Children and Global Social Policy: Exploring how International Governmental Organisations Influence Child Welfare Policy and Practice

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Abstract

The influence of international governmental organisations (IGOs) on child welfare policy and practice in individual sovereign states is little explored. This article sets out the nature of these bodies' main work with children. It then considers the mechanisms through which they seek to influence national child welfare policy and practice and the extent to which they can make nation states comply. 'Soft' mechanisms include awareness raising, compiling statistical data series, cross-national research and demonstration projects, providing technical assistance, shaping the moral and political climate, external governance and macroeconomic policy. 'Hard' mechanisms include making law, financial intervention and monitoring implementation. The article concludes that child welfare policy and practice is increasingly subject to supranational influence, and argues that this has important implications for those seeking to understand and shape patterns and trends in this field.

Key Words: children, child welfare, globalisation, international governmental organisations, global social policy

Introduction

A useful definition of globalisation is 'a process that opens nation-states and societies to many influences that originate beyond their borders' (Rizzini & Bush, 2002, p. 371). Child welfare policy and practice are not protected from this; as Garrett (2009) puts it, 'there is no partition around that [the children's services] sector which safeguards it – and those working within it – from other omnipresent and dominant economic and social tendencies and trajectories' (p. 142).

A major theme in this area is the intensification of transnational policy coordination by supra-national institutions. These proliferated during the 20th Century (Yeates, 2001) and include international governmental organisations (IGOs) – defined as public or governmental organisa-

tions created by treaty or agreement between states (Bernhardt, 2001). According to Townsend (1993), IGOs 'do more than provide a context in which [national social] development takes place. They initiate, guide, influence and determine as well' (p. 102). However, their influence on child welfare policy and practice in individual countries has been little explored (Barker, 2007).

In order to help address this gap, this article outlines some of the key aspects of international social policy relating to children and families, and examines the mechanisms by which some of the main IGOs seek to influence policy and practice in individual sovereign states. Naturally it is not possible to offer a comprehensive overview of the field, so coverage of IGOs and countries is uneven, but the article does explore some of the main issues and contributes to a rapidly emerging literature on international social policy (e.g. Deacon, Hulse, & Stubbs, 1997; Sykes & Alcock, 1998; Townsend, 1995; Yeates, 2001; Yeates & Holden, 2009).

Primary Aims and Social Objectives

The main IGOs whose declarations and actions have some bearing on child welfare are listed in Table 1. They may be categorised into two groups according to their focus. The first concerns those organisations with a fundamentally humanitarian brief. Chief among these are the 'United Nations family'. For example, the Economic and Social Council (ECOSOC) aims to tackle problems of poverty and development, while the UN Educational, Scientific and Cultural Organisation (UNESCO) concerns education and the UN Development Programme (UNDP) is responsible for the Millennium Development Goals to reduce infant mortality and child poverty and promote universal primary education. The UN Children's Fund (UNICEF) is concerned with children's health, education and early childhood development.

Table 1
Summary of key international governmental organisations (listed alphabetically) [1,2]

Organisation	Primary aims	Social objectives	Main work with children	Reach
Council of Europe (CoE)	To develop continent-wide agreements to standardise social and legal practices throughout member countries; to defend human rights, parliamentary democracy and the rule of law, to promote awareness of a European identity based on shared values	Explicit. Has a social cohesion strategy concerned with social protection, employment, vocational training, workers' rights, the most vulnerable in society, equal opportunities, exclusion, discrimination and migration. Operates through the European Social Charter and the European Committee of Social Rights	The Forum for Children and Families offers recommendations and promotes information exchanges on topics such as children's place in society, social support systems, child day care, day nurseries, child vagrancy and residential care. Also conducts work on education and anti-social behaviour and youth justice	46 member countries in developed and developing (mainly post-communist) Europe

Organisation	Primary aims	Social objectives	Main work with children	Reach
European Union (EU)	To foster peaceful and prosperous relations between European states	Explicit but weak compared to economic policy. Membership is conditional on meeting certain social standards. Social policy focus is on 'citizen-as-worker'	Limited and haphazard. Children benefit indirectly from general actions (e.g. equal opportunities, health, employment conditions). Treaty articles concerning children on violence, social exclusion, education. Sponsors vocational training programmes. Tiny percentage of the EU budget reaches children directly, since focus is on 'citizen as worker'.	25 member states, although influence extends to states wishing to join
International Labour Organisation (ILO)	To set and maintain labour and social standards (in line with the post-war social democratic climate)	Explicit. Produced conventions of employment policy, social security and work conditions. Stress is on tripartism i.e. negotiations between government, employers and workers/unions	ILO Convention No. 182 requires countries to take immediate action to prohibit and eliminate the worst forms of child labour. ILO Convention No.138 sets out a framework for the effective abolition of child labour	Global, although ratification of conventions is not universal (more by developed countries). A UN agency
International Monetary Fund (IMF)	To foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth and reduce poverty	Limited compared to World Bank. No social conditions attached to loans but over 200 publications on the social dimensions of its policy dialogue. Structural Adjustment Programmes require public service cuts and has assisted numerous countries in designing new social security schemes, generally focusing on retrenchment and means-testing	Indirect through poverty reduction work, including policy advice, technical assistance, loans and grants. Works with UN agencies and World Bank towards Millennium Goals (e.g. on education)	Global, with 184 member countries. A UN agency
Organisation for Economic Cooperation and Development (OECD)	To expand world trade, maximise sustainable growth to achieve the highest sustainable growth and employment and to improve living-standards among member countries	Implicit. No loans on economic, social or political conditions, rather shaping best practice and providing 'string-free technical assistance'. Best known for its statistics and publications. Moving towards view that welfare is an investment not a burden	Conducts work on education, health and social issues (including employment, trade and labour standards, family services and child development)	Global: 30 member countries (mostly developed), and active relations with 70 others

Organisation	Primary aims	Social objectives	Main work with children	Reach
United Nations (UN)	To promote international peace and security; to develop friendly relations among nations; to co-operate in solving international problems and promote respect for human rights; and to be a centre for harmonising the actions of nations	Explicit. The Economic and Social Council (ECOSOC) aims to tackle problems of poverty and development. UNICEF is concerned with health, education, early childhood development. UNDP is responsible for millennium goals to reduce infant mortality and child poverty and promotes universal primary education. UNESCO concerns education, science and culture	International law, especially UN *Convention on the Rights of the Child*. Direct provision, including basic education, immunisation, HIV/AIDS prevention and care, nutrition programmes, preventive healthcare. Improving education through technical advice, standard setting, innovative projects etc.	Global, with 191 member countries, but emphasis on developing world
World Bank	To promote economic and social development in developing countries	Explicit. Provides loans and technical assistance to reduce poverty and enable the provision of basic health and living resources in low and middle income countries. Has a Department of Education and Social Policy	Diverse. Includes projects on primary education, HIV/AIDS, nutrition enhancement, healthcare, child protection, street children, refugees and pre-school childcare.	Global, with 184 member countries, but emphasis is on developing world. A UN agency
World Health Organisation (WHO)	UN body promoting attainment by all peoples of the highest possible level of health (defined as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity)	Explicit. Extensive range of programmes and technical assistance relating to health	Extensive work on the prevention and control of childhood illness in developing countries (e.g. breastfeeding, reproductive health, sanitation) via Integrated Management of Childhood Illness (IMCI). Programmes in developed countries on mental illness, substance misuse, environmental hazards, socio-economic inequalities and abuse	Global – governed by 192 member states through the World Health Assembly – but emphasis on developing world. A UN agency

The other humanitarian agency considered here is a regional organisation, the Council of Europe (CoE). It operates through the European Social Charter and the European Committee of Social Rights and has a social cohesion strategy concerned with social protection, employment, vocational training, workers' rights, vulnerable citizens, equal opportunities, exclusion, discrimination and migration.

The second group of organisations comprises IGOs that may have social objectives but which are essentially concerned with the economy and trade. Foremost among these are the World Bank and the International Monetary Fund (IMF). The World Bank exists to promote economic

and social development in developing countries. Part of its work involves providing loans and technical assistance to reduce poverty and enable the provision of basic health and living resources in low- and middle-income countries, and it has a Department of Education and Social Policy. It is a UN agency, as is the IMF, the social objectives of which are limited by comparison. It has over 200 publications on the social dimensions of its policy but its Structural Adjustment Programmes (SAPs) have required public service cuts and its assistance to countries with new social security schemes has generally focused on welfare retrenchment and means-testing.

Two other organisations come under the same heading. The Organisation for Economic Co-operation and Development (OECD) aims to expand world trade and, among its member countries, to achieve the highest sustainable and employment and improve living standards. Its social objectives are implicit and it is moving towards the view that welfare is an investment not a burden. The social policy of the European Union (EU) developed as a means to further other objectives, including labour mobility and, in turn, more prosperous relations between European states. Although the social dimension of the EU is now explicit and fairly extensive, taking in education, health, employment, disability and social exclusion, it remains subservient to economic goals and, in particular, the labour market.

Geographical Scope

Some IGOs are essentially global in scope (UN family, WHO, World Bank, IMF, ILO and OECD) whereas others have a regional focus (CoE and EU). Other regional bodies also exist, including in Latin America, Africa and Asia, but they are not considered here owing to constraints of space. It should be noted that 'global' does not necessarily mean worldwide. For example, the OECD has 30 member countries (mostly in the developed world) and active relations with another 70. Further, 'global' IGOs may be involved with some countries far more than others. The UN, for instance, is interested in securing basic needs and rights and therefore orientated towards poorer, developing countries. Its function in these countries, many of which lack extensive legislation and guidance concerning child welfare, is different from that in countries with more developed provision. Similarly, the World Bank is primarily concerned with the global South, even though it has 184 member countries and its strongest stakeholders are affluent countries in the North. The reach of IGOs also potentially extends beyond their membership. In particular, there is scope to influence would-be member states. For example, in some policy areas, such as justice, the EU operates 'external governance' by expanding the 'legal boundary' of the Union with only limited openings in its 'institutional boundary' (Lavenex, 2004).

Main Work with Children

All of the IGOs mentioned work in several areas or are best known for other activities. It is easy to overlook their child welfare work. In relation to sexual exploitation, for instance, child-related activities are hidden in non-child-specific policy statements concerning discrimination, forced labour, slavery, tourism, prostitution or trafficking (NGO Group for the Convention on the Rights of the Child, 1996). It is therefore worth providing an overview of their main child welfare activities, starting with the more humanitarian-oriented organisations.

The UN Family's work concerns children in various ways. The most obvious of these is via international law in the form of the *Convention on the Rights of the Child* 1991 (CRC). This

can be summarised as the '3 Ps' of *provision* (of decent living-standards), *protection* (from mal-treatment by others) and *participation* (in terms of self-expression) (Van Bueren, 1995). UN organisations also provide direct services – including basic education (especially for girls), immunisation, HIV/AIDS prevention and care, nutrition, preventive healthcare and protection against violence and abuse – and seek to improve children's education through technical advice, standard-setting and innovation projects. The WHO aims to prevent and control childhood illness in developing countries (e.g. through breastfeeding, reproductive health, sanitation) and is especially concerned to reduce infectious disease and infant mortality. It also runs programmes in developed countries on mental illness, substance misuse, environmental hazards, socio-economic inequalities and abuse.

The ILO, also a UN agency, has conventions that relate specifically to children, notably No.138, which sets out a framework for the abolition of child labour, and No.182, which requires countries to prohibit and eliminate its worst forms. The activity of the Council of Europe's Forum for Children and Families is more wide-ranging and includes recommendations and the promotion of information exchanges on topics such as children's political and civic participation, nurseries, residential care, corporal punishment, education and youth justice.

Although the IMF and World Bank are primarily concerned with economics and trade, both also work with children. In some cases this is *indirect*, as with the IMF's work to reduce poverty, which includes policy advice, technical assistance, loans and collaboration with other UN agencies and the World Bank to help achieve the Millennium Development Goals. The World Bank's activity in this area is also diverse and in many cases *direct*, encompassing primary education, HIV/AIDS, nutrition enhancement, healthcare, child protection, street children, refugees and pre-school childcare. Meanwhile, the OECD has activities on education, health, employment, labour standards, family services and child development.

The EU's policy on children is limited and haphazard, with children largely invisible in its legislation and policy (Ruxton, 2001; Hantrais, 2007). The 1997 Amsterdam Treaty contained the first explicit reference to children in EU treaties, and even then it focused narrowly on tackling offences against them (Article 29). Only a tiny percentage of the EU budget reaches children directly, with the focus on the 'citizen-as-worker' (those aged 15 and over). Thus, the EU sponsors vocational training programmes, and projects on socially excluded young people with an emphasis on education, training and youth leaving care (Pinkerton, 2002), and there have been measures to harmonise standards to outlaw harmful and exploitative child labour (Young Workers directive 1994/33/EC). Younger children, by contrast, are seen primarily as victims, dependants (or 'family members') and barriers to work. Consequently, children are mostly indirect beneficiaries of general actions – for example, regarding equal opportunities, health, social exclusion, sex tourism, internet pornography, the free movement of people and 'family-friendly' employment (Ackers, 2003; Henricson, 2005; Kay, 2003; Ruxton, 2001).

Several observations may be made regarding all of this activity. First, the extent to which IGOs focus on children and young people varies. Some focus explicitly on children, viewing them as citizens or social actors in their own right. For instance, the CRC concerns 0-19 year-olds. Elsewhere, for example in EU policy, children are viewed primarily as the dependants of adults, especially regarding employment and childcare. In some cases the focus of IGO policy is on age-specific groups; ILO labour market initiatives, for example, mostly affect 15-18 year-olds. Some issues tend to concern some age-groups more than others – child soldiers and sex workers, for instance.

Second, there is international social policy relating to all aspects of children's lives: living environment; family and social relationships; social and anti-social behaviour; physical and psychological health; education and employment; and income and living standards. Some organisations

cover a wide range of areas, in particular the UN, CoE and OECD. The activity of others is more tightly prescribed, notably the WHO (health), ILO and EU (both education, training and employment). The social policy of the World Bank and IMF fundamentally concerns basic living environment and poverty, although this may affect other areas, such as health and education. Crucially, IGO policy and practice regarding child welfare potentially affect all statutory and voluntary agencies concerned with children: education, health, social services, police, youth justice, social security and housing.

Third, international social policy does not necessarily focus on children 'in need'. Although some groups targeted by IGOs fall into this category (e.g. children with HIV/AIDS), others would not *per se* (e.g. young people entering post-16 education or training). In some cases an issue that affects *all* children, such as political and civic participation rights, may be addressed but with particular attention to those with critical needs in this regard, for instance unaccompanied migrant minors (Sandbaek, 2008). Although the focus of much IGO activity is on basic standards, these often still apply to *developed* countries. For instance, signatories to ILO child labour conventions include western industrialised countries and all signatory states to the CRC are monitored for compliance.

Fourth, although the IGOs discussed here have been presented as individual entities, they often work together on a particular theme or topic. Examples include the *Education For All* initiative – started in Jomtien in 1990 and followed-up in Dakar in 2000 – and the Millennium Development Goals for children, which concern areas such as infant and maternal mortality, child poverty, universal primary education and child labour.

Mechanisms of Influence

IGOs and international treaties and conventions influence national social policy in two ways: by shaping discourse about social welfare, and through tangible interventions (Deacon et al., 1997). Thus, 'soft' forms of policy/knowledge transfer, such as the spread of norms and transnational networks, complement the 'hard' transfer of policy tools, structures and practices (Stone, 2004). These are now considered in turn in relation to child welfare.

'Soft' Mechanisms

Awareness-raising is a widely-used soft mechanism. The UN-designated International Years concerning disability (1981) and the family (1994) produced policy guidance and developed mechanisms of national implementation. Similarly, the UN may appoint a Special Representative, as it did in 2000 for the 13 million displaced children worldwide (Lansdown, Gidney, & Woll, 2000). Other forms of awareness-raising include large meetings, such as the UN Special Session on children in New York in 2002, and the coordinating role played by UNESCO to ensure that the needs of disabled children are included in national development plans relating to the *Education for All* targets for 2015 (Mittler, 2005). Awareness-raising can take stronger forms. In 1977, the WHO recommended that every country should have a national child and adolescent mental health plan, and later provided a guide to help states to do this (Shatkin & Belfer, 2004). Since then, the UN has produced guidance on administering juvenile justice (The Beijing Rules, 1985), preventing juvenile delinquency (The Riyadh Guidelines, 1990), addressing discrimination against girls (The Beijing Declaration, 1995) and dealing with human trafficking (The Palermo Protocol, 2000). In the current global economic crisis, the UN and World Bank have

recommended that poorer countries scale-up their social safety nets – cash transfers, primary education, immunisation, micronutrient supplements, and so on (Kane, 2009; Patel, 2009).

Supranational bodies, and especially the UN, also shape debates on policy issues by establishing common definitions of key terms and compiling orderly statistical data (Ward, 2004). Thus, the WHO (2001) revised the 1980 *International Classification of Impairment, Disability and Handicap* so that it reflected a *social* as opposed to a medical model of disability. The rights discourse, promoted through the CRC, has refocused the debate on child poverty away from alleged failings not of the poor to problems with macroeconomic structures (Townsend, 2008). Corporal punishment is increasingly interpreted as a violation of children's right to protection, but 30 years ago was near universal and deemed appropriate, necessary and a parental right (Durrant & Smith, 2011). The Palermo Protocol on human trafficking has been welcomed as an important step in the collection of reliable data on the issue, even if it does not oblige states to protect victims (Scarpa, 2005). Meanwhile, UNICEF's annual *State of the World's Children* reports (1979-) chart trends in education, health, nutrition and child labour, while its more recent *Progress of Nations* series (1993-) monitors countries' progress towards goals agreed at the 1990 World Summit on Children (Ben-Arieh et al., 2001). There are also numerous single issue data collection efforts, for example concerning child mortality and morbidity (WHO) and educational inputs and outcomes (OECD).

Another 'soft' mechanism concerns cross-national research and demonstration projects sponsored by IGOs with the aim of fostering learning and sharing best practice. For example, through its programmes on poverty, social security and family policy respectively (Ditch, Barnes, & Bradshaw, 1998; Duffy, 1996; Simonin, 1996) the EU helped to pool ideas for solving common problems (Hantrais, 2007). More recently, it has funded research into childcare, parenting and work-life balance (Hantrais, 2003), children leaving care (Pinkerton, 2002) and under-3s in institutional care (Browne et al., 2005). More widely, a major UN study provided a global picture of violence against children and recommended preventive and ameliorative measures (Pinheiro, 2006), while the OECD (2006) undertook a cross-national comparative review of early childhood care and education in 20 countries in order to share best practice. And research sponsored by the World Bank and IMF gets transformed into new rhetorical agendas for change, such as donor countries' commitment in The Paris Declaration on Aid Effectiveness 2005 to harmonise their actions (Crewe, 2007).

Technical assistance, training and support represent a further way in which IGOs try to influence national policy. The CoE, for example, advises on evidence-based interventions in youth justice, corporal punishment and children's civil rights (Sandbaek, 2008; Van der Laan & Smit, 2005), with publications aimed at governments and young people. The World Bank and UNICEF have issued booklets on evidence-based early childhood development programmes (Penn, 2002), while UNESCO produces training modules and resource packs for teachers on inclusive education (Mittler, 2002). Knowledge production and training have become major activities of the World Bank, which has about 2,500 staff in developing countries (Bolton, 2008) and runs courses for indigenous policy makers and practitioners on subjects such as educational reform and poverty reduction (Goldman, 2005).

Then there is the lobbying of state governments, mostly by NGOs (non-governmental organisations). Treaties sponsored by IGOs can act as tools for campaigners to help set a global moral and political climate: the embarrassment of being seen to be deficient relative to certain other states or international standards is often a critical factor in domestic policy-making (Parker, 1983). Thus, NGOs are explicitly encouraged by the UN to monitor states' progress in implementing the CRC, and they contributed to preparatory meetings for the 2002 UN Special Session on Children in New York. Indeed, IGOs may actually sponsor NGOs that seek to bridge the gap between bodies such as the UN and nation state actors; one study found that in each

country examined some form of NGO had been created with the advancement of the CRC as its core mission (Woll, 2000). Some large international NGOs, with individual and organisational members in numerous countries, have consultative status with IGOs, including the UN and CoE, which allows them formal access to the policy-making system and the right to speak at meetings. With their expertise and popular appeal, NGOs are now seen as a critical means of instigating change, such as actions emerging from UN-sponsored conference, especially when they form a consortium focused on a specific issues (Schechter, 2001; Yeates, 2008a).

A connected mechanism is 'external governance', the process by which the EU attempts to transfer its rules and policies to non-member countries without offering full membership (Schimmelfennig & Sedelmeier, 2004). This has been weaker in social policy than in other areas but it enabled NGOs and civil society to pressurise governments in several Central and East European countries to improve human rights and social legislation to improve the chances of EU entry, especially where there was a strong tradition of institutional provision. For example, Bulgaria sought to refocus provision for children with disabilities away from residential care and towards community-based services, and to modernise child protection services (Jordan et al., 2003). Indeed, through the EU's ties of trade, aid and foreign investment the 'Eurosphere' arguably extends now to parts of Africa, the Middle East, the Balkans and former Soviet states (Leonard, 2005). This influence stems from 'soft power' – the attraction exerted by economic stability and the process of developing and monitoring common policies (Nye, 2004). By contrast, the 'hard power' of inducements and threats – including military force or economic sanctions – meets strong resistance.

Major international conferences and cross-agency initiatives cut across several of the mechanisms mentioned thus far. As important as the *Education for All* initiative and Millennium Development Goals was the proliferation of UN-sponsored meetings in the 1990s, including the World Summit for Children in 1990, which endorsed a global plan of action on health and nutrition, safe water and sanitation, basic quality education, the protection of children and adolescents and gender equality (Lansdown et al., 2000). Similarly, the Stockholm (1996) and Yokohoma (2001) World Congresses against the commercial and sexual exploitation of children were co-sponsored by UNICEF, the host countries and NGOs (Buck, 2008). The scale of such meetings, the level of political participation, the specificity of commitments and the breadth of follow-up have arguably made such events landmarks in international efforts to advance child welfare (Jolly, 2001).

Lastly, IGOs such as the IMF and World Bank shape domestic child welfare policy and practice through macroeconomic policy. Specifically, they have created the conditions in which, under the World Trade Organisation's General Agreement on Trade in Services (GATS), the public sectors of nation states have been opened up to international companies marketing health, education and welfare services (Jordan, 2010). This has been most pervasive in poorer countries that lacked universal provision but it has also affected countries such as China and Argentina, creating a polarisation between expensive health and education for the well-off and state provision for the poorest.

'Hard' Mechanisms

The 'hard' or more formal mechanisms include a range of incentives and disincentives aimed at producing compliance, starting with formal international 'peer pressure'. The most obvious manifestation of this is UN Committee on the Rights of the Child, which monitors signatory states' implementation of the CRC (UNICEF, 1998). In its country reports it can express concerns about national policies and even declare particular national policies or legislation 'in-

compatible' with the convention. For example, its first report on the UK criticised insufficient efforts to alleviate poverty or tackle discrimination against Travellers, and expressed concern about school exclusion policy and the treatment of 12-year-olds in custody (Cohen & Wolthius, 1995). It also deemed the emergency measures in Northern Ireland allowing the police to detain children as young as 10 without charge to be incompatible. The Committee also holds Days of General Discussion to help forge political and professional consensus on set topics, such as violence in families and schools (Pinkerton, 2002), and occasionally issues General Comments to assist states in interpreting implementation expectations (Payne, 2009) – for example, regarding corporal punishment.

Less well known are the African Union's NEPAD (New Partnership for Africa's Development) peer review system to promote effective policies in areas such as poverty reduction, health and education (Commission for Africa, 2005), the EU social indicators used to monitor states' efforts to implement National Action Plans on social inclusion (Atkinson, 2003) and the CoE monitoring of member countries' implementation of European and international conventions relating to children's rights (Sandbaek, 2008). Accountability by monitoring has become increasingly important in recent years, notwithstanding the uneven quality of reports, attempts to manipulate the processes and, in the case of the CRC, the absence of any avenue to challenge a breach of the law (Lyon, 2007). NGOs also produce monitoring reports on compliance with the CRC, (e.g. Harwin & Forrester, 1999; Lansdown & Newell, 1994) and some publish child impact statements for *proposed* policies, in line with the UN Committee's recommendation (Payne, 2007), although their use is patchy (Corrigan, 2007). National ombudsmen or commissioners for children are also popular but their power varies significantly between countries (Lyon, 2006).

A critical 'hard' mechanism is the power of the law. Treaties such as the CRC are binding on parties; upon signing an international instrument, the party agrees to bind itself in good faith to ensure that nothing is done that would defeat the object and purpose of the treaty, pending a decision on ratification. Ratification signals that a state will comply in full with the instrument. The 1993 Hague Convention, for example, sets out internationally agreed minimum norms and procedures for inter-country adoption. It recognises the value of the practice in cases where a suitable family is not available in the child's country of origin and provides a framework for cooperation between sending and receiving countries in order to protect children's best interests (Selman, 2009). Over 70 countries are 'parties' to the convention.

In some instances, international legislation leads to case law, which sets precedents in the implementation of treaties and conventions. Thus, the European Court of Human Rights has made some landmark court rulings, ordering states – or bodies within those states – to pay significant compensation to aggrieved individuals. This process generates explicit standards, which, in turn, affect other states' actions (Kilkelly, 1999, 2006). For example, it has established that children's rights are not infringed by sex education but that they are by corporal punishment (Dale-Risk, 2001). The ECHR was integrated into UK law via the *Human Rights Act* 1998, so cases can now be brought to UK courts (Henricson, 2005; Lyon, 2007). Provisions for the rights to protection from maltreatment (Article 3) and to a private/family life (Article 8) have been invoked in relation to children, with the potential to affect not only the children concerned but also future generations (Munro & Ward, 2008).

It is important to note that there are two norms of international law: (i) written law refers to *conventional* norms and is binding only on signatories of the relevant treaties, conventions, protocols and so forth; (ii) *customary* norms are also reflected in unwritten rules of international practice or habit and have a wider force. Central to the latter is the principle of *jus cogens*, which refers to 'ethical norms accorded the weight of international consensus and that pre-empt all contrary norms, including contrary treaty norms... [and] has the effect of limiting the legisla-

tive powers of sovereign states' (Walker, 2001, pp. 160-161). Although not binding in a strictly legal sense, it is accepted that the norms describe such a bare minimum of acceptable behaviour that no nation state may derogate from them. Thus, it is now widely held that the prohibition of juvenile executions constitutes a *jus cogens* norm, even though the practice persists in some countries (including, until very recently, some US states). The fact that it is included in more than six international conventions, including the CRC, helped to enshrine the standard.

IGOs may seek to shape domestic child welfare policy by adjusting well-ratified treaties in order to address emerging issues. For example, in 2000 two Optional Protocols on the involvement of children in armed conflicts (child soldiers) and the sale of children and child prostitution and pornography respectively were incorporated into the CRC (Buck, 2008; Lansdown et al., 2000; Mapp, 2011). A similar process involves elaborating on an article in order to guide implementation by national governments. Thus, between 2001 and 2009 the Committee on the Rights of the Child issued 12 General Comments on subjects such as education, HIV/AIDS, corporal punishment, adolescent health and juvenile justice.

A further means by which IGOs exert influence on national child welfare policy is financial intervention, much of which has arguably reflected and reinforced a neo-liberal agenda (Deacon, 2007, 2008). (Neo-liberalism holds that 'the social good will be maximized by maximizing the reach and frequency of market transactions, and it seeks to bring all human action into the domain of the market' (Harvey, 2005, p. 3).) Thus, the World Bank offers loans to countries in return for concerted efforts to effect change. For example, it has lent more than US$1,000 million for early childhood development programmes throughout the world, including in Brazil, India, Nigeria and Kazakhstan (Penn, 2002). States that fail to fulfil their commitments may incur financial penalties. SAPs, developed by the IMF and World Bank, were loans given to developing countries to help create free markets that boost the economy. The conditions attached to them included the privatisation of services and cuts in public expenditure, social services and progressive taxation (Crewe, 2010; Mapp, 2011; Yeates, 2001). Indirectly, these are likely to have an effect on provision for children.

Overseas development assistance is another financial mechanism for levering policy change. In low income countries it can represent a significant percentage of GNP and support a various functions that shape child welfare provision indirectly, including institutional reform and human resources projects aimed at developing social protection, health and education (Yeates, 2001, p. 109). About one-third of overseas development assistance comes from multilateral development and aid agencies (including the UN and World Bank) and NGOs. Then there is debt cancellation, which tends to be conditional on guarantees that a specified proportion of the money saved will be invested in education or health.

Strength of IGO Mechanisms

To what extent must countries adhere to what IGOs and associated instruments say regarding child welfare policy? Although IGOs can adopt fairly forceful approaches to effect change in national child welfare policy and practice, notably in the form of legal intervention and financial leverage, they tend to use more subtle mechanisms, such as shaping debate. This holds even where 'harder' mechanisms are available; indeed, paradoxically, the softer mechanisms may exert greatest influence.

To start with, much international law is concerned not so much with setting binding norms that states must adhere to ('hard law') as it is with expressing aspirations, principles and interna-

tional custom ('soft law'). Thus, in the EU when social policy items are passed they tend to have the least-binding status. The main instruments used are 'recommendations' – essentially advisory statements – rather than 'directives', which require member states to legislate within two or three years to give them effect. Moreover, compliance is very variable and it is often years before the European Court of Justice resolves cases of non-compliance.

Penalties for non-compliance are also often more symbolic than real, with the exception of withholding or withdrawing resources, which affects poorer countries disproportionately. For instance, under the principle of 'subsidiarity' social policy in the EU is mostly the prerogative of each member state (Alsasua, Bilbao-Ubillos, & Olaskoaga, 2007). In an effort to encourage the implementation of social objectives and policies, the Lisbon Treaty 2000 encouraged greater use of the 'open method of coordination' (OMC) whereby EU institutions draw up guidelines and monitor their implementation by states at the same time as disseminating 'good practice'. However, the OMC is often dismissed as 'cheap talk' because, in contrast to EU economic policy, there are no policy institutions and no financial penalties for non-compliance (Atkinson, 2003).

Even when an IGO is permitted to take strong action to ensure implementation this does not necessarily happen. For example, Article 33 of the ILO empowers it to take action to secure compliance, yet the use of moral persuasion is preferred over sanctions. This may help explain why, by the mid-1990s only 62 countries had ratified all ILO conventions on core labour standards and some countries, including China, Korea and South Africa, had not ratified any (Yeates, 2001). Similarly, when the European Court of Human Rights makes rulings it takes into account the morality of the country concerned, one consequence of which is that it is reluctant to interfere in divorce cases (Kilkelly, 1999).

The strength of international law is also affected by the way that states can opt out of parts of it. For instance, governments have registered 'Reservations' against certain articles of the CRC, reflecting often the religious, cultural, political and technical factors affecting its implementation nationally (Mapp, 2011). The UK did this initially regarding the economic exploitation of children and detaining minors with adults (Bisset-Johnson, 1994). (It should be noted that 'A reservation incompatible with the object and purpose of the present Convention shall not be permitted' (Article 51(2)).) States can also issue a Declaration to indicate how they will interpret certain clauses (Buck, 2005). In the EU, decisions on social protection require unanimity, not 'qualified majority voting', meaning that member states can block initiatives from the EU Commission or render them ineffectual (Hantrais, 2007).

In addition to allowing opt-outs, international agreements often permit considerable interpretation. In relation to EU social policy, for example, states are free with regard to the means but not the ends: 'national welfare states remain the primary institutions of European social policy, but they do so in the context of an increasingly constraining multi-tiered polity' (Leibfried & Pierson, 2000, p. 268).

The strength of IGO influence also varies depending on who is understood to be the major national player(s) behind the position advocated. In other words, strength may lie less in the organisation or instrument itself than in the 'power behind the throne'. It is arguable, for instance, that the World Bank's loans to some countries have been prompted by the geopolitical interests of the US, which is the largest single shareholder and, as such, has the most votes (Penn, 2002). The ILO is more in tune with European social democracy, even though it is an international organisation and very active in *developing* countries.

In a similar way, the process of making certain benefits bestowed by IGOs or individual countries contingent on the implementation of international standards or polces, whether formal or

informal, can strengthen even non-mandatory statements and interventions. For example, receipt of World Bank loans has traditionally been tied to the imposition of SAPs. There may also opprobrium attached to non-compliance with certain basic standards, which in turn can have ramifications for international diplomacy and trade (EU-China relations are a case in point). Thus, loans and the pursuit of better international and economic relations might be seen as incentives to implement particular child welfare policies.

Lastly, not all countries are equally susceptible to policy leverage, with the result that international agreements are likely to seem stronger – in the sense of interfering with their autonomy – to some states than to others; this depends on national factors and the policy issue in question (Yeates, 2001). For instance, the combined share vote of all sub-Saharan African countries on the World Bank and IMF is less than 7 per cent; as Bolton (2008) put it, 'There is no precedent for so many "free" people being so affected by decisions taken so far away, nor so marginalised from them' (p. 255).

Conclusions

The IGOs discussed in this article all have social objectives and undertake work relating to child welfare. Such organisations have independent lives of their own and are not merely tools of intergovernmental politics, despite being shaped often by the most powerful countries (Deacon et al., 1997). The initiatives that they develop, often in collaboration with NGOs and one another, frequently extend beyond individual states.

As such, it is no longer sufficient to seek to understand patterns and trends in domestic social, labour, health or education policy by reference exclusively to national actors (Yeates, 2008b). This applies to policies affecting children and their families. Historically, IGOs have arguably been concerned with more marginal areas of child welfare policy, or with poorer countries. While some such imbalances may still exist (Yeates, 2008b) mainstream services in developed countries are increasingly subject to or at least aligned with supranational influences. In the UK, for instance, education arguably bears the imprint of the World Bank agenda of choice and public-private partnerships and UNESCO's emphasis on inclusion and school improvement (Hulme & Hulme, 2008). A recent government-sponsored review of early intervention programmes (Allen, 2011) chimes with a similar UN effort (UNODC, 2010). Reforms to children's services have been attributed in part to a neo-liberal agenda, shaped largely by the World Bank and IMF (Goldman, 2005) and evidenced in preoccupations with preventing anti-social behaviour, measuring performance, building electronic surveillance systems, saving public money, and so on (Garrett, 2009). All services are cognisant of the need to be seen to take children's views seriously in the light of the UN's child rights agenda.

It is critical, therefore, to appreciate how IGOs operate. Although 'harder' mechanisms serve as a critical backdrop, this article suggests that IGOs intervene in domestic child welfare policy and practice primarily through 'soft' forms of policy transfer, such as the agreement of common definitions and objectives and the promotion and monitoring of international law. Some aspects of this work are more direct or 'on the ground', for example demonstration projects and technical assistance. Most involve working in partnership with national governments and NGOs (Hugman, 2010). Collectively, these policy dialogues work by 'attempting to set the parameters of reform...[and] help international institutions to identify and foster direct, "insider" contact with technocratic and other elites, individuals and groups who share similar cultural, political and ideological interests and orientations' (Yeates, 2001, p. 117).

Besides enhancing understanding, this has important implications for those involved in developing and implementing child welfare policy: 'lobbying solely at the national level risks unfavourable policy outcomes being introduced nationally' (Farnsworth, 2005, p. 217). But this does not mean that efforts to exert leverage on policy should focus exclusively on the 'from above' forces such as IGOs; 'from below' forces – in the form of transnational campaigns and advocacy coalitions – are clearly influential and may, some commentators contend, serve as important 'counter-currents' to dominant, often neo-liberal and Global North-led, tendencies amongst IGOs (Deacon, 2008; Goldman, 2005; Yeates, 2008a, 2008b). A related article (Axford, 2011) takes up this issue by exploring in more detail the *impact* of IGOs in the child welfare field.

Notes

1. This is by no means an exhaustive list; for instance, there are analogous regional organisations to the European examples elsewhere in the world, including the African Union, CARICOM (The Caribbean Community), the League of Arab States, ASEAN (The Association of Southeast Asian Nations) and the Commonwealth of Nations.
2. A slightly different version of this table appears in the following article: Axford, N. (2011) 'Children and global social policy: exploring the impact of international governmental organisations', *International Journal of Social Welfare*. DOI: 10.1111/j.1468-2397.2011.00781.x. Published online 3rd March 2011, to be published by Wiley-Blackwell Ltd. (January, 2012).

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