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Justice for Children Justice for All

Policy Brief

This Policy Brief sets out policy guidance and best practice for child-friendly justice sector reform to achieve SDG16 for children in the 2030 Agenda.

2 Smarter Financing:

The Investment Case to Secure Justice for Children

The Institute for Inspiring Children's Futures University of Strathclyde
OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON VIOLENCE AGAINST CHILDREN
JUSTICE WITH CHILDREN
DEFENCE FOR CHILDREN INTERNATIONAL THE WORLDWIDE MOVEMENT FOR CHILDREN'S RIGHTS
Terre des hommes Helping children worldwide.
CFJ-EN Child Friendly Justice European Network
End Violence Against Children
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What is this Policy Brief about?

Achieving justice for children requires a step change in the resourcing of more effective interventions and in the quality and impact of that investment for children, with a sustained focus for the long-term.

Smarter financing is more urgently needed than ever to support and underpin the action necessary to address the structural barriers and rising inequalities that have prevented progress and continue to leave so many children behind.

This is *not yet another agenda* for already over-stretched governments. It is a **'how to'** briefing note to support governments' delivery on the many political and financial commitments already made on the SDGs regarding children; the SDGs will not be met without significant progress on SDG 16.

It introduces policymakers to a sequence of steps to build and apply smarter financing strategies – to support our collective ambitions to achieve SDG 16 for all children - and points in the direction of next steps to accelerate action at the mid-point of the Agenda 2030.

This Policy Brief:

- Outlines **Key Messages** on rationales for smarter financing,
- Highlights **Main Attributes** of smarter financing strategies to achieve justice for children, and
- Offers **Prompting Questions** to drive this reform.

This Policy Brief is directed at several critical contributors:

- **Policymakers and agencies** whose primary focus is the justice sector, and who are engaged in policy development and processes related to justice with and for children.
- **Policymakers and agencies** who are concerned with many other areas of national and local policy in which children are rarely mentioned, but for which children's well-being in fact plays a key - albeit often indirect - role in securing these objectives.
- Those who have a major influence over the allocation of the scarce resources of government at all levels, including **Ministers of Finance and their advisors**.

Justice for Children, Justice for All

In setting out the ambitious vision for Sustainable Development, the **United Nations 2030 Agenda for Sustainable Development**[1] pledges not only to **leave no one behind**, but to also **reach the furthest behind first.**

Children – those under age 18 – are 30% of the world's population. In many countries, over half of the population is under the age of eighteen. Still, children are among those most at risk of being left behind, especially those already facing the greatest adversity. At the half-way point to 2030 - and in the wake of the COVID-19 pandemic - progress has markedly slowed. This slowed progress exacerbates existing inequalities and adversely impacts achieving justice for all.[2]

Placing children at the heart of a growing global movement for justice

The Justice for Children, Justice for All initiative published a widely endorsed *Call to Act* that highlights the necessary, collective, and global responses across three themes:

- **Promoting justice as an enabler of children's development**
  Delivering equal access and support to all children who require the services of justice systems, preventing unnecessary contact with the justice system including via informal alternative approaches, and ensuring the right to legal identity for all children.

- **Accelerating action through implementation channels**
  Preventing all forms of violence against children, safeguarding the rights of children used by armed or other criminal groups, and restricting the deprivation of children's liberty to exceptional circumstances.

- **Establishing and sustaining the foundations for change**
  Adopting a multi-sectoral approach to child protection, promoting the participation of children in decisions that affect their lives, securing sustained political commitment to high quality justice for children, and ensuring responses are based on international standards and evidence-based policies.

Yet there remains a stark gap between our global ambition and the reality of children's everyday lives in most countries – and it is widening. Our understanding, our measuring, our interventions and our resourcing are all falling behind.[3] This is despite their particular importance to future generations and to securing intergenerational equity, as part of the global policy agenda to reinvigorate progress towards the Sustainable Development Goals (SDGs) and post-2030, **Our Common Agenda.**

The Agenda for Action: Four Strategic Levers That Power Change

In response, with increased urgency and a clear vision for the future, the [Justice for Children Agenda for Action] shapes the agenda across four key strategic levers needed to accelerate change and achieve SDG 16.3 for children:

1. Building new types of **partnerships**, including **intergenerational** networks.
2. Developing strategies for **smarter financing**; building the case to invest in more effective interventions to promote children's inclusion and well-being, and the political support for prevention.
3. Using **evidence and data** to steer child-centred reforms, including disaggregated data, child friendly methodologies and child-centred views to drive change.
4. Scaling up **justice innovations**, and applying **imagination** and safeguards for digital justice tools with children.

This Policy Brief offers guidance for policymakers on Strategic Lever Two: Smarter Financing. This **Smarter Financing Policy Brief** seeks to ensure that highly effective programmes of action - for children and wider society, in both the short and longer term – are designed to achieve SDG 16.3: 'promote the rule of law at the national and international levels, and ensure equal access to justice for all.'

What is Smarter Financing?

Smarter financing for justice for children is an essential and strategic approach to accelerating progress towards achieving justice for children.

Given pressurized budget and scarce resources, budget holders need to understand and assess both the cost and return on their investment, to make an informed decision.[4]

- When it comes to justice for children, smarter financing strategies make sure these **returns on investment are clear about both the short- and longer-term benefits** of the investment, and the benefits to **both the child and to wider society**.
- This is complicated to quantify, and by its nature will be imprecise, with imperfect evidence and data. It is, however, **essential for sound decision-making**.
- Smarter Financing Strategies direct a journey for every government and for the whole of society: building the knowledge base allows **the value of investing in children** to be fully appreciated.
- **Making investments for children unlocks multiple development outcomes**. With the full benefits and returns to investing in children better understood, increased levels of resourcing directed to enhancing justice for children will bring benefit to the children themselves, and to the wider society.

Why Smarter Financing?

Enhancing and shifting investment to what works to support children's inclusion and well-being is a cornerstone of achieving justice for children.[5]

There is global growing recognition of the power of investing in prevention,[6][7]as well as in interventions to mitigate the prevailing injustices that children face, and in the strength of smarter financing strategies that direct resources towards what works.[8] This is all the more critical given that current realities of tightening expenditures and restricting investment in public services disproportionately impact on children.[9]

In planning for the longer term through the COVID-19 period and beyond, almost all countries face spending cuts, or extreme fiscal pressures - at a time of sharply increasing demands on government from many areas of society - which are likely only to exacerbate inequality.[10] This is in direct contrast with children's increased needs and vulnerabilities emerging through COVID-19, where "children urgently need access to sustainably financed social protection systems",[11] long term support and opportunities to accelerate their progress out of adversity.

Global demographic changes are shaping our world.[12] 40% of all children under the age of 5 are predicted to be living in Africa by 2050; [13] 85% of the 10.9 billion people projected to be born this century will be born in Africa and Asia. Countries with high proportions of young populations have a great incentive to value children's development: this investment will be the foundation of the nation's future prosperity. In countries where the rapid aging of society is now deeply embedded, the well-being of children, and the necessity of their contribution as they reach adulthood, is similarly taking on a sharply increasing importance. Failure to do so will compound existing global inequalities.[14]

Key Messages

These key messages capture the smarter financing rationales for justice for children.

- **Smarter financing has the potential to deliver a step change in the well-being of children and in the societies in which they live**. It is a vital and indispensable approach to accelerate progress to achieve justice for children, with a focus on both preventative and mitigative interventions.

- **Smarter financing creates incentives for reform.**[15] Highlighting the evidence of returns to investment in justice for children generates stronger political support for smarter financing.[16]

- **Smarter financing takes into account the benefits to children's lives now and into their future adulthood,** as well as the immediate and long-term value to society of children's enhanced well-being.

- **Prioritising children is an increasingly prevalent objective in national strategies.**[17] Children's well-being underpins the whole breadth of national objectives, including objectives that do not explicitly name children.

- **Incorporating an effective whole-of government approach should be a top priority;** this approach embraces all the ministries of government and public sector bodies that can enhance child well-being. It works, critically, in close partnership with civil society to create a **whole-of-society approach,**[18] with its focus on a shared vision, a shared long-term strategy and highly collaborative and integrated delivery programmes.

- A **whole-of-government and whole-of-society vision** and strategic approach need to be developed, and sustained, by the best analysis[19] and by promoting the value of consistently investing in children over the long term.

Main Attributes of Smarter Financing Strategies

Smarter Financing Strategies take a distinct approach to accelerate progress to enhance children's well-being - and specifically justice for children - with 7 critical attributes.

1	**Embrace the full range of benefits generated by justice for children.** Smarter Financing Strategies have an explicit recognition that justice for children is not only a vision in its own right, but it is the underpinning pre-requisite to secure almost all national and regional objectives. Investing in enhancing justice for children is crucial for the child directly and for the considerable wider net benefits it brings to local communities and society as a whole. Making progress on SDG 16 for children will unlock multiple development outcomes.
2	**Maintain a long time-horizon**. Smarter Financing Strategies have a focus on all the benefits that derive from investing in children. They have a dual focus on the immediate returns to these investments over the short term, while also accounting for returns that will be delivered over years and decades. Crucially, this means a focus on the returns for **all of society and throughout the lifetimes of each child.**
3	**Address prevention and mitigation.** Smarter Financing Strategies target both the prevention of adversity and injustice for children, and the mitigation of injustice where it exists.
4	**Emphasise accessible evidence.** Smarter Financing Strategies emphasise the criticality of generating, and then effectively applying, evidence and data that demonstrate the impact and relative effectiveness of interventions. Yet this evidence is still lacking. Paradoxically, although the potential impacts of successful interventions may be larger for children in vulnerable situations, they are often harder to evidence because multisectoral impacts are harder to measure consistently. Progressively building a more comprehensive and more relevant evidence base to overcome existing weaknesses is a priority. Smarter Financing evidence needs to be accessible to, and directed at, all key policymakers and those who determine the allocation of resources.
5	**Pay attention to the multiplier effects of interventions.** Interventions with multiple development outcomes offer the highest returns on investment. This can also bring the benefit of prompting new multisectoral and intra-governmental collaborations. In doing so, these can connect the often lesser-resourced, less-prioritized policy areas related to justice and children, to more powerful and better-resourced sectors, e.g., health, education, environment.

6	**Secure adequate funding.** Smarter Financing Strategies have a clear emphasis on securing the necessary levels of private and public financial resources and human capital. These will include: i. Redirecting resources away from ineffective approaches and towards what works;[20] ii. Increasing justice sector budgets to levels commensurate with the scale of the challenge, and the opportunities, rights and the needs of children; iii. Securing budgets in partnership with other sectors that accrue returns - while also creating disincentives for these sectors to implement policies that increase burdens on the justice sector; and iv. Increasing innovative means of attracting finance, including from non-traditional investors.[21]
7	**Build a political and societal commitment.** Smarter Financing Strategies embrace the reality that long term challenges such as justice for children require long term commitment and support. With the reality of political change and competing priorities over this time horizon, sustained high profile political commitment to investment in children rests on the underlying commitment of the whole of society and of key civic leaders. This means: i. Winning the argument that justice for children is vital to the social contract; ii. Creating political coalitions over the timescales needed to deliver returns; and iii. Winning broader support from communities affected by injustice, and from wider society.

Prompting Questions for Policymakers

Core strategic questions are identified here to guide two primary stages of delivery for the greatest impact. These questions will inform policymakers and those who determine the allocation of scarce national resources:

1. The Foundation Stage **builds a case** for investing in justice for children; and
2. The Implementation Stage **applies Smarter Financing Strategies** to sustain the focus of the investment vision, so buy-in is long-term and sufficiently sustainable to achieve justice for children.

Both stages are essential to achieving justice for children.

Foundation Stage: Build the Investment Case	
1	**Ensure that there is an understanding of the benefits and savings to wider society of investing in justice for children, as well as the direct benefits to the child well into adulthood, for the breadth of national prosperity.** • **What are the priorities?** Identify the critical outcomes and the value of investment by determining the priority needs and vulnerabilities of children. • Identify what we know works to support justice for children. • **What are the returns to investment** for the child, the family, the local community and the nation in its broadest sense? *What are the net benefits*, in each of these cases, that accrue in both the short term and over the long term (as children live to their full potential for their own benefit and for that of all society)?
2	**Sharpen the investment case. Secure evidence and data to inform preventative budgetary decisions.** • Does the investment case include the **economic and social interventions that prevent sharp regressions** in child well-being? • **What evidence, experience, data and analyses are available** and can be generated in a timely manner? • How can this evidence and evaluation be **built into the policymaking process?**[22] • **What are the priority interventions** to enhance children's well-being? **What preventative measures** will reduce the numbers of children in situations of adversity? • **How can smarter financing remain realistic?** While recognising the exceptional value of high-quality evidence and data, **what more modest steps can be taken** on this journey to implement smarter financing?
3	**Determine the vision. As the argument for investment is pursued, policymakers and other stakeholders work together.** • **What is the focus** of the change? **What shifts in investment strategy** are needed?

4 **Assess for readiness. Check systems for preparedness and readiness to implement smarter financing for children.**

- **What strengths are there** which can be built upon further?
- **What are the priority knowledge gaps** that need to be filled?
- **What mechanisms for whole-of-government and whole-of-society engagements** (including intergenerational partnership with children and young people themselves)[23] can advance the implementation of the smarter financing strategy ahead?

Implementation Stage:
Apply Smarter Financing Strategies

1 **Build strong sustained leadership. Support key decision-makers in national leadership positions to include justice for children in their wider strategy to achieve justice for all. Define the strategy and the necessary resourcing for its delivery.**

- **How is sustained political support best secured? How is the investment case best framed to win this commitment? How are the incentives to reform established?** The pivotal role of children in achieving most national and local objectives needs to be explicitly acknowledged in the strategic plans of government to reinforce the strategic importance of investing in children.
- The expenditure on children's well-being contributes strategically to the full range of national and local policies, many of which – while often silent in this respect - depend crucially on children's well-being for their achievement. **Has this been embedded in the budgetary plans** for the whole of government?
- **What is the appropriate level of financial and human resourcing required to deliver the strategy?** In a context of exceptionally tight national resources, how can the strategy be refined to ensure a realistic resource bid, without endangering the fundamental strategy? How might it be meaningfully phased while maintaining the momentum and urgency of the interventions?

2 **Build child-focussed financial systems. Set child-focussed budgets that adequately and meaningfully support the required interventions, while acknowledging the harsh reality of scarce resources and significant fiscal pressures.**

- Determine the programmes and expenditures that bear directly on children's well-being and those that bear less directly on their well-being through, for example, the broader enhancement of familial well-being. **What are the programmes and expenditures on children's well-being that contribute to the full range of national and local objectives?**
- **What is the intense competition and demand for national and local resources?** And how can an **additional focus on children** be included in existing programmes, interventions, and expenditures? Reinforce as crucial the importance of allocated annual budgets and longer term (3-5 year) commitment to ensure continuity of child well-being interventions.

3	**Sustain a strong integrated society-wide approach. Systematically embrace the contributions of all of government and society to ensure buy-in is long-term and sustainable.** • **What systematic routines can be put in place to draw in all those across society and government that contribute to the primary outcome objectives?** These provide a coherent and coordinated vision and approach. **Who else should be included beyond the direct contributors?** Crucially, how will those who do not see their contribution to children as significant or traditionally part of their thinking also be systematically included? • **How can systematic coordination mechanisms and close collective working be established?** Bring cohesion and mutually reinforcing complementarity to the interventions and contributions of all those partners whose programmes impact on child well-being. • Central government should take a lead role in coordinating this systemic coherence through a whole-of-society approach, not least in view of its convening power and resourcing capabilities. **How can this be a collective grouping with shared objectives and equally important roles for all?** While investing in children needs to be seen as a collective cabinet responsibility, one key minister needs to assume the coordinating role to ensure operational effectiveness and delivery. **Are there clear and precise responsibilities amongst all delivery partners?**[24][25]
4	**Build effective and sustained delivery. Implement the strategy. Secure a long-term commitment and learn how to continuously improve.** • **Is there clarity about the intervention?** Are the necessary components for effective implementation of this in place across organisational levels, with a focus on the workforce, the systems and leadership?[26] Is there an integrated approach to budgeting, and to the timing and nature of the programme implementation? • **What actions will build the understanding and support of society of the pivotal role of children in the achievement of national and local objectives?** This is necessary so that, as political cycles evolve and administrations change over time as inevitably happens in most nations, there is a continuity of commitment embedded in society that can underpin a continuity in the political decision-making world. • **Are the interventions being assessed, refined, and transformed for the most effective delivery for children?** Share widely to increase global ambitions for children. **How can political engagement with other countries raise the bar higher for children, internationally?**

The 'How, When, What Next' Steps

This Policy Brief introduces the rationales for and attributes of smarter financing and outlines the stages to prepare and implement smarter financing strategies to achieve SDG 16 justice for children.

Additional guidance, tools and resources will be needed to effectively apply this learning to achieve justice for children in the delivery of SDG 16.3. **This work for justice and children is in its early stages.**

The next actions include:

- **Interventions:** Identify the game changing innovations and initiatives that address the "common justice problems children face."[27] Focus on the interventions for justice for children that are multipliers, underpinning and benefiting wider Agenda 2030 aspirations.
- **Learning resources**: Develop learning resources that support policymakers to assess the cost benefit value of these interventions. Ensure these assess the benefits and savings to wider society of investing in justice for children, as well as the direct benefits to the child well into adulthood, for the breadth of national prosperity.
- **Illustrative examples:** Develop methods that support countries' development of investment cases for these interventions. Collate illustrative examples of how specific approaches can be applied to achieve justice for children which are applicable to a range of country contexts.
- **Demonstration projects:** Support countries to accelerate their learning by multilaterally establishing demonstration projects with a specific focus on interventions which achieve justice for children.

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