seeks to identify factors that hinder and promote state compliance with international children's rights norms. A statistical study tests existing and new theories on a novel data set on legal protection against corporal punishment of children. This study offers important insights for actors working to promote children's rights globally. Moreover, it makes two important empirical contributions to the debate on human rights compliance. First, it provides a new case concerning the physical integrity of children, and second, it tests the scope conditions of conventional human rights compliance theory. Moreover, it makes a twofold contribution to research on children's rights governance, through a novel panel data set on corporal punishment law and a comprehensive explanatory analysis, combining national as well as international factors.

The case of the EU

What motivates the choice of the EU as a case and what can we learn more generally about IOs by studying EU external action for children's rights?

The case of EU external policy has been selected for three reasons. First, the EU is argued to be a critical case for IO children's rights adoption. The EU has a formal mandate and a long history of diffusing democracy and human rights in international relations, and has been portrayed as 'normative power Europe' (Manners, 2002). No other world region has as many states with independent children's rights institutions and child ombudsmen as Europe, and most EU countries have banned corporal punishment of children. Member states and EU institutions are also contributing to the strengthening of children's rights at the multilateral level. Furthermore, the currently largest international child rights organizations have been established in European countries and have offices in Brussels. Against this background, the adoption of children's rights should therefore fit well with the mandate, history, society, and membership of the EU.

Second, EU external policy encompasses a broad range of economic, political, diplomatic, and security instruments. Selecting the EU as a case thus allows a comparison of IO norm adoption and pressure across different external policy sectors – trade, aid, and diplomacy. By studying the EU, it is possible to learn about factors favouring and disfavouring children's rights in external policymaking, development assistance, trade, and international relations.

Third, there are policy reasons for selecting the EU as a case. The EU's strengthened role as a global actor motivates the study of how this particular IO integrates children's rights in its external relations. In the trade area, the EU is a particularly strong and unified actor with a longstanding global economic influence. Another area in which the EU has significant influence is enlargement policy, through which rules, practices and norms are transferred to candidate and aspiring candidate states, in what is called 'Europeanization' processes (Schimmelfennig and Sedelmeier, 2004). Development cooperation and humanitarian aid are shared competences between the union and the member states, and the EU is today the fourth largest OECD donor in terms

of volume (OECD, 2019). Finally, the Lisbon Treaty reinforced the EU's diplomatic actorness, through the establishment of the European External Action Service (EEAS) and EU delegations, with embassy-like powers such as authorization to speak for the entire union, and a coordinating role of the work of the member states' bilateral missions (Wessel and Van Vooren, 2013).

Moving on to the second question of what we can learn from the case of the EU, and the extent to which the results can be generalized to other IOs, the EU has a strong community basis and a comprehensive policy scope – both typical for general-purpose organizations. Its pooling of authority in majority decision-making is, however, quite unusual (Lenz et al., 2015). This dissertation covers three different EU external policy areas: development aid, trade, and diplomacy, across which the EU has varying competences. In trade policy, the EU is a distinct actor, and the Council takes decisions on most trade issues with qualified majority voting (QMV). In development aid and CFSP, however, the EU is one level in a multi-level negotiation process in which member states control much of policymaking. Against this background, EU norm adoption and pressure for children's rights can be compared with other general-purpose IOs, as done in previous research on development aid (Neumayer, 2003), norm adoption (Tallberg et al., unpublished paper) and international bureaucracies' influence (Eckhard and Ege, 2016).

Conceptualizing children's rights

Children's rights are principled ideas about entitlements that every child holds by virtue of being a child. These are codified as legal norms in international law, of which the CRC from 1989 is the most central document. The CRC defines a child as a person under the age of eighteen.¹ Children's rights are also

¹ Eighteen years as age of majority is highly diffused across countries today. Only around forty states have lower or higher ages of majority.

social norms that emerge, develop, and change over time, involving ethical values about right and wrong and political ideas about justice and equality. As politics change, so does the production of human rights, as evidenced by the fact that the standards of accountability for human rights have been raised over time (Fariss, 2014).

Children's rights cover civil rights, which concern personal liberty and protection against state violations; and social, economic, and cultural rights guaranteeing access to essential public goods, services, and opportunities. The CRC comprises general human (fundamental) rights such as the right to life, particular rights for children like the right to play, and rights concerning certain groups of children, for example migrant children and children with disabilities.

Children's rights are, however, a particular case of human rights. Firstly, the justification for granting children special attention in law and policy is the child's specific nature. *The Declaration of the Rights of the Child* (1959) states: 'the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection' (UN, General Assembly 1959). Addressing the fact that children are vulnerable to the decisions of adults, the CRC stipulates that in all actions concerning children by public or private actors 'the best interests of the child shall be a primary concern' (CRC Art. 3.1). The CRC innovation of *evolving capacities* emphasizes the fact that children develop capacity over time and should be treated accordingly.

Secondly, responsibility and authority over the child is distributed between the state and parents. While parents are normally granted far-reaching influence over their children's welfare, they also have a duty to respect children's rights. Legal bans of practices like corporal punishment, female genital mutilation (FGM) and child marriage are examples of state expansion into the private sphere (Boli-Bennett and Meyer, 1987) and the incorporation of children as individuals into the state (Ariès, 1962; Thomas and Meyer, 1984).

Thirdly, children lack entitlements in international law to formal political representation of their interests. Instead, the CRC offers the child *participation* rights. Article 12 grants 'the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child'. The CRC Committee has declared that Article 12 is a so-called *guiding principle* to be addressed in all implementation of the Convention.

The dissertation applies a classification of three groups of children's rights: *social rights*, *protection rights* and *empowerment rights*, as described in Table 1:

Table 1: Three groups of children's rights

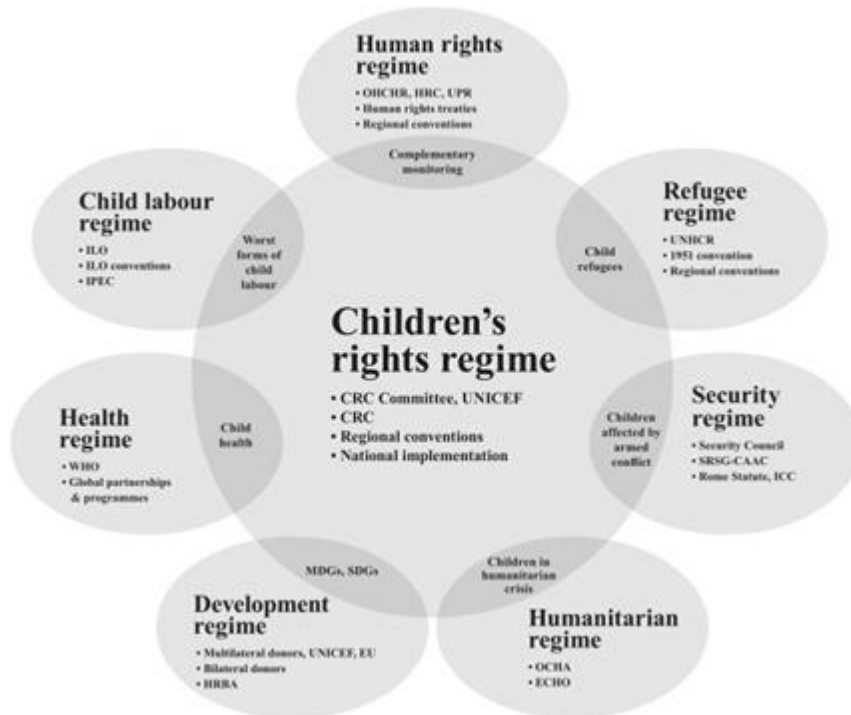
Social Rights	Protection rights	Empowerment rights
Rights concerning: an adequate standard of living, social services, health care, education, play and recreation.	Right to protection from: abuse, neglect, exploitation and discrimination.	Rights concerning: identity, nationality, name, information, thought, privacy, expression, religion and assembly, and participation in all matters that concern the child.

The children's rights regime complex

I will now move on to briefly present the central institutions, agreements, and mechanisms in the children's rights regime complex, at the global, regional, and national levels (as illustrated in Figure 1). I will focus especially on how the children's rights regime integrates with the regimes concerning human rights, development, and security, as these parts of the complex are most relevant for

this brief. While authority has become more diffused among states, IOs, and non-state actors, states have largely kept the decision-making authority in the children's rights regime complex (Grugel and Piper, 2007).

Figure 1: The children's rights regime complex²



At the global level, the UN is the central institution in the children's rights regime (as seen in Figure 1 above). Within the OHCHR, the CRC Committee interprets and monitors compliance with the CRC and its optional protocols. States that have ratified the CRC or its optional protocols are obliged to

² The figure illustrates how different regimes are integrated in the children's rights regime complex. It does not account for overlaps between all the different regimes.

periodically provide progress reports to the CRC Committee, which scrutinizes the information and publishes its critique and recommendations in so-called *concluding observations*. Another key children's rights institution is UNICEF, a body under the UNGA that is present in 190 countries. UNICEF has a legal obligation to support the work of the CRC Committee in the promotion and protection of children's rights, through the provision of 'technical advice or assistance' (CRC Art. 45). Its mandate covers policy guidance, capacity-building and global and local advocacy campaigns to promote the implementation of the Convention. As UNICEF plays an equally central role in the children's rights regime as in the development regime, I have included it in both (as seen in Figure 1).

The global human rights regime provides complementary protection and monitoring of children's rights. State parties to the conventions monitored by the ten human rights treaty bodies are also scrutinized with regard to children's rights. Moreover, the Human Rights Council is an inter-governmental body made up of 47 states mandated to promote and protect human rights. Its Universal Periodic Review (UPR) is a state-led process through which human rights are monitored in all 193 UN member states on a regular basis.

The development regime has increasingly integrated children's rights norms since UNICEF adopted a human rights-based approach (HRBA) to development in 1998. References to development rights, such as the child's right to education and health, feature prominently in development policy frameworks. Child protection rights have also gained salience in development frameworks. The *UN Agenda 2030 for Sustainable Development* (UN General Assembly, 2015) places strong emphasis on children, and violence against children, as compared to the earlier *Millennium Declaration* (UN General Assembly, 2000). Whereas the specific child indicators in the *Millennium Development Goals* (MDGs), 2000–2015, largely concerned child health and education, the *Sustainable Development Goals* (SDGs), 2015–2030, cover a wide

array of child violence and exploitation themes. Moreover, almost all SDGs include targets that refer explicitly to children, and these goals have a more marked child focus and firmer link to children's rights agendas and approaches than the MDGs (Arts, 2019).

Within the security regime, children affected by armed conflict (CAAC) emerged as an issue in 1999, when the UN Security Council adopted its first resolution on child soldiers. In the late 1990s, the UN Security Council, assisted by the Special Representative of the UN Secretary-General for Children and Armed Conflict (SRSG-CAAC) began monitoring state compliance with norms regarding children affected by armed conflict. Soon after, in 2002, the CRC Optional Protocol on the involvement of children in armed conflict was adopted. In 2005, the Security Council established a monitoring mechanism on grave violations committed against children in the context of armed conflict. Moreover, the International Criminal Court (ICC) is a court of last resort for the prosecution of particularly serious crimes, including genocide, war crimes, and crimes against humanity. Its Office of the Prosecutor pays special attention to cases concerning the recruitment and use of child soldiers.

Regional institutions have the dual function of strengthening global children's rights governance with additional mechanisms to oversee and advance state compliance, supplementing it with separate regional children's rights instruments. The children's rights dimension of EU governance has been described above. The most far-reaching regional children's rights mechanism is, however, that of the 47-member Council of Europe (CoE) governed by the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, subjected to judicial enforcement by the European Court of Human Rights (ECtHR) and the *European Social Charter*. Since 1998, individuals, including children, have been allowed direct access to the court. The Organization of American States (OAS) is another regional institution with elaborate children's

rights governance. 25 of the 35 members have to date ratified the *American Convention on Human Rights*, which includes provisions on child protection and child empowerment rights.

With regard to the national level, the CRC has been ratified by all states except the United States. Ratification of the three optional protocols to the Convention varies (as seen in Table 2). Many states have also issued reservations against CRC articles, and reservations concern relatively many clauses compared to other human rights treaties, which signals a high level of disagreement over norms (Simmons, 2009).

Table 2: State ratification of the CRC treaties

Treaty	No. of ratifying states, Jan 2022
Convention on the Rights of the Child (1989)	196
CRC Optional Protocol on the sale of children, child prostitution and child pornography (2002)	177
CRC Optional Protocol on the involvement of children in armed conflict (2002)	172
CRC Optional Protocol on a communications procedure (2013)	48

State parties to the CRC have a duty to ‘undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention’ (CRC Article 4). Regarding economic, social and cultural rights, states should undertake measures to the maximum extent of their resources. To counteract inequality between countries, the CRC acknowledges the role of international cooperation for implementation of children’s rights in states that lack necessary resources (ibid.), and the CRC Committee regularly makes recommendations to developed countries to increase their budgets for development cooperation (Vandenhoe, 2009).

Findings

This section presents the principal findings of the dissertation, and a discussion of their implications. First, I summarize the main findings on children's rights in EU external policy. Then, I move on to present the specific implications of this dissertation of relevance for debates on IO pressure for children's rights, and state compliance with children's rights.

Children's rights in EU external policy

The different studies jointly provide a picture of the EU's external policy on children's rights, from policy formulation at sector level to integration of children's rights into bilateral strategies. These studies provide three important findings. First, the only children's rights issue that has been formulated as a mandatory concern, children and armed conflict, is also the only child issue that is consistently integrated into strategies towards the relevant countries. Second, the EU children's rights agenda is strongly influenced by developments in different global regimes. For example, the EU's focus on violence against children is a direct response to the UN report on violence against children, launched in 2006. Moreover, as the global development regime expands to include the eradication of child marriage and FGM, these child protection rights are included in EU external strategies. Third, the different studies together show that a relationship of resource exchange (Steffek, 2013) between the EU institutions and child rights organizations has developed, whereby child rights organizations with a presence in Brussels provide policy expertise in exchange for economic assistance for programmes they run in developing countries.

Children's rights mainstreaming across external sectors

Although the Lisbon Treaty strengthened the legal foundation for children's rights mainstreaming in EU policymaking, mainstreaming has weakened over time in the studied external sectors. The dissertation finds that the preferences of EU institutions, member states, and interest groups – combined with institutional factors – have affected children's rights mainstreaming, as summarized in Table 3 below. In development policy, the Commission and the EEAS, in collaboration with child rights organizations, have suggested far-reaching mainstreaming designs. Member states have not, however, made children's rights mainstreaming mandatory in bilateral relations with third states. With regard to CFSP, member states have agreed to make the issue of children and armed conflict (CAAC) mandatory but failed to meet the demands from the Commission, EEAS and child rights organizations on general children's rights mainstreaming. As neither the Commission Directorate-General for Trade nor the majority of member states wish to further restrict trade with respect to children's rights, the trade sector is an especially inhospitable environment for children's rights mainstreaming. This sector also lacks resource exchanges with child rights organizations.

Table 3: Children's rights mainstreaming across external sectors

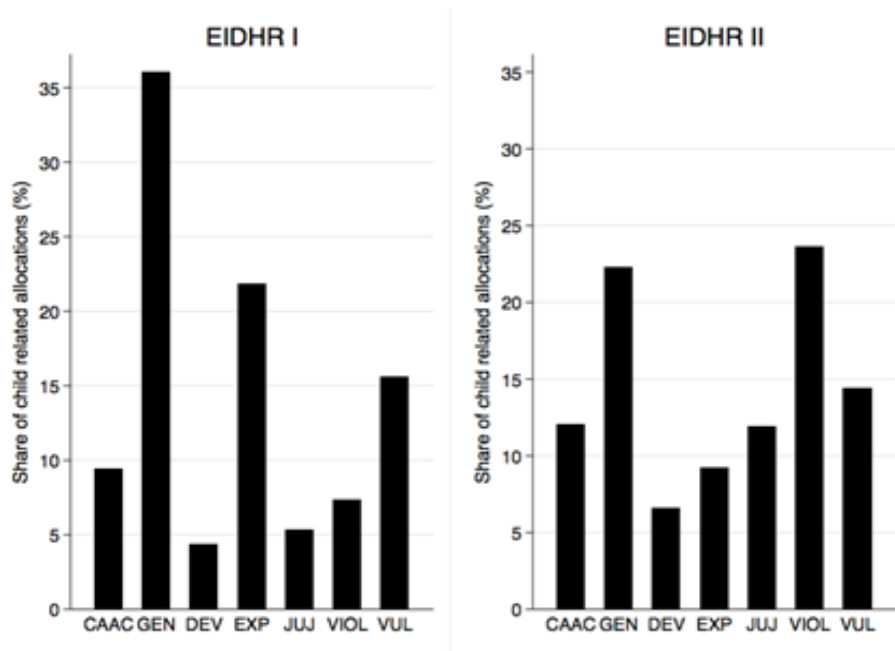
Sector	Actor preferences	Policy competences	Resource exchanges with child rights organizations	Mainstreaming design and content
Development	Commission, EEAS and a few member states support children's rights mainstreaming	Shared competence; QMV	Yes, primarily informal	<i>Strong</i> design; <i>Broad</i> content
CFSP	Member states support mainstreaming of CAAC. Commission/EEAS support general children's rights mainstreaming	Special competence; Unanimity	Yes, primarily informal	<i>Weak</i> design for children's rights but <i>strong</i> for CAAC; <i>Narrow</i> content
Trade	Commission and most member states oppose mainstreaming of child labour norms	Exclusive competence of the EU; QMV	<i>No</i>	<i>No</i> design; <i>Narrow</i> content

The case of the EU thus shows that favourable conditions, such as a relatively comprehensive children's rights mandate, a vibrant children's rights movement and member states engaged in international children's rights advocacy, are not sufficient for children's rights mainstreaming. Instead, actor preferences, policy competences, and resource exchanges together explain the variations in mainstreaming outputs.

Children's rights in EU development aid and diplomatic relations

The dissertation presents novel data on EU diplomatic pressure and development assistance of relevance to children's rights, collected from different EU sources. The policy aims and targets of EU actions have been coded for the period 2000–2015. Descriptive statistical analysis provides four critical findings. First, EU diplomatic pressure and thematic aid for children's rights have increased over time. The European Instrument for Democracy and Human Rights (EIDHR) is a thematic development financing programme primarily funding civil society organizations that target human rights. The amount of EIDHR funding to child themes has increased over time. In EIDHR I (2000–2006), 63 states had projects concerning children's rights, and in EIDHR II (2007–2014) this number was 87. The share of total EIDHR funding to children's rights themes was also raised from around five percent of EIDHR I to around seven percent of EIDHR II. With regard to the types of children's rights themes within the programmes (as seen in Figure 2), allocations to CAAC, child development (education mostly) and juvenile justice have increased over time, while general children's rights project assistance has decreased. Allocations concerning violence against children have increased. It looks like aid to exploitation (child labour and trafficking) has decreased significantly, but this theme has rather been integrated into broader projects framed as violence.

Figure 2: EIDHR allocations over two periods, by child theme



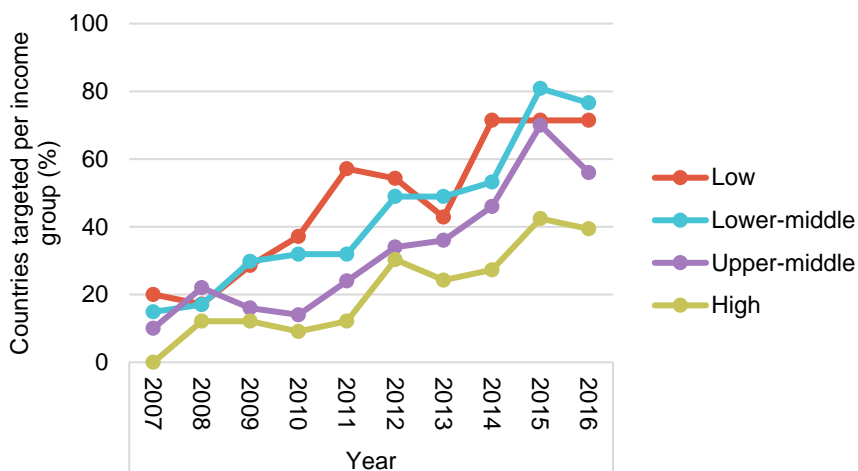
Legend: EIDHR I= 2000-06; EIDHR II= 2007- 14; CAAC = Children affected by armed conflict; GEN = General children's rights; DEV = Development (incl. education and health); EXP = Exploitation (incl. child labour and child trafficking); JUJ = Juvenile justice; VIOL= Violence against children; VUL= Vulnerable groups of children.

Second, the EU children's rights strategies are dominated by child development and child protection policy aims in line with UN policy agendas, while child empowerment receives limited attention. This suggests that the EU still has not taken an independent policy position on children's rights, but rather supports global policies such as the SDGs.

Third, regarding the actors targeted with development aid, the EU predominantly sponsors states, international governmental organizations, and large international non-governmental organizations (INGOs). Domestic non-governmental organizations (NGOs) receive far less support in all regions except Latin America, and aid to child- or youth-led organizations is negligible.

Fourth, EU strategies target different types of countries to varying degrees. The countries receiving the largest amounts of child-related development assistance (during 2013–2016) were either populous countries and large recipients of general EU development aid, or EU neighbouring states with large migrant populations, such as Lebanon and Jordan. Regarding diplomatic action, the EU is more inclined to exert pressure towards low- and lower-middle income countries than high-income countries (as seen in Figure 3). This pattern suggests that more economically and politically powerful, and thus more strategically important, states are less likely to be criticized for children's rights abuses.

Figure 3: EU diplomatic pressure for children's rights, by country income group



Legend: World Bank income classifications: worldbank.org

IO pressure for human rights

What explains the way that IOs pressure for human rights? This question is addressed in a comparative case assessment of UNICEF and EU pressure tactics vis-à-vis the autocratic regime of Vietnam. The assessment primarily draws on policy documents and interviews, carried out over a period of six years, with IO and state officials, INGOs and Vietnamese institutions³. The central findings are that IO type explains the combination of tactics used to pressure for children's rights, and that target state regime has a conditioning effect on IO tactics. Regarding IO type, *task-specific* UNICEF combines persuasion and capacity-building, which is explained by its results-oriented agenda to solve certain children's rights problems, primarily inequality and violence. *General-purpose* EU instead uses children's rights strategically as means to legitimize economic cooperation with Vietnam, but has exerted very limited normative pressure for children's rights on the Vietnamese regime. With regard to the target state regime, the study finds that despite their varying goals and tactics, both IOs have primarily pressured for children's rights that are not sensitive for the regime. UNICEF has been able to develop trusting relationships with key officials in the political system and has sustained its normative pressure over time. This approach is explained by its results-oriented agenda to solve certain children's rights problems, primarily inequality and violence. The EU instead uses children's rights strategically as a means to legitimize economic cooperation with Vietnam, but has exerted very little normative pressure for children's rights on Vietnam.

State compliance with children's rights

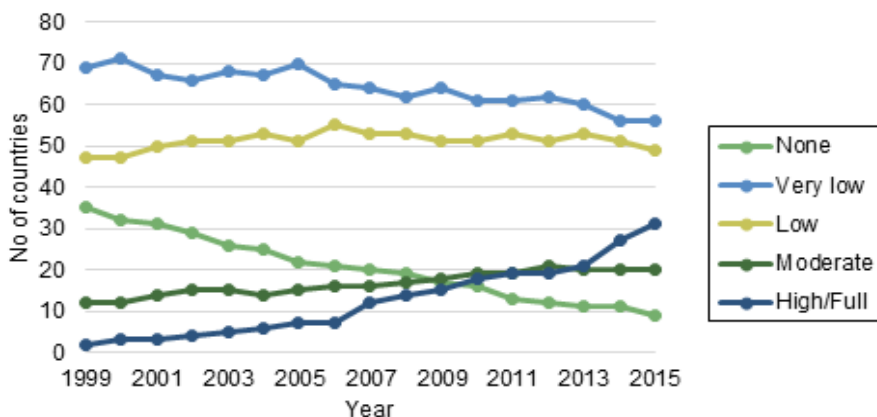
The final study presents an original data set that covers domestic law against corporal punishment of children in 187 countries, over the time period

³ A list of interviews is found in Appendix I.

2000–2016. Descriptive analysis reveals that that legal protection has increased over time, and that legal protection is more common in public settings than in private settings.

Figure 4 displays 165 countries (outside the EU) with different levels of legal protection against corporal punishment of children, as measured by an index of legal protection at home, in school, and in the justice system⁴. In 1999, only two states had full legal protection, Croatia and Norway. In 2015, this number had risen to 31 countries. Most of these countries installed a full ban of corporal punishment between 2006 and 2015. The number of states with no protection at all fell from 35 to nine during the observation period. By 2015, the vast majority of states (134) still provided no to moderate protection against corporal punishment.

Figure 4: Legal protection against corporal punishment of children, 1999–2015



N:165. Benchmarks: None=0, Very low= 1–3, Low= 4–6, Moderate=7–9, High to full=10–12.

⁴ The coding of the index is presented in Appendix 2, Table 3.

Explaining these variations, I draw on a comprehensive theoretical framework and test how different domestic and international factors affect domestic legislation regarding corporal punishment of children. The explanatory models include novel data on UN targeted criticism and EU external action. A first set of models examines how different domestic and international law logics relate to corporal punishment law (see Appendix II, Table 2A). A second set of models analyses international judicial enforcement, targeted UN criticism, EU diplomatic activity, and different types of development assistance (see Appendix II, Table 3A).

The general conclusion from this study is that both domestic and international factors matter for corporal punishment law. Strong evidence is found for membership in regional human rights courts, and weaker evidence for development aid and EU diplomacy. Enforcement logics, thus, provide the strongest international explanations for protection against corporal punishment. Legal enforcement and material incentives, delivered as development aid, matter for children's rights compliance while evidence on normative pressure and capacity-building is more mixed.

Against expectations, no relationship is found between liberal democracy and corporal punishment law. The evidence hence suggests that the right of the child to physical integrity is different than adults' physical integrity rights, also regarding state violence. While the number of states that have banned all corporal punishment of children has increased over the last decade, several democracies allow corporal punishment at home (such as Canada, Great Britain and Switzerland) and in schools (for instance Australia, Chile and Panama). One group of democratic states even allows some corporal punishment of children within the justice system (Japan, Mauritius and Namibia). The composition of the parliament and social influences such as religion are found to be more useful explanations for compliance with child protection rights than democracy. Women in parliament is positively associated

with legal protection of children. Some states, such as Macedonia and Ukraine, have banned all corporal punishment of children as part of legal reforms on domestic violence. Other states with strong laws on violence against women, such as Australia, Poland, the United Kingdom and the United States, however, do not protect children from all forms of corporal punishment. Future research should look into the mechanisms linking female members of parliaments, domestic violence law and children's rights legislation as well as how norms regarding gender roles and gender-based violence affect norms on violence against children (Shiva Kumar et al., 2017).

Conclusions

The dissertation summarized in this DDB strived to add knowledge on how and why IOs work to promote children's rights globally and to explain differences in state compliance with the child's right to protection from violence.

The main findings of the dissertation are four-fold. First, global development and security regimes influence which children's rights norms IOs prioritize. Second, EU external policy has increasingly adopted children's rights but not mainstreamed the issue. Actor preferences, policy competences and resource exchanges with non-state actors explain varying outcomes across external policy sectors. Third, case findings show that IOs have strategic reasons to treat children's rights as areas of common ground vis-à-vis autocratic regimes. Fourth, state compliance with the right of the child to physical integrity is influenced by membership in a regional human rights court and development aid, and national factors such as women's political participation, but not regime type.

Implications for Research and Practice

The findings of this dissertation have implications for the broader debates on mainstreaming as policy design, IO pressure for human rights, and children's rights governance.

With regard to mainstreaming as a policy design, this dissertation identifies factors that explain variations in mainstreaming outputs across policy sectors: actor preferences, policy competences and resource exchanges. While these factors are best suited for testing mainstreaming within general-purpose or multi-issue organizations, the framework can also serve to compare mainstreaming in task-specific organizations over time. Gender mainstreaming studies focusing on UNDP, the World Bank and the ILO have found similar problems with ambiguous mandates, lack of staff training and weak monitoring and evaluation.

In relation to debates on how, when, and why IO's pressure for human rights, this dissertation has four important implications. First, it demonstrates that in the context of autocratic regimes, IOs adapt their children's rights pressure tactics to the targeted government and do so by selecting less sensitive norms and more cooperative tactics. While there is a general risk of tokenism in the promotion of children's rights, due to lacking child participation in children's rights governance at all levels, this risk is even higher in autocratic states with limited public debate and weak human rights institutions. Children living in states with autocratic regimes need international support to pressure for state implementation of the CRC, but case evidence from Vietnam suggests that IOs rather align with the agenda of the Vietnamese government. Second, the findings on EU children's rights development aid to Vietnam support previous research that has demonstrated that donors pursue targeted, self-interested development aid. Third, the finding that the EU is more likely to support large INGOs originating from Europe than domestic NGOs suggests that it

contributes to the sustained authority of some of the largest non-state actors in the children's rights regime complex. Case study evidence on Vietnam shows that the EU collaborates with children's rights INGOs as these are perceived as less threatening to the Vietnamese regime than human rights organizations. Combined, these findings call for further study of how children's rights INGOs operate in different country contexts, and with what effects. Fourth, findings on the collaboration between UNICEF and the CRC Committee question the empirical plausibility of assessing the individual effects of different IOs and different pressure tactics, and call for more research on the joint pressures of IOs.

Regarding the implications for children's rights governance, the findings show that UN development agendas, in particular the MDGs and SDGs, influence the children's rights regime, through their impact on aid allocations and diplomatic action. This dissertation hence calls for more research on the integration of the children's rights and development regimes at global, regional, and national levels. Finally, the findings have important empirical implications for our knowledge about corporal punishment legislation, specifically, and legal protection against violence against children more generally. The quantitative analysis supports previous case study findings that British common law systems are unfavourable towards banning corporal punishment law. Evidence on a negative link between Islam and corporal punishment law, and a positive relationship between women's political participation and corporal punishment legislation, call for further exploration of causal mechanisms.

Against the background of the dissertation's findings and their implications, this brief has a number of important takeaways and policy recommendations for children's rights advocates, development practitioners and Swedish development assistance.

On mainstreaming as a policy design:

- The study highlights some of the weaknesses with the mainstreaming approach for broad normative agendas, such as children's rights. Mainstreaming requires human resources and overall monitoring and evaluation, which may be difficult to achieve in a general-purpose organization like the EU. Broad mainstreaming mandates are also inherently difficult to evaluate.
- Alternative policy approaches, such as targeted activities carried out by a well-resourced, dedicated unit or a narrower mainstreaming focus, are unsatisfying from a children's rights perspective as these designs fail to account for the breadth of the CRC and the nature of a human rights-based approach.
- Yet another alternative would be to ask that IOs and international donors respect children's rights, i.e. that they apply a 'do no harm' approach. Organizations can achieve this by integrating child impact assessments, or by considering the child's best interests in the development of new policies.

On IO and donor pressure for children's rights:

- IOs and donors may have strategic reasons to address children's rights in autocracies because these norms are perceived as neutral. This, however, implies that more contentious CRC norms, such as the child's right to participation, will be neglected.
- IOs and donors that seek to put actual pressure on autocracies to implement the CRC should encourage independent children's rights monitoring bodies, stress children's rights to information, expression, and association, and support individual children's rights defenders.

- Children's rights INGOs have missed key opportunities to pressure for children's rights in autocratic Vietnam, despite the fact that the Vietnamese regime has demonstrated its commitment to international children's rights norms and is likely to be vulnerable to criticism.
- There is a need for sponsors of children's rights INGOs, such as Sida, to more critically assess the possibilities and limitations of these organizations to advocate for children's rights in non-democratic contexts and contribute to the goals of democracy aid. This is especially important as autocracy is on the rise globally.

On the integration of international children's rights and development policy:

- It is to be considered a success that children's rights have been included in global development policy frameworks, such as the SDGs, as these have global impacts on aid allocations, policies, and practice. This dissertation, however, also demonstrates that development policy frameworks have affected the children's rights regime and that IOs increasingly focus on children's rights norms that are covered by the SDGs.
- Among the children's rights that have not yet been integrated into global development agendas, the child's right to participation is particularly neglected. There is hence great need to address this right, and to involve children in children's rights governance.

On international advocacy for banning corporal punishment:

- According to the findings, regional, rather than global, monitoring and enforcement institutions have mattered for increasing legal protection against corporal punishment in states, which suggests that this is the most effective level for advocacy for banning corporal punishment.

- According to the findings, countries with many women in parliament are more likely to install a corporal punishment ban. If advocacy against corporal punishment of children aims at norm diffusion by creating a critical mass of countries banning corporal punishment, it may hence be strategic to target states with relatively high female parliamentary representation.

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Appendix 1

List of interviews, Case Study Vietnam

Interview 1: EU official, Brussels, 2012.

Interview 2: EU official, Brussels, 2012.

Interview 3: INGO, Geneva, 2012.

Interview 4: EU member state representative, Hanoi, 2015.

Interview 5: EU member state representative, Hanoi, 2015.

Interview 6: EU member state representative, Hanoi, 2015.

Interview 7: EU member state representative, Hanoi, 2015.

Interview 8: EU member state representative, Hanoi, 2015.

Interview 9: EU member state representative, Hanoi, 2015.

Interview 10: EU official, Hanoi, 2015.

Interview 11: UN official, Hanoi, 2015.

Interview 12: Vietnamese research center, Hanoi, 2015.

Interview 13: Vietnamese research center, Hanoi, 2015.

Interview 14: INGO, Skype, 2015.

Interview 15: INGO, Stockholm, 2015.

Interview 16: UN official, Skype, 2017.

Interview 17: EU official, Skype, 2018.

Interview 18: EU official, Telephone, 2018.

Interview 19: EU official, Telephone, 2018.

Interview 20: UN official, Skype, 2018.

Interview 21: UN official, Skype, 2018.

Interview 22: UN official, Skype, 2018.

Interview 23: EU member state representative, Stockholm, 2019.

Appendix 2

Table A1: Coding scheme, law on corporal punishment of children

Setting	No protection	Score	Some protection	Score	Full protection	Score
Penal institutions	<i>Lawful</i>	0	<i>Contradicting laws./Explicitly prohibited for some children.</i>	1	<i>Unlawful</i>	2
Sentence for crime		0		1		2
Schools	<i>Not prohibited in law</i>	0		1	<i>Explicitly prohibited</i>	2
Day care		0		1		2
Alternative care		0		1		2
Family		0		1		2

An index on legal protection against corporal punishment of children

The scores for each setting (as described in Table 3) are combined in an additive index, corpindex, that ranges from ‘0’ (no protection in any setting) to ‘12’ (full protection in all settings). Data has been collected from reports by the NGO Global Initiative to End All Corporal Punishment of Children⁵, the United Nations Office of the High Commissioner for Human Rights (OHCHR)⁶ and original legal texts.

⁵ <http://www.endcorporalpunishment.org/prohibiting-corporal-punishment/>

⁶ <http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>

Table A2: Determinants of corporal punishment law, 2000–2016. Random-effects panel regression. Dependent variable: corpindex. Cross-section: 155–187

	(1) Free and fair elections	(2) Indepen- dent judiciary	(3) Civil society	(4) Women in parliament	(5) Women in parliament (GDP)
Ratification	0.632**	0.650**	0.634**	0.609**	0.522**
OPSC	(0.201)	(0.201)	(0.200)	(0.218)	(0.167)
Regional HR court	0.916*	1.029*	- 0.920*	0.807	0.680
	(0.430)	(0.516)	(0.434)	(0.444)	(0.386)
British common law	-1.110	-1.271*	1.151*	-1.442**	-1.716***
	(0.577)	(0.551)	(0.570)	(0.511)	(0.445)
Majority Muslim	-1.323*	-1.676**	-1.140	-1.414**	-1.523***
	(0.619)	(0.544)	(0.690)	(0.509)	(0.456)
Free and fair elections	-0.0218	-	-	-	-
	(1.047)				
Judicial independ- ence	-	0.0534	-	-	-
		(0.128)			
Civil society strength	-	-	0.794	-	-
			(1.539)		
Women in parliament	-	-	-	0.0464**	0.0367**
				(0.0142)	(0.0120)
Govt. health expenditure	-1.188	-1.414	-1.169	-3.959	-
	(7.515)	(7.992)	(7.577)	(6.991)	
Corruption perception	0.0282*	0.0216	0.0282*	0.0211	-
	(0.0142)	(0.0135)	(0.0128)	(0.0128)	

	(1) Free and fair elections	(2) Indepen- dent judiciary	(3) Civil society	(4) Women in parliament	(5) Women in parliament (GDP)
Conflict	0.0987 (0.129)	0.127 (0.140)	0.107 (0.130)	0.175 (0.156)	0.156 (0.173)
Population 0–14 years	-0.183*** (0.0351)	-0.179*** (0.0383)	-0.181*** (0.0354)	-0.154*** (0.0328)	-
GDP (ln)	-	-	-	-	0.997*** (0.0120)
Constant	9.753*** (1.482)	10.00*** (1.715)	9.081*** (1.464)	8.552*** (1.438)	-3.439*** (0.939)
Observations	2130	1983	2130	2163	2788

(Notes: Levels of confidence: * significant at 95%; ** significant at 99%; *** significant at 99.99%; estimates derived using generalized least squares with clustered robust standard errors [lag of one]; robust standard errors in parentheses.)

Table A3: IO pressure on non-EU states, 2001–2016. Random-effects panel regression. Dependent variable: corpinde. Cross-section: 121–149

	(6) Social infra- structure aid	(7) Social infra- structure aid per capita	(8) EU aid	(9) UNICEF aid	(10) Civil society
Social infrastructure aid, total (ln)	0.309** (0.0985)	-	-	-	0.398** (0.125)
Social infrastructure aid per capita (ln)	-	0.289** (0.0962)	-	-	-
EU Social infrastructure aid (ln)	-	-	0.157* (0.0752)	-	-
EIDHR aid	-0.241* (0.121)	-0.207 (0.125)	-0.232 (0.123)	-0.256* (0.117)	-0.229 (0.133)
EU child diplomacy	0.376* (0.146)	0.494** (0.153)	0.412** (0.147)	0.441** (0.151)	0.460** (0.153)
UN criticism	-0.131 (0.0705)	-0.103 (0.0709)	-0.132 (0.0705)	-0.133 (0.0762)	0.230 (0.182)
UNICEF aid (ln)	-	-	-	0.321* (0.128)	-
Regional HR court	0.818 (0.430)	1.175* (0.428)	0.852* (0.428)	0.876 (0.490)	1.283** (0.426)
Ratification OPSC	0.436 (0.260)	0.671** (0.249)	0.516* (0.261)	0.536* (0.251)	0.557 (0.292)

	(6) Social infra- structure aid	(7) Social infra- structure aid per capita	(8) EU aid	(9) UNICEF aid	(10) Civil society
British common law	-1.298** (0.482)	-1.628*** (0.447)	-1.195* (0.506)	-1.010 (0.554)	-1.803*** (0.497)
Majority Muslim	-0.971* (0.477)	-0.939* (0.460)	-0.917 (0.469)	-1.120* (-2.34)	-1.362** (0.513)
Conflict	-0.0794 (0.153)	-0.0267 (0.163)	-0.0538 (0.152)	-0.0179 (0.147)	-0.0475 (0.141)
Women in parliament	0.0311* (0.0132)	0.0412** (0.0138)	0.0348** (0.0132)	0.0336* (0.0139)	-
Population 0–14 years	-0.124*** (0.0305)	-	-0.124*** (0.0307)	0.157*** (0.0331)	-
Corruption perception	-	-	-	-	0.0485** (0.0165)
Civil society strength	-	-	-	-	0.347 (1.248)
UN shame X Civil society strength	-	-	-	-	-0.576* (0.266)
Constant	6.820*** (1.163)	3.535*** (0.364)	7.524*** (1.113)	9.161*** (1.192)	1.030 (1.199)
Observations	1652	1717	1650	1650	1430

(Notes: Levels of confidence: * significant at 95%; ** significant at 99%; *** significant at 99.99%; estimates derived using generalized least squares with clustered robust standard errors [lag of two]; robust standard errors in parentheses.)

Children's rights have risen on many international organisations' agendas in recent decades. This DDB explores why international organisations promote children's rights, which tactics they use to pressure states and why, and the effects of different tactics on state compliance with children's rights.

Barns rättigheter har stigit på många internationella organisationers dagordningar de senaste årtiondena. Denna DDB undersöker varför internationella organisationer väljer att främja barns rättigheter, vilka påtryckningsstrategier de använder gentemot stater och varför samt hur dessa påverkar staters efterlevnad av barns rättigheter.

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