

Assessing Compliance with the CRC *Indicators of Law and Policy in 191 Countries*

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Abstract

Currently, the report-based monitoring system of the CRC provides a wealth of qualitative information about country performance, but not in a form that is frequently updated, easily analysable and comparable across countries and over time. To date, a broad range of quantitatively comparable indicators of laws and policies relevant to the CRC have not been widely available. Through the WORLD Policy Analysis Center, we have collected and analysed primary legislative texts, international reports and other sources to create such indicators for all States Parties. In this article, we draw on this new data set to propose a complementary approach to monitoring progress on CRC obligations using quantitatively analysable indicators of law and policy, and operationalise a sample set of indicators to demonstrate the feasibility and utility of this approach in assessing country action on children's rights and compliance with the CRC.

Keywords

Convention on the Rights of the Child – child rights – quantitative indicators – monitoring – transparency – accountability – global comparisons – laws – policies – constitutions

Introduction

The Convention on the Rights of the Child (CRC), adopted in 1989, was the product of major efforts by the United Nations, civil society and countries themselves to reach agreement on a set of core rights for children. At the time of this analysis, all but three UN countries had ratified the CRC; all ratifying countries are legally bound to respect and promote the rights enshrined in the treaty.

While a crucial step forward for global child rights, for this important Convention to have the desired impact on the lives of children around the world, States Parties must take steps on a national level to make change.^{1, 2, 3, 4, 5} For intergovernmental organisations and civil society to hold countries accountable for their legal commitments under the CRC, they need to know what action countries are taking or failing to take to meet their obligations.

Currently, the report-based monitoring system of the CRC provides a wealth of qualitative information about country performance, but not in a form that is frequently updated, easily analysable and comparable across countries and over time. In this article, we propose a complementary approach to monitoring progress on CRC obligations using quantitatively analysable indicators of law and policy. Using a new data set on rights, laws and policies in 193 countries, we demonstrate the feasibility and value of this approach using a sample set of indicators.

The Need for a Complementary Approach to Monitoring

The official monitoring mechanism for the CRC is through the Committee on the Rights of the Child. States Parties are required to submit reports to the Committee on the steps they have taken to advance children's rights within their borders within two years of ratification and every five years thereafter. The Committee evaluates the reports in dialogue with States Parties and issues

1 Britto, P.R. and N. Ulkuer, 'Child development in developing countries: Child rights and policy implications,' *Child Development* 83(1) (2012): 92–103.

2 Kilkelly, U., 'The CRC at 21: Assessing the legal impact,' *Northern Ireland Legal Quarterly* 62(2) (2011): 143–152.

3 Svevo-Cianci, K.A., S.N. Hart and C. Rubinson, 'Protecting children from violence and maltreatment: A qualitative comparative analysis assessing the implementation of UN CRC Article 19,' *Child Abuse and Neglect* 34 (2010): 45–56.

4 UNICEF Innocenti Research Centre, *Summary Report: Study on the Impact of the Implementation of the Convention on the Rights of the Child* (Florence: UNICEF, 2004).

5 UNICEF Innocenti Research Centre, *Law Reform and Implementation of the Convention on the Rights of the Child* (Florence: UNICEF, 2007).

Concluding Observations, which governments are expected to act upon and make publicly available.⁶

The reports submitted to the Committee by States Parties, the supplemental reports prepared by civil society and the Concluding Observations produced by the Committee, are the product of important, in-depth examinations of children's rights in each country under consideration. The collaborative exchange between the Committee and States Parties provides the United Nations with a way constructively to influence national-level action through persuasive dialogue.⁷ While the Committee's Concluding Observations are not legally binding, they are often used by civil society to raise awareness about important issues, strengthen advocacy work and put pressure on governments better to fulfil their obligations.^{8, 9}

This valuable process, however, is not designed to address three important elements:

1) Frequent Updates on National Action

Nations are reviewed relatively infrequently – only once every five years after the initial report. This time period can extend even longer if States are delinquent in submitting their reports to the Committee; there is no enforcement mechanism to ensure that States comply with reporting requirements.¹⁰ Non-compliance is not always due to lack of will; some countries may also lack the resources, in terms of time, technical expertise, or personnel, to adequately prepare the reports. The Committee experiences similar challenges, with a finite amount of time and resources to devote to its important work. It may not

6 Office of the High Commissioner for Human Rights, 'Fact Sheet No. 10 (Rev.1), The Rights of the Child', available at <http://www.ohchr.org/Documents/Publications/FactSheet10Rev1en.pdf> (accessed 16 July 2013).

7 Lundy, L., 'Children's rights and educational policy in Europe: The implementation of the United Nations Convention on the Rights of the Child', *Oxford Review of Education* 38(4) (2012): 393–411.

8 Doek, J.E., 'The U.N. Convention on the Rights of the Child: Some observations on the monitoring and the social context of its implementation', *University of Florida Journal of Law and Public Policy* 14 (2003): 125–136.

9 NGO Group for the Convention on the Rights of the Child, 'The use of concluding observations for monitoring the implementation of the Convention on the Rights of the Child: The experiences of NGO coalitions in nine country case studies', CRIN-NGO Group Joint Working Paper No. 2. (London: Child Rights Information Network, 2005).

10 Crawford, J., 'The UN human rights treaty system: A system in crisis?' In *The Future of UN Human Rights Treaty Monitoring*, ed. P. Alston and J. Crawford (Cambridge, UK: Cambridge University Press, 2000) 1–14.

be possible to review all State reports submitted in a given year and an increasing backlog of reports has been noted.¹¹

2) Data permitting Comparisons among Countries and over Time Reports are lengthy and qualitative. They are not easily compared, which limits the potential for analyses of change over time to assess progress or setbacks and for comparisons among countries, to get a global picture of children's rights or to assess feasible standards of action for countries at a given income level.

3) Easily viewable and understandable Information on Country Performance

Because of the in-depth nature of reports and the fact that countries cannot be assessed on every aspect of the CRC during the Monitoring Committee's limited sessions, it is difficult to determine where particular nations or the global community as a whole stand on a particular issue. To find out, for example, how many countries make free and compulsory primary education a constitutional right, one would have to read thousands of pages of reports, not all of which would discuss the particular right.

There have been calls for complementary ways to assess country performance.¹² The use of indicators, available and comparable across all States Parties, would allow observers, whether national policymakers, the CRC Committee, or civil society, to readily identify where particular countries and the world as a whole stand on meeting their obligations to children. Indicators would allow progress within countries to be assessed and reliably compared over time; the performance of economically or geographically similar nations could also be compared to establish realistic standards of performance. Once frameworks are developed, they can be readily updated, allowing monitoring of national and global progress in the short- and long-term.

Monitoring Progress through Quantitative Indicators of Law and Policy

While the utility of indicators as a complement to the reporting process is broadly recognised, quantitative, comparative approaches have not yet been implemented. Some studies have proposed indicator frameworks for CRC

11 NGO Group for the Convention on the Rights of the Child, 'The use of concluding observations for monitoring the implementation of the Convention on the Rights of the Child: The experiences of NGO coalitions in nine country case studies', CRIN-NGO Group Joint Working Paper No. 2. (London: Child Rights Information Network, 2005).

12 Garbarino, J., 'Commentary: An approach to assessing "accountability" in implementing the UN Convention on the Rights of the Child', *Child Abuse and Neglect* 35(12) (2011): 990-992.

compliance, but these have not been applied with data.^{13, 14} Other useful frameworks are limited to particular rights, particular regions, or particular country groupings.^{15, 16} An important example is the approach taken by the African Child Policy Forum, which has developed and applied a Child Friendliness Index that is applied to all 52 African nations.^{17, 18, 19} The index is 'CRC-inspired and CRC-based',²⁰ and includes indicators for legal and policy frameworks, resource commitments and child-related services and outcomes. It uses qualitative and quantitative inputs, which can be examined separately or converted into a numerical index. However, so far this framework is region-specific; though it could be relevant for other regions, it has not been broadly applied.

Valuably recognised by some of the frameworks calling for indicators, when it comes to assessing country compliance with the CRC, it is critical to examine rights, laws, and policies as well as data on outcomes.^{21, 22, 23, 24} The levers that

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- 13 Carvalho, E., 'Measuring children's rights: An alternative approach', *International Journal of Children's Rights* 16 (2008): 545–563.
- 14 Vaghri, Z., A. Arkadas, S. Kruse and C. Hertzman, 'CRC General Comment 7 Indicators Framework: A tool for monitoring the implementation of child rights in early childhood', *Journal of Human Rights* 10 (2011): 178–188.
- 15 Svevo-Cianci, K.A., S.N. Hart and C. Rubinson, 'Protecting children from violence and maltreatment: A qualitative comparative analysis assessing the implementation of UN CRC Article 19', *Child Abuse and Neglect* 34 (2010): 45–56.
- 16 Nicklett, E.J. and B.E. Perron, 'Laws and policies to support the wellbeing of children: An international comparative analysis', *International Journal of Social Welfare* 19(1) (2010): 3–7.
- 17 African Child Policy Forum, *African Report on Child Wellbeing 2008: How Child-Friendly are African Governments?* (Addis Ababa, Ethiopia: African Child Policy Forum, 2008).
- 18 Bequele, A., 'Monitoring the commitment and child-friendliness of governments: A new approach from Africa', *Child Abuse and Neglect* 34(1) (2010): 34–44.
- 19 Mekonen, Y., *The Child-Friendliness Index: A New Tool to Assess Government Performance* (Addis Ababa, Ethiopia: African Child Policy Forum, 2009).
- 20 Bequele, A., 'Monitoring the commitment and child-friendliness of governments: A new approach from Africa', *Child Abuse and Neglect* 34(1) (2010): 34–44.
- 21 Doek, J.E., 'The CRC 20 years: An overview of some of the major achievements and remaining challenges', *Child Abuse and Neglect* 33(11) (2009): 771–782.
- 22 Habashi, J., L. Wright and J.D. Hathcoat, 'Patterns of human development indicators across constitutional analysis of children's rights to protection, provision, and participation', *Soc Indic Res* 105 (2012): 63–73.
- 23 Lundy, L., 'Children's rights and educational policy in Europe: The implementation of the United Nations Convention on the Rights of the Child', *Oxford Review of Education* 38(4) (2012): 393–411.
- 24 Santos Pais, M. and S. Bissell, 'Overview and implementation of the UN Convention on the Rights of the Child', *Lancet* 367(9511) (2006): 689–690.

national policymakers can directly affect are constitutions, national laws, and public policies. Measuring what laws and policies are enacted gives credit to States Parties for efforts they have made to improve the realisation of children's rights, even if outcomes are poor due to circumstances beyond their control, such as economic crises or extreme weather events; this approach also avoids commending States for temporary improvements in outcomes due to global trends when the country has not laid the legal foundations needed for long term change.

Additionally, examining indicators of law and policy separately from outcomes or implementation is important. It allows an assessment of whether violations of children's rights stem from the legal level – the absence of a framework to adequately protect and encourage the full development of children – or from the implementation level, with existing legal frameworks poorly applied. Measuring policies and laws also lays the foundation for systematic analyses of law and policy effectiveness and implementation gaps.

To date, quantitatively comparable indicators of laws and policies relevant to the CRC have not been widely available. Through the WORLD Policy Analysis Center, we have collected and analysed primary legislative texts, international reports, and other sources to create such indicators. In this article, we draw on this new data set to operationalise a sample set of indicators of rights, laws and policies relevant to the CRC to demonstrate the feasibility and utility of this approach in assessing country action on children's rights and compliance with the CRC.

Data Collection and Methods

The WORLD Policy Analysis Center, founded by Heymann at McGill University and currently led by Heymann and managed by Raub at the UCLA Fielding School of Public Health, undertook an initiative to systematically analyse available information on rights, laws and policies in place in all UN member states and translate them into quantitatively comparable indicators. Our databases include information on constitutional rights, education, child labour, child marriage, parental working conditions and poverty reduction, among other areas. For full details on our databases and methodology, please see worldpolicyforum.org.

In each subject area, laws and policies were selected based on international agreement and substantial research weight establishing their importance. For each right, law or policy analysed, frameworks were developed that would allow for accurate and consistent comparisons across countries while capturing

the different approaches taken by nations. A preliminary framework was developed for each and tested using 30–40 countries. The framework was adjusted as needed and applied across all 193 countries. For additional detailed information on our methodology, please see our previously published books and articles on constitutional rights,^{25, 26} labour laws affecting children and parents^{27, 28, 29, 30} and policies affecting children.^{31, 32}

Our data set was built using sources that are already available on an international scale and do not require any additional action from States Parties. Whenever possible, we used original legislative texts and country reports to international organisations. When necessary, we filled in or corroborated information using reliable secondary sources. Multilingual teams of researchers analysed source materials to translate lengthy qualitative sources into quantitatively comparable indicators. All sources were coded independently by two researchers and compared to ensure quality and consistency of coding; after databases were complete, additional quality checks were carried out.

In this article, we examine a sample set of indicators applicable to a selection of rights enshrined in the CRC, some civil/political and some economic/social. We examined these indicators for 191 countries (all UN Member States that are party to the Convention);³³ depending on the indicator, data were

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- 25 Cassola, A., A. Raub, D. Foley and J. Heymann, 'Where do women stand? New evidence on the presence and absence of gender equality in the world's constitutions', *Politics and Gender* (forthcoming).
- 26 Heymann, J., A. Cassola, A. Raub and L. Mishra, 'Constitutional rights to health, public health and medical care: The status of health protections in 191 countries', *Global Public Health* (forthcoming).
- 27 Daku, M.T., A. Raub and J. Heymann, 'Maternal leave policies and vaccination coverage: A global analysis', *Social Science and Medicine* 74(2) (2012): 120–124.
- 28 Heymann, J. and A. Earle, *Raising the Global Floor: Dismantling the Myth That We Can't Afford Good Working Conditions for Everyone* (Stanford: Stanford University Press, 2010).
- 29 Heymann, J., A. Raub and A. Earle, 'Breastfeeding policy: A globally comparative analysis', *Bulletin of the World Health Organization* 74(2) (2013): 398–406.
- 30 Heymann, J., A. Raub and A. Earle, 'Creating and using new data sources to analyze the relationship between social policy and global health: The case of maternal leave', *Public Health Reports* 126(Suppl 3) (2011): 127–134.
- 31 Heymann, J. and K. McNeill, *Children's Chances: How Countries Can Move from Surviving to Thriving* (Cambridge: Harvard University Press, 2013).
- 32 Heymann, J., A. Raub and A. Cassola, 'Does prohibiting child labor increase secondary school enrolment? Insights from a new global dataset', *International Journal of Educational Research* 60 (2013): 38–45.
- 33 At the time of analysis, the United States and Somalia had signed but not ratified the Convention on the Rights of the Child.

available for between 145 and 189 countries. We examined national action at three levels: constitutions; national laws; and national policies. Constitutions shape a country's legal framework and establish a set of rights considered central to the nation; constitutional rights can be used to challenge discriminatory legislation or advocate for better or more equitable provision of government services. They tend to be difficult to change, which is both a strength (as the rights they enshrine are fairly permanent) and a weakness, as it can be challenging to incorporate new rights. National laws are much more adaptable and they shape the rules that employers, schools and individuals must live by, governing areas like working conditions, minimum working ages and others. Additionally, some areas, such as education or family benefits, are more commonly governed by policies.

Constitutional Rights

Constitutional rights were coded exclusively from constitutional texts, which were thoroughly read and analysed, as amended to June 2011. We acquired these texts through online compendiums created by the United Nations, universities and legal institutes, as well as directly from government websites.³⁴ For countries that do not have a written constitution or have a series of constitutional laws, we identified and coded those documents and laws that are considered to have constitutional status. Approximately 50 rights have been analysed for children and adults, including civil, political, economic, social, and cultural rights and captured distinctly for 12 social categories (such as gender, disability, religion, etc.).

In order to compare the quality of rights protection across constitutions, we differentiate among different types of language used to grant rights. Constitutional articles that unambiguously protect a right, or phrase its protection as a duty or obligation of the State, are coded as guaranteed rights. When the text indicates that a guaranteed right could be restricted or denied, the country appears as guaranteed with possible exceptions. Rights phrased using non-authoritative language or stated as objectives are categorized as aspirational protections.

As examples of constitutional rights and the CRC, in this article we examine protections of equity across gender, ethnicity, religion, social position, disability and language, as well as the rights to freedom of expression, freedom of religion and freedom of association or assembly.

34 Sources of constitutional text include government websites; *Constitutions of the Countries of the World Online*; *Constitution Finder*, a database of constitutions sourced by the University of Richmond; and HeinOnline's *World Constitutions Illustrated*.

National Laws

Our databases cover national laws in the areas of education, minimum ages for different types of work, minimum ages for marriage, parental working conditions and social security systems. As often as possible, these laws were coded from original legislative texts accessed through government websites and online compendiums such as the International Labour Organization's NATLEX database, the World Bank's Doing Business law library, and the Lexadin World Law Guide legislation database; texts were also consulted in hard copy at Harvard University, McGill University and ILO Headquarters' libraries. When these were not available, supplementary information was gathered from sources such as country reports to UNESCO's International Bureau of Education, biannual reports of Social Security Programs Throughout the World, concluding observations of the Committee on the Rights of the Child and several others.

As an example of the utility of analysing national laws, in this article we look at those governing child labour – minimum age for hazardous work and restrictions on work during school hours.

Policies

Some areas are much more commonly governed through policy than through laws, including many aspects of education and social security. Data on education policies were developed through a systematic review and analysis of national governments' reports to the UNESCO International Bureau of Education and the 48th International Conference on Education, as well as official documents available through Planipolis, a portal of education plans and policies in UNESCO member states and Eurydice, a network on education systems and policies in Europe. Data on social security policies was gathered directly from legislative sources, as well as from secondary sources such as Social Security Programs Throughout the World.

As an example of policy data, we examine whether education is compulsory and tuition-free at the primary level and whether is it tuition-free at the secondary and tertiary levels. We also examine the provision of integrated special education for children with disabilities.

Findings: Applying Constitutional, Legal and Policy Indicators to CRC Commitments

Constitutional Rights

Article 2 of the CRC states that

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status.

To what extent have States Parties to the Convention protected equal treatment and non-discrimination at the national level in their constitutions?

We examined whether constitutions include these protections across the following social groups specified in the CRC: race/ethnicity, gender, language, religion, social position and disability. We analysed several different ways in which constitutions can protect equality for these groups including: overall equality (e.g. 'The State guarantees equality between males and females') or equal rights (e.g. 'All citizens enjoy equal rights irrespective of religious affiliation'), equality before the law ('Everyone is equal before the law regardless of race or ethnicity') and prohibition of discrimination ('No person shall be discriminated against on the basis of disability'). In the below table, countries are given credit for protecting equity if they take any of these approaches for the specific group in question. Some constitutions include these provisions in general without mentioning specific groups; in the below table, these appear in the 'Guaranteed in general' category.

The vast majority of Parties to the CRC have taken some approach to equity in their constitution. Race/ethnicity, gender and religion are guaranteed explicit protection in the majority of constitutions – 75 per cent, 81 per cent and 75 per cent respectively (see Table 1). Just 5 per cent or less of constitutions take no approach to equity for these groups. Equity across social position is guaranteed explicitly in a smaller majority of constitutions (55 per cent) and is unprotected in 11 per cent.

Less commonly included are protections on the basis of language, which are guaranteed in 40 per cent of States Parties' constitutions; this social category has no protection in 13 per cent of constitutions. Still worse off are protections on the basis of disability – equity is guaranteed on this basis in just 21 per cent of the constitutions of ratifying countries. Four per cent protect this group aspirationally. 63 per cent of countries guarantee equity in general, but with no explicit mention of disability, in one per cent of countries these general equity guarantees could be limited for persons with disabilities, and 12 per cent of States Parties have no constitutional provision for equity that could apply to people with disabilities.

Articles 13 through 15 of the Convention protect children's rights to freedom of expression; freedom of thought, conscience and religion; freedom of

TABLE 1 *Constitutional Protection of Equity.*

Constitutional Protection of Equity						
	Race/ Ethnicity	Gender	Language	Religion	Social Position	Disability
No approach to equity for social group	7 (4%)	10 (5%)	24 (13%)	7 (4%)	21 (11%)	22 (12%)
General equity guaranteed, exceptions for social group may be allowed	0 (0%)	0 (0%)	0 (0%)	0 (0%)	1 (1%)	1 (1%)
General equity guaranteed, but not specifically for social group	39 (21%)	21 (11%)	87 (46%)	39 (21%)	56 (30%)	120 (63%)
Aspirational for social group	1 (1%)	3 (2%)	2 (1%)	2 (1%)	7 (4%)	7 (4%)
Guaranteed for social group ³⁵	142 (75%)	155 (81%)	76 (40%)	141 (75%)	104 (55%)	39 (21%)

association; and freedom of peaceful assembly. We examined whether these rights are protected in national constitutions.

Freedom of expression captures the right to publicly express any opinion or conviction and includes the right to freedom of speech. Freedom of religion is the right of individuals to proscribe to or express beliefs and includes the right to freedom of conscience and worship. Freedom of association is the right to form and join associations; if a constitution does not guarantee a right to association generally, but guarantees both the right to form or join trade unions

35 One country that guarantees gender equity also allows for possible exceptions based on 'physiological differences between persons of different sex or gender' (Constitution of Zimbabwe 1979, amended to 2009, Art. 23). Four countries that guarantee equity across disability may allow for restrictions on full enjoyment of rights when persons with disabilities are not able to enjoy or carry out those rights ('without prejudice to any restrictions on the exercise or fulfillment of rights and duties they are unable, or not fully able, to enjoy or carry out').

TABLE 2 *Constitutional Protection of Selected Civil Rights.*

Constitutional Protection of Selected Civil Rights			
	Freedom of Expression	Freedom of Religion	Freedom of Association or Assembly
Right denied to citizens	0 (0%)	1 (1%)	1 (1%)
Right denied to children	0 (0%)	2 (1%)	3 (2%)
Right does not appear in constitution	9 (5%)	7 (4%)	7 (4%)
Right guaranteed generally but not explicitly to children	169 (89%)	168 (89%)	166 (88%)
Right is aspirational for children	1 (1%)	2 (1%)	3 (2%)
Right is guaranteed to children	10 (5%)	9 (5%)	9 (5%)

and the right of political association, we consider freedom of association guaranteed. Freedom of assembly includes the right to meet and to demonstrate.

Almost all States Parties to the CRC have constitutional guarantees of freedom of expression, religion and association or assembly (see Table 2). These guarantees are by far most commonly made in general terms, though 5 per cent of countries do guarantee these rights explicitly to children or regardless of age, and between 1 and 2 per cent grant these rights to children aspirationally. In addition, two countries deny freedom of religion specifically to children, and three countries deny their freedom of association or assembly.

National Laws

Article 32 of the CRC recognises –

the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral, or social development.

It explicitly calls on States Parties to

take legislative, administrative, social and educational measures to ensure the implementation of the present article... in particular: (a) provide for

TABLE 3 *Minimum age for hazardous work.*

Minimum age for hazardous work	
No national minimum age	3 (2%)
Minimum age is below 18	42 (24%)
Minimum age is 18, but law allows for exceptions permitting younger children to do hazardous work	36 (21%)
Minimum age is 18 without exceptions	93 (53%)

a minimum age or minimum ages for admission to employment; (b) provide for appropriate regulation of the hours and conditions of employment ...

While the majority of states have passed legislation, as indicated in the convention, to prevent hazardous child labour, 26 per cent of States Parties have set the minimum age for children to do hazardous work at below 18, or have not set a national-level minimum age at all (see Table 3). In an additional 21 per cent of States Parties, the minimum age is set at 18, but the law includes exceptions allowing younger children to do hazardous work, such as for vocational purposes or in the company of family members.

The CRC also calls on countries to regulate the hours of work that children can do in non-hazardous occupations. We examined legislation limiting hours of work for children and youth aged 13, 15 and 17. If children are subject to compulsory schooling in the country at the given age, we look further at restrictions specific to school days, which can appear as prohibitions of work on school days or other restrictions, such as lower maximum work hour limits on schools days or school weeks, or prohibitions of work during schools hours.

The majority of States Parties, 94 per cent, do not allow 13-year-old children to work (see Table 4). At age 15, this drops to 33 per cent of Parties. At this age, 22 per cent of Parties do not regulate work hours at all; 2 per cent put weekly limits in place, 35 per cent have daily maximum limits and 9 per cent put some kind of restrictions in place with regard to schooling. At age 17, children are allowed to work in 97 per cent of countries and in 40 per cent of countries, they are not subject to any regulations on their hours of work.

TABLE 4 *Regulations on Work Hours for Children.*

	Age 13	Age 15	Age 17
Country does not regulate hours of work	7 (4%)	40 (22%)	72 (40%)
Weekly limits on hours of work only	0 (0%)	3 (2%)	7 (4%)
Daily limits on hours of work	4 (2%)	64 (35%)	81 (45%)
Work is prohibited during school hours	1 (1%)	12 (7%)	9 (5%)
Additional restrictions on hours of work on school days/weeks	0 (0%)	4 (2%)	4 (2%)
Work is prohibited on school days	0 (0%)	0 (0%)	2 (1%)
General work is not permitted	173 (94%)	60 (33%)	5 (3%)

National Policies

Among other educational provisions, Article 28 of the CRC calls on States Parties to 'make primary education compulsory and available free to all', make secondary education 'available and accessible to every child, and take appropriate measures such as the introduction of free education' and 'make higher education accessible to all on the basis of capacity by every appropriate means'.

We examined national policy reports to determine whether primary education is tuition-free and compulsory. We also examined whether secondary school is tuition-free at the beginning and through completion and whether higher education is available tuition-free.³⁶ Our analysis applies specifically to tuition fees; we were unable to assess the presence of other fees that could limit the accessibility of education because of a lack of reliable and comparable sources of information on this subject. We disaggregated States Parties by income group, as defined by the World Bank, to give consideration to the availability of economic resources to provide free education.

The majority of States Parties to the CRC have complied with their obligation to make primary school free and compulsory (88 per cent; see Table 5). However, there are exceptions: 7 per cent of States Parties have made primary school tuition-free but not compulsory, 4 per cent have problematically made the primary level compulsory but not tuition-free, and one per cent of States Parties are not at all in compliance with this obligation.

³⁶ To increase comparability among countries, when the primary level is split into lower and upper primary and lasts for eight years or more, we consider upper primary as the beginning of secondary education.

TABLE 5 *Tuition-free and Compulsory Education by Level.*

	Low-income States Parties	Middle-income States Parties	High-income States Parties	Total States Parties
Primary education is not tuition-free or compulsory	0 (0%)	2 (2%)	0 (0%)	2 (1%)
Primary education is compulsory, but not tuition-free	3 (9%)	3 (3%)	0 (0%)	6 (4%)
Primary education is tuition-free, but not compulsory	4 (12%)	6 (6%)	2 (5%)	12 (7%)
Primary education is tuition-free and compulsory	26 (79%)	85 (89%)	42 (95%)	153 (88%)
The first year of secondary education is not tuition-free	11 (38%)	10 (11%)	2 (5%)	23 (14%)
The first year of secondary education is tuition-free	18 (62%)	81 (89%)	42 (95%)	141 (86%)
Secondary education is not tuition-free through completion	16 (59%)	19 (22%)	3 (7%)	38 (24%)
Secondary education is tuition-free through completion	11 (41%)	68 (78%)	40 (93%)	119 (76%)
Higher education is not tuition-free	13 (45%)	33 (45%)	20 (48%)	66 (46%)
Higher education is tuition-free	16 (55%)	41 (55%)	22 (52%)	79 (54%)

At the beginning of the secondary level, 86 per cent of States Parties do not charge tuition, but 14 per cent of Parties still do so (5 per cent of high-income countries, 11 per cent of middle-income and 38 per cent of low-income countries). A smaller majority of countries, 76 per cent, make secondary education

TABLE 6 *Provision of Education for Children with Disabilities.*

	Low-income States Parties	Middle-income States Parties	High-income States Parties	Total
No special education for children with disabilities provided within the public school system	5 (18%)	3 (3%)	0 (0%)	8 (5%)
Children with disabilities attend separate schools within the public system	5 (18%)	14 (16%)	1 (2%)	20 (12%)
Children with disabilities may attend the same schools as their peers but are not necessarily taught within the same classrooms	12 (43%)	44 (49%)	6 (14%)	62 (38%)
Children with disabilities are able to be taught within the same classrooms as their peers	6 (21%)	29 (32%)	37 (84%)	72 (44%)

tuition-free through completion. In 24 per cent of Parties, tuition is charged before the end of secondary education, including 7 per cent of high-income countries, 22 per cent of middle-income countries and 59 per cent of low-income countries that have ratified the CRC.

Just over half of States Parties, 54 per cent, provide higher education without tuition. Interestingly, this trend is almost equally common across income groups – 52 per cent of high-income countries, 55 per cent of middle-income countries and 55 per cent of low-income countries provide tuition-free higher education.

The provision of education is a requirement not just for children with average needs, but also for children with disabilities; Article 2, prohibiting discrimination based on disability and Article 23, emphasising the responsibility to ensure a full and decent life for children with disabilities, make this obligation clear.

We examined the level of integration of children with special needs into the public education system – whether they are integrated within the same classrooms, the same schools, or separate schools as children with average needs.

If countries offer multiple levels of integration depending on the severity of the disability, we give credit for the highest level of integration. If sources do not clearly indicate whether children are taught within the same classrooms, we classify them as within the same schools. When children with special needs are permitted to enter the public school system but no additional support is provided to meet their needs, the country is not considered to provide special education.

Fewer than half of States Parties, 44 per cent, integrate children with disabilities in the same classrooms as other students; an additional 38 per cent integrate them within the same schools (see Table 6). 12 per cent of countries do not include children with and without disabilities in the same schools, and 5 per cent provide no public special education at all. Children with disabilities in low-income countries are especially disadvantaged, as over a third of low-income countries (36 per cent) provide special education in separate schools or do not provide it at all.

Before and after the CRC

Beyond looking at the current level of country action in accordance with CRC obligations, this type of legal and policy data can allow analyses of CRC impact. As an example of this, we looked at State Parties that adopted their constitution before their ratification of the CRC ('pre-CRC') and those who adopted it afterwards or in the same year ('post-CRC'). Because of the difficulty of substantially amending constitutions in many countries, we expect that it would be easier for countries that adopted their constitution simultaneously with or after their ratification of the CRC to incorporate it in their constitution; as such, we would expect compliance to be higher among these countries than among those whose constitutions were adopted pre-CRC.

The number of constitutions that protect these civil rights explicitly for children is significantly higher among countries that adopted their constitutions after ratification of the CRC. Among constitutions that were adopted after the country ratified the CRC, 11 per cent guarantee freedom of expression to children, compared to none of those adopted prior to ratification (see Table 7). Nine per cent of constitutions adopted post-CRC ratification guarantee freedom of religion to children explicitly, compared to one per cent adopted pre-CRC; 10 per cent adopted post-CRC guarantee freedom of association and of assembly compared to one per cent adopted before.

Once longitudinal data are available for indicators of law and policy as well, these can be used for similar types of analyses. Moreover, the link between legal and policy change and outcomes can be examined using longitudinal

TABLE 7 *Constitutional Protection for Selected Civil Rights.*

	Freedom of Expression		Freedom of Religion		Freedom of Association or Assembly	
	Pre-CRC	Post-CRC	Pre-CRC	Post-CRC	Pre-CRC	Post-CRC
Right denied to citizens	0 (0%)	0 (0%)	1 (1%)	0 (0%)	1 (1%)	0 (0%)
Right denied to children	0 (0%)	0 (0%)	2 (2%)	0 (0%)	2 (2%)	1 (1%)
Right does not appear in constitution	7 (6%)	2 (2%)	3 (3%)	4 (5%)	7 (6%)	0 (0%)
Right guaranteed generally but not explicitly to children	100 (92%)	69 (85%)	99 (92%)	69 (85%)	96 (89%)	70 (86%)
Right is aspirational for children	0 (0%)	1 (1%)	1 (1%)	1 (1%)	1 (1%)	2 (2%)
Right is guaranteed to children	1 (1%)	9 (11%)	2 (2%)	7 (9%)	1 (1%)	8 (10%)

multilevel models to build on previous work looking at evolving outcomes and better to understand how outcomes can be improved.^{37,38}

37 Boyle, E.H. and M. Kim, 'International human rights law, global economic reforms, and child survival and development rights outcomes', *Law and Society Review* 43(3) (2009): 455-490.

38 Gauri, V., 'The cost of complying with human rights treaties: The Convention on the Rights of the Child and basic immunization', *Review of International Organisations* 6 (2011): 33-56.

Discussion and Next Steps

In this study, we have used a sample set of indicators of constitutional rights, national laws and policies to demonstrate the feasibility of quantitatively measuring legal and policy progress in a selection of CRC-relevant areas. A broad and comprehensive framework should be developed for examining the full extent to which national laws and policies are consistent with the goals of the CRC. The development of such a framework should be the result of a process of global engagement.

As a complement to the in-depth reporting mechanism, this approach allows observers to rapidly gain a global view of whether countries have laid the national-level legal and policy foundations for making progress on particular articles. They provide a first step towards transparency of nations' legal action, which needs to be accompanied by a close examination of the implementation of these rights, laws, and policies. These findings, and others like them such as cross-country and longitudinal comparisons, can be made publicly available through maps and tables (see, for example, Heymann and McNeill, 2013).

The example indicators in the legal and policy areas highlighted in this article rapidly revealed areas of important progress: for example, most Parties are in compliance with their obligation to make primary education tuition-free and compulsory. They also show areas of concern: tuition is charged in secondary education even in some high income countries and in a substantial proportion of countries, children are not adequately protected from hazardous work and long working hours.

As well as complementing current processes to hold countries accountable for their commitments under the CRC, this type of data can also allow for analyses of the effectiveness of different policy and legal approaches to improving child outcomes. Multivariate, multi-level analyses can help sort out the extent to which particular details of legal and policy formulation matter – as well as what family, community and national factors may affect impact.

Once systematically collected for all UN countries, indicators of law, policy and implementation should be annually updated to hold leaders accountable while in office, to provide transparency of action to citizens, and to allow for longitudinal measures of both country progress and global progress.

One important category of data that is nearly entirely missing on a global scale, and is a critical next step, is data on implementation. Data on implementation should be a priority for data collection agencies and international organisations the world over. These data could be collected by building on existing survey-based data sources, such as MICS and DHS.

Bibliography

- African Child Policy Forum, *African Report on Child Wellbeing 2008: How Child-Friendly are African Governments?* (Addis Ababa, Ethiopia: African Child Policy Forum, 2008).
- Bequele, A., 'Monitoring the commitment and child-friendliness of governments: A new approach from Africa', *Child Abuse and Neglect* 34(1) (2010): 34–44.
- Boyle, E.H. and M. Kim, 'International human rights law, global economic reforms, and child survival and development rights outcomes', *Law and Society Review* 43(3) (2009): 455–490.
- Britto, P.R. and N. Ulkuer, 'Child development in developing countries: Child rights and policy implications', *Child Development* 83(1) (2012): 92–103.
- Carvalho, E., 'Measuring children's rights: An alternative approach', *International Journal of Children's Rights* 16 (2008): 545–563.
- Cassola, A., A. Raub, D. Foley and J. Heymann, 'Where do women stand? New evidence on the presence and absence of gender equality in the world's constitutions', *Politics and Gender* (forthcoming).
- Crawford, J., 'The UN human rights treaty system: A system in crisis?' In *The Future of UN Human Rights Treaty Monitoring*, ed. P. Alston and J. Crawford (Cambridge, UK: Cambridge University Press, 2000) 1–14.
- Daku, M.T., A. Raub and J. Heymann, 'Maternal leave policies and vaccination coverage: A global analysis', *Social Science and Medicine* 74(2) (2012): 120–124.
- Doek, J.E., 'The U.N. Convention on the Rights of the Child: Some observations on the monitoring and the social context of its implementation', *University of Florida Journal of Law and Public Policy* 14 (2003): 125–136.
- Doek, J.E., 'The CRC 20 years: An overview of some of the major achievements and remaining challenges', *Child Abuse and Neglect* 33(11) (2009): 771–782.
- Garbarino, J., 'Commentary: An approach to assessing "accountability" in implementing the UN Convention on the Rights of the Child', *Child Abuse and Neglect* 35(12) (2011): 990–992.
- Gauri, V., 'The cost of complying with human rights treaties: The Convention on the Rights of the Child and basic immunization', *Review of International Organisations* 6 (2011): 33–56.
- Habashi, J., L. Wright and J. D. Hathcoat, 'Patterns of human development indicators across constitutional analysis of children's rights to protection, provision, and participation', *Soc Indic Res* 105 (2012): 63–73.
- Heymann, J., A. Cassola, A. Raub and L. Mishra, 'Constitutional rights to health, public health and medical care: The status of health protections in 191 countries', *Global Public Health* (forthcoming).
- Heymann, J. and Earle, A., *Raising the Global Floor: Dismantling the Myth That We Can't Afford Good Working Conditions for Everyone* (Stanford: Stanford University Press, 2010).

- Heymann, J. and K. McNeill, *Children's Chances: How Countries Can Move from Surviving to Thriving* (Cambridge: Harvard University Press, 2013).
- Heymann, J., A. Raub and A. Cassola, 'Does prohibiting child labor increase secondary school enrolment? Insights from a new global dataset', *International Journal of Educational Research* 60 (2013a): 38–45.
- Heymann, J., Raub, A., and Earle, A., 'Breastfeeding policy: A globally comparative analysis', *Bulletin of the World Health Organization* 74(2) (2013b): 398–406.
- Heymann, J., A. Raub and A. Earle, 'Creating and using new data sources to analyze the relationship between social policy and global health: The case of maternal leave,' *Public Health Reports* 126(Suppl 3) (2011): 127–134.
- Kilkelly, U., 'The CRC at 21: Assessing the legal impact', *Northern Ireland Legal Quarterly* 62(2) (2011): 143–152.
- Lundy, L., 'Children's rights and educational policy in Europe: The implementation of the United Nations Convention on the Rights of the Child', *Oxford Review of Education* 38(4) (2012): 393–411.
- Mekonen, Y., *The Child-Friendliness Index: A New Tool to Assess Government Performance* (Addis Ababa, Ethiopia: African Child Policy Forum, 2009).
- NGO Group for the Convention on the Rights of the Child, 'The use of concluding observations for monitoring the implementation of the Convention on the Rights of the Child: The experiences of NGO coalitions in nine country case studies,' CRIN-NGO Group Joint Working Paper No. 2. (London: Child Rights Information Network, 2005).
- Nicklett, E.J., and B. E. Perron, 'Laws and policies to support the wellbeing of children: An international comparative analysis', *International Journal of Social Welfare* 19(1) (2010): 3–7.
- Office of the High Commissioner for Human Rights, 'Fact Sheet No. 10 (Rev.1), The Rights of the Child,' available at <http://www.ohchr.org/Documents/Publications/FactSheet10Rev.1en.pdf> (accessed 16 July 2013).
- Santos Pais, M. and S. Bissell, 'Overview and implementation of the UN Convention on the Rights of the Child', *Lancet* 367(9511) (2006): 689–690.
- Svevo-Cianci, K.A., S. N. Hart and C. Rubinson, 'Protecting children from violence and maltreatment: A qualitative comparative analysis assessing the implementation of UN CRC Article 19', *Child Abuse and Neglect* 34 (2010): 45–56.
- UNICEF Innocenti Research Centre, *Summary Report: Study on the Impact of the Implementation of the Convention on the Rights of the Child* (Florence: UNICEF, 2004).
- UNICEF Innocenti Research Centre, *Law Reform and Implementation of the Convention on the Rights of the Child* (Florence: UNICEF, 2007).
- Vaghri, Z., A. Arkadas, S. Kruse and C. Hertzman, 'CRC General Comment 7 Indicators Framework: A tool for monitoring the implementation of child rights in early childhood', *Journal of Human Rights* 10 (2011): 178–188.