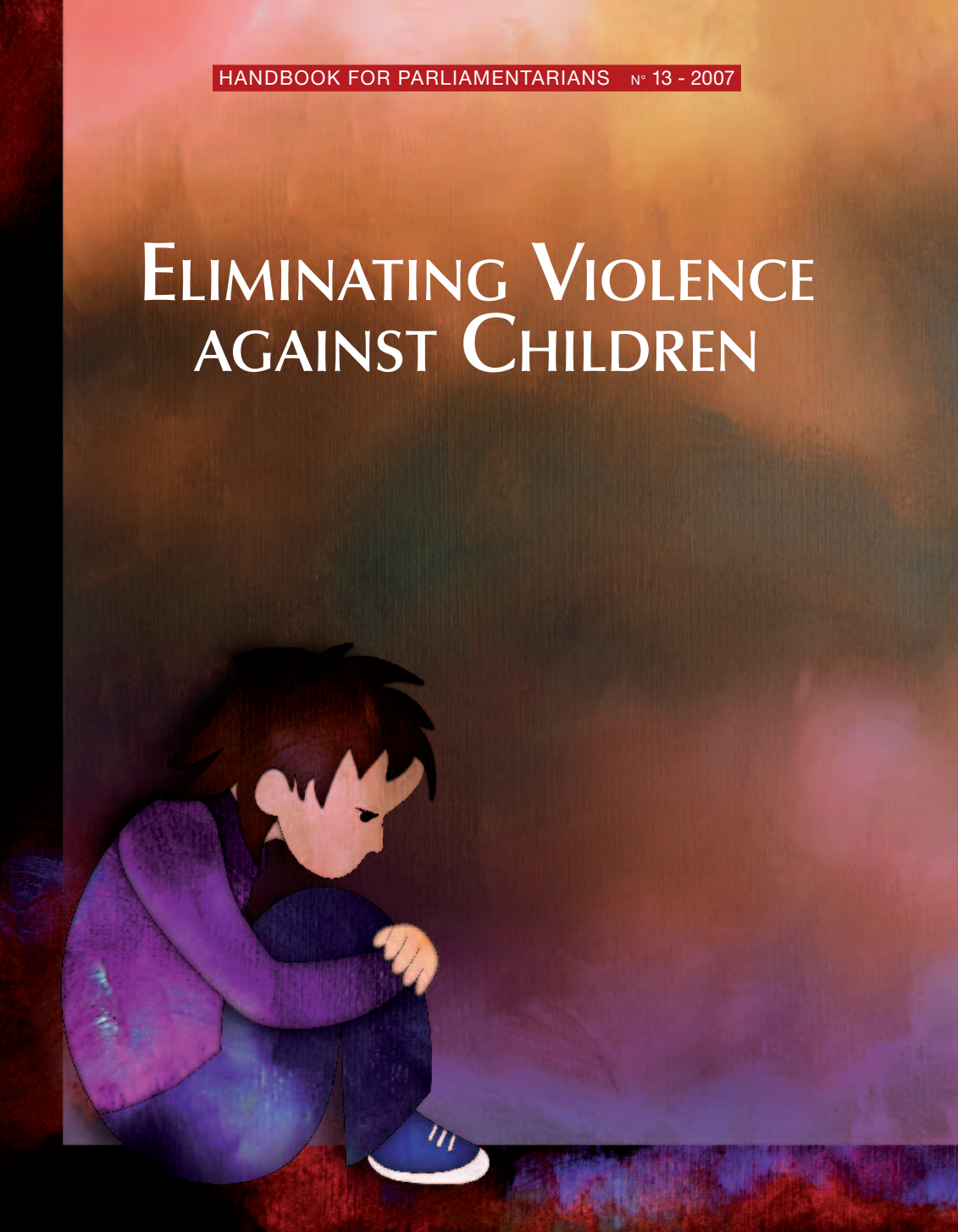
HANDBOOK FOR PARLIAMENTARIANS N° 13 - 2007

ELIMINATING VIOLENCE AGAINST CHILDREN



INTER-PARLIAMENTARY UNION

unicef

Eliminating Violence against Children

“Violence against children cannot be tolerated. Child protection is a cause that concerns us all. Freedom from violence will only be possible if we parliamentarians respect our duties to children and act upon them. We have the power to legislate, to oversee proper enforcement of laws, to allocate financial resources and to mobilise public opinion. As legislators we can make a significant difference to children’s lives.”

Pier-Ferdinando Casini,
President of the Inter-Parliamentary Union

FOREWORD

Violence against children knows no boundaries. Violence cuts across race, class, religion and culture. In every country of the world there are children who continue to fear and experience violence. No country or region is immune.

Parliaments and their members can be among the foremost champions of child protection. They can legislate, oversee government activity, the allocation of financial resources, and, as leaders in their nations and communities, raise awareness of issues. Perhaps most importantly, they can advocate within their constituencies for an end to violence. They can challenge attitudes and beliefs that treat violence against children as inevitable or harmless. They can spread the message that violence against children is preventable. They can mobilize the political will required to put an end to such violence.

This handbook is designed to promote active and effective follow-up by Parliaments and parliamentarians throughout the world to the recommendations of the United Nations Secretary- General's Study on Violence against Children. This handbook uses, with permission, text from the report of the UN Secretary-General's Study to the General Assembly and from the complementary *World Report on Violence against Children*. The ultimate goal of this handbook is to move States rapidly towards the elimination of all forms of violence against children.

Children around the world continue to suffer violence, abuse and exploitation every day. Parliamentarians can change this. This handbook will enable Parliaments and their members to help create a world in which every child can live in safety and dignity.



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Chapter 1

Violence against children: key messages

"I hate being a child. I hate being hit and I hate being taken for granted."

– Girl, 13, South Asia[1]

Violence against children is never justifiable or acceptable. States are obligated to protect all children from all forms of violence. International human rights law is based on respect for every person's human dignity. Children, as people, should receive no less protection than adults.

Extreme forms of violence against children – including sexual exploitation and trafficking, female genital mutilation/cutting, the worst forms of child labour and the impact of armed conflict – have provoked international outcry and achieved a consensus of condemnation, although there is still no rapid remedy.

But also, many children are routinely exposed to physical, sexual and psychological violence in their homes, schools, care and justice institutions, the places they work and their communities. Much of violence against children remains legal, state-authorized and socially approved.

Parliaments and parliamentarians have the power to bring much-needed attention to the devastating impact of violence against children. Through advocacy, legislation and targeted enquiry, parliamentarians also can ensure rapid progress towards the elimination of violence against children.

Definitions

This handbook uses the definition of 'child' in the Convention on the Rights of the Child: every human being below the age of 18, unless under applicable law majority is attained earlier (article 1). The Convention defines 'violence' as "all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse" (article 19).

KEY MESSAGE: VIOLENCE AGAINST CHILDREN OCCURS ON A LARGE SCALE AND IN A RANGE OF SETTINGS

"Children have suffered violence at the hands of adults unseen and unheard for centuries. But now that the scale and impact of violence against children is becoming visible, they cannot be kept waiting any longer for the effective protection to which they have an unqualified right."

– From *World Report on Violence against Children*[2]

Children can experience violence in any of the settings in which they spend their childhood: in their homes and families, schools, care and justice systems, workplaces and communities. Exposure to violence in one setting may be compounded by violence in another. Children in such situations as forced or bonded labour, prostitution, pornography and trafficking are especially vulnerable.

The range and scale of violence against children

The statistics cited here and elsewhere throughout this handbook are from the Report of UN Secretary-General's Study on Violence against Children and the *World Report on Violence against Children:*[3]

- Almost 53,000 children are estimated to have died worldwide in 2002 as a result of homicide. In some industrialized countries, infants under one year face about three times the risk of homicide, almost invariably at the hands of parents, than children aged 1 to 4, and twice the risk of those aged 5 to 14.

- Of these child homicide victims, 22,000 (or nearly 42 per cent) were 15 to 17 years old, and nearly 75 per cent were boys.

- As many as 80 to 98 per cent of children suffer physical punishment in their homes, with a third or more experiencing severe physical punishment resulting from the use of implements, according to studies from countries in all regions of the world.

- In over 100 countries, children still suffer the threat or reality of corporal punishment with canes, belts or other implements in schools.

- In at least 30 countries, sentences of whipping or caning are still being imposed on children in penal systems.

- Only 2.4 per cent of the world's children are legally protected from corporal punishment in all settings.

- Each year, between 133 million and 275 million children witness frequent violence between their parents.

- Between 20 and 65 per cent of school-aged children in developing countries reported having been verbally or physically bullied in the previous 30 days.

- In Central and Eastern Europe, 35 per cent of schoolchildren responding to a survey said they had been bullied within the last two months, with the percentage ranging from 15 to 64 per cent.

- An estimated 150 million girls and 73 million boys under 18 experienced forced sexual intercourse or other forms of sexual violence during 2002.

- In surveys of 21 countries, at least 7 per cent of females (ranging up to 36 per cent) and 3 per cent of males (ranging up to 29 per cent) reported sexual victimization during their childhood.

- Of women who reported first sex prior to age 15, between 11 and 45 per cent reported that it was forced.

- At least 82 million girls now between 10 and 17 years old will marry before they turn 18, including significant numbers of girls married at much younger ages.

- Between 100 million and 140 million girls and women in the world have undergone some form of female genital mutilation/cutting (FGM/C).

- Rates of FGM/C are as high as 71 to 99 per cent in some regions of some countries; some girls are cut before the age of four.

- In sub-Saharan Africa, Egypt and Sudan, an estimated 3 million girls and women are subjected to genital mutilation/cutting every year.

- In 2004, 218 million children were involved in child labour, of whom 126 million were in hazardous work.

- Estimates from 2000 suggest that 5.7 million children participated in forced or bonded labour, 1.8 million were exploited in prostitution and pornography, and 1.2 million were victims of trafficking.

KEY MESSAGE: **VIOLENCE AGAINST CHILDREN IS OFTEN UNDER-REPORTED**

Only a small proportion of all acts of violence against children is reported and investigated, and few perpetrators are held to account. Violence is under-reported for various reasons. Very young children lack the capacity to report violence. Children often fear reprisals by perpetrators or interventions by authorities, both of which may worsen their overall situation. Sometimes parents are perpetrators of violence against children, or parents may remain silent when violence is committed by other family members or by powerful members of the community or society. Violence implicated in a child's death may not be identified as a factor if the death is not sufficiently investigated.

Many governments lack adequate systems for consistent registration of births, leaving babies and small children without the protection offered by a formal identity. Similarly, lack of consistent marriage registration makes early and forced marriage difficult to track. Few governments consistently record placement of children in institutions, alternative care and detention, and even fewer report and record incidents of violence in these settings.

But it is the persistent social and legal acceptance of some forms of violence against children that too often leaves such violence unnoticed and unreported. Children, along with perpetrators of violence and the public at large, may

accept degrees of physical, sexual and psychological violence as an inevitable part of childhood. Corporal punishment and other forms of cruel or degrading punishment, bullying, sexual harassment and a range of violent traditional practices may be perceived as normal, particularly when no lasting physical injury results.

KEY MESSAGE: **VIOLENCE CAN HAVE A DEVASTATING IMPACT ON CHILDREN**

The consequences of violence against children vary according to its nature and severity. But the short- and long-term repercussions of violence can be devastating. Exposure to violence in early childhood can affect the maturing brain. Prolonged exposure in children, whether as victims of or witnesses to violence, can disrupt nervous and immune systems and lead to social, emotional and cognitive impairments, as well as behaviours that cause disease, injury and social problems.

Violence can result in health-risk behaviours such as substance abuse and early sexual activity. Related mental health and social problems include anxiety and depressive disorders, impaired work performance, memory disturbances and aggressive behaviour.

Available information suggests that the economic costs of violence against children – globally and nationally – are very high.

KEY MESSAGE: **STATES ARE OBLIGATED TO PROTECT ALL CHILDREN FROM ALL FORMS OF VIOLENCE**

The Convention on the Rights of the Child requires States to protect children from all forms of violence, to prevent and respond to violence, and to provide support to children who are victims of violence (article 19). The Optional Protocols to the Convention and several other human rights instruments include specific protections against violence. These actions are not optional; they are immediate obligations under international law.

Governments have also committed to protect children from all forms of violence at such global conferences as the UN General Assembly Special Session on Children (2002).

KEY MESSAGE: **PARLIAMENTARIANS HAVE A KEY ROLE TO PLAY IN ENDING VIOLENCE AGAINST CHILDREN**

Parliamentarians should ensure that children are protected from all forms of violence. They have a key role to play in ending violence against children.

The urgent need for national action to protect children from all forms of violence is reflected in three time-bound goals set for governments in the Report of the UN Secretary-General's Study on Violence against Children:[4]

- By 2007, integrate into national planning processes measures to prevent and respond to violence against children, including the identification of a focal point, preferably at ministerial level.
- By 2009, prohibit all violence against children by law.
- By 2009, initiate a process to develop reliable national data collection systems.

The Report of the UN Secretary-General's Study also proposes the appointment of a Special Representative on Violence against Children.

The suggestions for parliamentary action described below represent opportunities for parliamentarians to make a significant difference towards these goals in eliminating violence against children.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- What action is being proposed in response to the recommendations of the Report of the UN Secretary-General's Study on Violence against Children?
- What action has been taken to disseminate the findings and recommendations of the Report of the Study?
- Is the government involved in regional follow-up to the Study, including follow-up to the regional consultation? (Consultations in connection with the Study were held in nine regions and two sub-regions in 2005.)
- Has the government considered how to respond to the Study target to integrate into national planning processes by 2007

measures to prevent and respond to violence against children, including identification of a governmental focal point?
- Has the government considered how to respond to the Study target to prohibit all violence against children by law by 2009?
- Has the government considered how to respond to the Study target to develop reliable national data collection systems on violence against children by 2009?
- Has the government discussed and taken a position on the recommendation of the Report of the Study to establish a Special Representative of the Secretary-General on Violence against Children?

Within parliament:
- Ensure that the parliamentary library contains copies of documents relating to the UN Secretary-General's Study and that information on the Study is distributed to all members of parliament, including through the parliament's website.
- Initiate a debate on national implementation of the recommendations of the Report of the UN Secretary-General's Study.
- Initiate an enquiry into violence against children by one or more appropriate parliamentary committees.

In the constituency:
- Write articles and contribute to local media on the global imperative to respond to and prevent violence against children in the context of the UN Secretary-General's Study.
- Invite local government leaders and officials to a discussion of what national actions are needed to challenge violence against children.
- Encourage schools to involve children in debating the issue of violence against children. Inform them of the materials prepared for children by the UN Secretary-General's Study (see Resources on page 75).

Chapter 2

Violence against children and international human rights law and standards

The Convention on the Rights of the Child

Early in the history of the UN, the international community recognized the need to protect the human rights of children. The Declaration on the Rights of the Child, proclaimed by the UN General Assembly in 1959, set out 10 principles aimed at providing special safeguards for children. In 1989, the General Assembly adopted the Convention on the Rights of the Child, which has since been ratified by 193 member States. Among the many rights enshrined in the Convention are those that pertain to a child's protection from all forms of violence.

From the Convention on the Rights of the Child:

"1. States parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement."– Convention on the Rights of the Child, Article 19

The Convention on the Rights of the Child establishes high standards for child protection both in the public sphere and the private sphere of the family. For example, Article 28(2) sets forth a child's right to be protected from corporal punishment in schools, while Articles 32 through 36 articulate a child's right to protection from exploitation, whether economic or sexual. Other articles protect children from torture, capital punishment or life imprisonment, while still others promote the physical and psychological recovery of child victims of violence.

Optional Protocols to the Convention on the Rights of the Child

Two Optional Protocols to the Convention provide more detailed protection for children from particular forms of violence. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography requires States to close any premises used for child prostitution and pornography and to seize and confiscate the proceeds of these activities, as well as any means used to facilitate them. The Optional Protocol on the Involvement of Children in Armed Conflict limits the recruitment of children under 18 in armed conflict and obligates States to provide children who have participated in armed conflict with any necessary physical and psychological rehabilitation and support for reintegration into society. Adopted in 2000, the Optional Protocols have each been ratified by more than 100 countries.

The Committee on the Rights of the Child

The Committee on the Rights of the Child monitors country progress in implementing the Convention on the Rights of the Child and its Optional Protocols. It examines the comprehensive reports on implementation of the Convention that States are required to submit periodically after ratification and issues concluding observations. In examining a report, the committee may question a government delegation, and it may encourage States to review their reports and debate concluding observations in parliament. The committee meets three times a year; its 18 members are nominated for election by States parties to the Convention.

The Committee on the Rights of the Child has provided substantial guidance on States' obligations concerning violence against children. Its General Comment No. 8 (2006) and recommendations issued in 2000–2001, for example,

detail children's right to protection from corporal punishment and other cruel or degrading forms of punishment. Many national courts have invoked the Convention and the committee's interpretation of the Convention to condemn violence against children.

Fiji Court of Appeal upholds children's right to protection

"Children have rights no whit inferior to the rights of adults. Fiji has ratified the Convention on the Rights of the Child. Our Constitution also guarantees fundamental rights to every person. Government is required to adhere to principles respecting the rights of all individuals, communities and groups. By their status as children, children need special protection. Our educational institutions should be sanctuaries of peace and creative enrichment, not places for fear, ill-treatment and tampering with the human dignity of students." – *Fiji Court of Appeal, 2002, in Naushad Ali v. the State, holding that corporal punishment in schools and the penal system is unconstitutional.*

African human rights mechanism condemns 'lashing' of students

In June 1999, a complaint was submitted to the African Commission on Human and Peoples' Rights regarding the sentencing of eight students to 25–40 lashes for 'public order' offences. In its decision, the commission stated: "There is no right for individuals, and particularly the government of a country, to apply physical violence to individuals for offences. Such a right would be tantamount to sanctioning State-sponsored torture under the charter and contrary to the very nature of this human rights treaty." The commission concluded that the legislation permitting flogging violated Article 5 of the Charter on Human and Peoples' Rights, and requested the government to amend its legislation, abolish the penalty of lashes and ensure compensation of the victims. – *Curtis Francis Doebbler v. Sudan, 236/2000, 33rd Ordinary Session, Niger, 2003, para. 42*

Global commitments

Violence against children has been addressed by UN world conferences and special sessions of the UN General Assembly. The General Assembly Special Session on Children (2002) includes a substantial section on violence against children in its outcome document, 'A World Fit for Children' (available on the

web at <www.unicef.org/specialsession/wffc/>). The Millennium Declaration adopted by the Millennium Summit in 2000 and the Outcome of the World Summit in 2005 also include agreements relevant to the elimination of violence against children (see <www.un.org/millenniumgoals/>).

Legally non-binding resolutions and policies concerning violence against children have also been adopted by the specialized agencies and other entities of the UN system. These include resolutions adopted by the governing bodies of the World Health Organization (see <www.who.int/en/>) and UNICEF (see <www.unicef.org/>). The executive committee of the Office of the United Nations High Commissioner for Refugees has also developed policies and guidelines related to the protection and care of refugee children (see <www.unhcr.org/home.html>).

For international human rights instruments relevant to protection of children from all forms of violence; relevant international criminal, humanitarian, refugee and labour laws; and regional human rights instruments and treaties relevant to violence against children, see Annexes A, B and C beginning on page 78.

The role of parliaments in strengthening international commitment and action

Responsibility for the negotiation and adoption of international instruments lies with the executive branch of government, but parliaments have a vital role in this process too. Acceptance of an international instrument by ratification or accession normally requires parliamentary action. Parliamentarians can ensure that national law is consistent with international obligations.

Parliamentarians can also monitor country progress towards implementing instruments to protect children from violence. Such involvement can take the form of parliamentary review and debate of States' reports under the Convention and the comments and recommendations issued by the treaty bodies. Parliamentarians can encourage governments to report on progress every five years to the Committee on the Rights of the Child and can instigate national follow-ups to the committee's concluding observations.

Parliamentarians can use their voices to break the silence surrounding violence against children. Many issues relating to protection are very sensitive and often hidden behind stigma, secrecy, shame or corruption. They are taboo subjects,

particularly where they relate to sex or religion. This silence is a barrier to progress on child protection; it is impossible to mobilize action on an issue when people do not accept that it exists. By raising issues of child protection in public and showing leadership, parliamentarians can help overcome one of the main obstacles to eliminating violence against children.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Has the State ratified all international and regional instruments relevant to combating violence against children?
- Has the State reported in a timely fashion under those instruments with a reporting procedure?
- When are the State's next reports due under the Convention on the Rights of the Child and its two Optional Protocols? Will the reports include detailed information on follow-up to the recommendations of the UN Secretary-General's Study on Violence against Children?
- What action has been taken regarding recommendations on violence against children following the latest State report to the Committee on the Rights of the Child and the committee's concluding observations?
- Have the Special Rapporteurs of the Human Rights Council on the sale of children, child prostitution and child pornography; violence against women; torture; and trafficking in persons carried out visits to the country, and if so, has the government responded to their reports?

Within parliament:

- Initiate a debate on the latest concluding observations from the Committee on the Rights of the Child or the State's (draft) report to the committee under the Convention.
- Ask ministers and government officials going to Geneva for the presentation of the State report to the Committee on the Rights of the Child to report to a parliamentary hearing/committee before they depart and to report when they return from the examination.
- Initiate a parliamentary committee enquiry into compliance between existing child protection laws and policies and international human rights standards.

- If there is no parliamentary committee on human rights or all-party parliamentary group to debate human rights issues, consider establishing one.

In the constituency:

- Invite leaders of local government to discuss children's human rights and existing protections from all forms of violence in local services and institutions.
- Organize a meeting with local government, community and religious leaders, non-governmental organizations (NGOs), and children to consider how to disseminate information about human rights standards in the locality.
- Speak out on the issue of violence against children in the constituency. As elected representatives of the people and as public opinion leaders, parliamentarians have an opportunity and a responsibility to advocate for the elimination of violence, abuse and exploitation of children.

Chapter 3

Key actions to end violence against children

> *"While legal obligations lie with States, all sectors of society, all individuals, share the responsibility of condemning and preventing violence against children and responding to child victims. None of us can look children in the eye if we continue to approve or condone any form of violence against them."*
>
> – Report of the Independent Expert for the UN Study on Violence against Children, para. 91

The key actions described in this part of the handbook each represent opportunities for parliamentarians to make a significant difference in eliminating violence against children.

KEY ACTION: STRENGTHEN NATIONAL AND LOCAL COMMITMENT AND ACTION

"Parliamentarians, as representatives of the people and the emanation of civil society, are well placed to articulate the interests of the people. They maintain close contact with the people and electorate and so are fully aware of the problems and issues facing them. They can play a useful role in participating in the preparation of action plans meant to fulfil the country's obligations under international and national law. In this way, these plans can adequately reflect the real needs and concerns of the people." – from *A Guide to Parliamentary Practice*[5]

National strategies or plans of action on violence against children should include components to address all of the following: prevention of violence in all settings, care and rehabilitation for child victims, awareness-raising and

capacity-building, and research and data collection. Implementation should be supported by adequate human and financial resources and systematically evaluated according to established targets and timetables. These processes demand detailed parliamentary scrutiny.

Parliaments can also play a key role in ensuring the necessary coordination among the different government departments and bodies – including justice, finance, health and education – involved in measures to prevent and respond to violence against children, and in the integration of such measures into national planning processes.

Establishing children's ombudspersons

Increasingly over the last decade, countries have established national human rights institutions for children. Such independent watchdogs exist in every region of the world in the form of children's ombudspersons, commissioners for child rights, and focal points on children's rights within national human rights institutions or within the offices of the general ombudsperson. This concept has been widely embraced in Europe, which in 1997 established the European Network of Ombudspersons for Children (see <www.ombudsnet.org>).

Many of these institutions are mandated to receive and investigate complaints of child rights violations reported by children and others. Many have been involved in advocacy for law reform and measures challenging corporal punishment and other forms of violence against children. Such institutions are generally established through legislation and report to parliament.

Institutions should always be established in accordance with the same principles that apply to the status of national institutions – the 'Paris Principles' – established by the UN General Assembly for national human rights institutions.[6]

Mauritius children's ombudsperson works with parliamentarians

Established in 2003, the Office of the Ombudsperson for Children in Mauritius has been a strong advocate for preventing violence against children, working closely with parliamentarians. The ombudsperson's annual reports to parliament have helped create awareness of such issues as violence against children and other violations of child rights, allowing parliamentarians to raise these issues through parliamentary questions, motions and debate. The ombudsperson has advocated for stronger legislation to protect children from commercial sexual exploitation and child trafficking, and is involved in discussions with the Ministry of Education on ending corporal punishment in schools. The ombudsperson in November 2004 launched a national campaign on preventing violence against children, involving members of the national assembly and garnering pledges by the prime minister, ministers and the opposition leader to do their utmost to prevent violence against children. Reports of the ombudsperson are available on its website at <http://oco.gov.mu>.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Which government departments are involved in preventing and responding to violence against children?
- Is there a national strategy, policy or plan of action on violence against children?
- What is the total budget identified across departments for prevention of and response to violence against children?
- Is the establishment through legislation of an independent human rights institution to promote and safeguard children's rights, including their right to protection from all forms of violence, under consideration? ***or***
- Will the mandate and powers of the existing national human rights institutions be reviewed to ensure they have an adequate mandate and powers to promote and safeguard children's right to protection from all forms of violence?

Within parliament:

- Organize a round-table discussion with ministers and officials from relevant departments to discuss the development of a coordinated plan of action on violence against children, reporting systems, complaints procedures and judicial processes.
- Consult with a range of NGOs concerned with violence against children on their proposals for national planning to eliminate such violence.
- Encourage relevant parliamentary committees to hold enquiries into the government's strategy for challenging violence against children.
- Invite children's ombudspersons from other countries to come and explain their role, or arrange visits by parliamentarians to their offices.

In the constituency:

- Enquire whether local government has developed a strategy or plan of action on violence against children.
- Enquire what access children in the locality have to an independent human rights institution, such as a children's ombudsperson or the equivalent.

KEY ACTION: PROHIBIT ALL VIOLENCE AGAINST CHILDREN, ENSURE ACCOUNTABILITY AND END IMPUNITY

It follows from the clear human rights obligations of States that all forms of violence against children, in all settings, must be prohibited. This includes all forms of corporal punishment, harmful traditional practices such as early and forced marriages, female genital mutilation/cutting, so-called 'honour crimes', sexual violence, torture and other cruel, inhuman or degrading treatment or punishment. The Report of the UN Secretary-General's Study on Violence against Children also urges prohibiting the death penalty and life imprisonment without possibility of release for crimes committed by children under 18.

Violence against children in its many forms persists because often it is legal and often it is socially accepted. Laws protecting children too often apply only to specific settings or specific perpetrators of violence. In some countries, for

example, laws against child sexual abuse may apply to men's sexual violence against girls but not equally to assaults on boys, or may not address sexual violence against children by family members. Many countries still lack legal protection against harmful traditional practices, early marriage and rape within marriage.

Other legislation, or the lack of it, can have an indirect impact on violence against children, such as laws and policies relating to alcohol availability, rights to family planning services, and access to mental health services and substance abuse treatment. Similarly, inadequate laws or policies regarding education, childcare, parental leave, health care, unemployment and social security may leave children without economic and social safety nets, exacerbate family stress and social isolation, and contribute to higher rates of violence against children.

Prohibiting violent punishment of children

The most common form of deliberate physical violence against children is corporal punishment. All countries have laws criminalizing assault, but in most countries these laws do not provide children with the same protection as adults.

The Committee on the Rights of the Child defines corporal or physical punishment as:
"... any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light. Most involves hitting ('smacking', 'slapping', 'spanking') children with the hand or with an implement – whip, stick, belt, shoe, wooden spoon, etc. But it can also involve, for example, kicking, shaking or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding or forced ingestion (for example, washing children's mouths out with soap or forcing them to swallow hot spices). In the view of the committee, corporal punishment is invariably degrading" (Committee on the Rights of the Child, General Comment No. 8, para. 11).

Traditional defences of violent punishment give parents and others rights to administer 'reasonable punishment' or 'lawful correction' to children. In some countries these justifications or defences are written into the law; in others, the law is silent but nevertheless corporal punishment is accepted and only severe assaults causing injury are prosecuted. Prohibiting all violence against children requires the explicit removal of any such defences or justifications.

There is an accelerating trend to prohibit corporal punishment in schools and institutions. Only a few countries still allow children to be whipped or flogged as a sentence of the courts.

Yet, as of January 2007, fewer than 20 countries have prohibited all violence, including all corporal punishment, in all settings, including within the family. Another 20 countries have committed themselves to full prohibition in the near future.

Parliamentary Assembly seeks 'corporal punishment-free zone' in Europe

In 2004, the Parliamentary Assembly of the Council of Europe, composed of parliamentarians from the council's 46 member States, adopted a recommendation calling for the abolition of corporal punishment of children in Europe. "The Assembly considers that any corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member States violates their equally fundamental right to the same legal protection as adults. Striking a human being is prohibited in European society, and children are human beings. The social and legal acceptance of corporal punishment of children must be ended. … The Assembly therefore invites the Council of Europe's committee of ministers to launch a coordinated and concerted campaign in all the member States for the total abolition of corporal punishment of children. The Assembly notes the success of the Council of Europe in abolishing the death penalty, and the Assembly now calls on it to make Europe, as soon as possible, a corporal punishment-free zone for children." – Recommendation 1666, "A Europe-wide Ban on Corporal Punishment of Children", adopted by the Assembly on 23 June 2004 (21st sitting).

Ending impunity

Impunity for the perpetrators of violence against children often persists, largely because most violence against children is not investigated or reported. In some cases, children do not report violence because they fear potential consequences, including possible reprisals from perpetrators as well as processes and interventions that might exacerbate their troubles. Governments should develop processes that are child-sensitive as a step towards ending such impunity.

Investigatory procedures should not subject child victims of violence to multiple interviews and examinations. Court processes should be respectful of children's privacy and ensure that child witnesses are not subjected to extended court proceedings. The stress of court proceedings can be reduced, for example, by videotaping evidence, using screens in the courtroom, and offering witness-preparation programmes and access to child-friendly legal support.[7]

When parents or other family members are the perpetrators of violence, decisions concerning formal interventions and prosecutions should be made according to the best interests of the child. When the perpetrator is another child, the response should be focused on rehabilitation, while ensuring the protection of the affected child.

Governments should be encouraged to review the situation of perpetrators currently serving sentences to determine whether their sentence or treatment is reducing the risk of reoffence and to make appropriate recommendations for future sentencing and treatment focused on this aim.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following question:

- Has legislation been reviewed to ensure that all forms of violence against children are prohibited, including corporal punishment, harmful traditional practices and sexual violence? (Parliamentarians can use the checklist on page 27 to ask about specific laws.)

Within parliament:

- Organize a parliamentary review of legislation on violence against children to propose reforms required in order to prohibit all forms of violence against children.
- Consider taking the lead on necessary legal reforms by introducing a private member's bill.
- Propose fact-finding visits by parliamentarians to countries that have prohibited all forms of violence, or invite experts to provide evidence to parliament.

In the constituency:

- Visit local courts hearing cases of violence against children to review whether there are appropriate safeguards for child victims and witnesses; ask about local good practices.
- Enquire about disciplinary sanctions in use in local schools, institutions and forms of alternative care; are prohibitions of corporal punishment and other forms of cruel or degrading punishment enforced?
- Ask local child protection services about the adequacy of the legal framework for child protection.

A LEGAL FRAMEWORK TO PROTECT CHILDREN FROM ALL FORMS OF VIOLENCE

The following is a list of legislation intended to protect children from violence. Parliamentarians can use this list to develop a national checklist and identify areas in which law reform is needed. Note that this list is not exhaustive and should be reviewed to ensure that it covers all forms of violence against children within the particular country under consideration.

✓ Prohibit torture and all other cruel, inhuman or degrading punishment or treatment of children, in all circumstances.

✓ For anyone who commits an offence under the age of 18, prohibit the death penalty, life imprisonment without possibility of release, and all other cruel, inhuman or degrading sentences and punishments, including all corporal punishment.

✓ Ensure that criminal law on assault applies equally to children, wherever they are and whoever the perpetrator.

✓ Remove any justifications for violence against children, including as a form of 'discipline' or 'control' (for example, remove from statute and common law any defence of 'reasonable chastisement' or 'lawful' or 'moderate' correction).

✓ Explicitly prohibit corporal punishment and all other cruel, inhuman or degrading forms of punishment or treatment of children (in

criminal and/or civil code, children's law or family law, sectoral laws and regulations applying to schools, penal systems and all forms of institutional and alternative care of children).

✓ Prohibit deliberate neglect and negligent treatment of children.

✓ Require by law the registration, regulation and regular independent inspection/review of all institutions and formal alternative care placements, with a statutory duty on inspectors to hear directly from children.

✓ Require all incidents of violence in schools, other institutions and alternative care to be recorded and centrally reported.

✓ Protect 'whistleblowers' who report violence against children.

✓ Require regular review of placements of children for care or treatment and detentions of children, including review of all relevant circumstances, respecting children's right to have their views heard and given due weight.

✓ Require certain professional groups to report violence against children to services with duty to investigate.

✓ Require that public, independent enquiries be held into child deaths or serious injuries in which violence may be implicated.

✓ Establish a legal age of sexual consent without discrimination for gender or sexual orientation (to ensure that children are not criminalized for non-coercive or exploitative sexual activities below that age).

✓ Prohibit all forms of sexual abuse and sexual harassment.

✓ Establish the legal age of marriage at 18 and prohibit procurement, offering, forcing or conducting an under-age marriage.

✓ Prohibit rape in marriage and all other domestic violence.

✓ Establish criminal laws prohibiting: all forms of child slavery; sale and trafficking of children under 18; debt-bondage, serfdom, forced or compulsory labour; use, procurement or offering children under 18 for illicit activities (including, for example, in drug production or trafficking); all forms of sexual exploitation of all children under 18, including 'grooming' for sexual activities and procurement through the Internet and other means; procurement or offering of a child for child prostitution or involvement in pornography; possession, production, dissemination, distribution, import/export, and offer and sale of child pornography.

✓ Establish criminal laws prohibiting female genital mutilation/cutting and any other identified harmful traditional practices and prohibiting arrangement or offer of children for such practices, where not covered effectively by the criminal law on assault.

✓ Create employment laws prescribing a minimum age for admission to employment and prohibiting hazardous forms of employment or employment that may be harmful to the child's education, health or development, creating offences for those who employ, or offer for employment, children in such situations.

✓ In every case, ensure that:

- Children and their representatives have clear, well-publicized and accessible means of challenging all these forms of violence, including through appropriate complaints procedures and direct access to the courts when necessary.
- Parents' permission is not required to file a complaint of violence or prosecution.
- There is adequate redress and compensation for children who have been victims of any forms of violence.
- Child victims of all forms of violence are not themselves criminalized for their involvement.
- There are proportionate and appropriate penalties for perpetrators of violence against children.
- Legislation allows for extra-territorial prosecution of nationals who perpetrate violence against children in other jurisdictions and who travel for that purpose.

- Legislation and child-sensitive procedures are in place to ensure that the best interests of child victims are considered throughout processes of child protection, including judicial processes, to ensure that they are not re-victimized; the child's views should be a prime consideration in any assessment of their best interests.
- Legislation requires that children are entitled to express their views and have those views given due weight throughout all processes of child protection, including judicial processes.
- Evidentiary requirements in law do not constitute unnecessary or unreasonable obstacles to prosecution of crimes against children, with due regard to the rights of defendants.
- Investigatory and judicial processes conform to relevant international standards, including the UN Guidelines on Justice in Matters concerning Child Victims and Witnesses of Crime.
- There is adequate training, in particular legal and psychological training, for those who work with child victims of violence.
- Unnecessary delay in the disposition of cases and the execution of orders granting compensation to child victims of violence is avoided.

KEY ACTION: **PRIORITIZE PREVENTION**

States are obligated not only to respond to violence against children, but to work to prevent violence before it occurs. There are also strong supporting social and economic arguments for investing in prevention. In every country, violence against children inhibits and slows progress towards national development goals, while progress towards meeting the Millennium Development Goals and others will help to prevent violence against children.

Preventing violence against children demands careful attention to risk factors for violence. The many groups of children who are particularly vulnerable to violence include children with disabilities, orphaned children (including the millions of children who have lost parents to AIDS), children who are indigenous or belong to other marginalized groups, children living and/or working on the streets, children in institutions and detention, child refugees, child migrants and internally displaced children. Girls are particularly at risk of violence in some settings, boys in others.

As well as identifying risk factors for violence, it is essential to identify positive factors that can protect children against it. Children often show astounding resilience in the face of violence. The development of strong bonds of attachment between parents and children and the nurturing of relationships with children in stable families that do not involve violence or humiliation are powerful sources of protection.

Preventing violence requires longer-term investment and planning by governments. It can be a particular challenge for parliamentarians and parliaments to push government into taking prevention seriously and to get them to invest in evidence-based programmes and policies.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Is there an integrated policy for the prevention of violence against children, or is one being developed?
- Is the country meeting its Millennium Development Goals and/or is the government contributing appropriately through development aid to support the meeting of the goals?
- What are the estimated economic costs of violence against children in the country? If the costs are not known, will the government commission such a study?
- What is the total of current expenditure across government departments on the prevention of violence against children?
- What measures to prevent violence against children are being promoted through various government departments?

Within parliament:

- Initiate an annual debate on child poverty reduction targets and annual scrutiny of the ministers/departments responsible.

In the constituency:

- Ask local government departments (health, education, social welfare, environment, police) what actions they are taking to prevent violence against children; invite examples of good practice.
- Encourage local media and local schools to run a competition for children on ideas to prevent violence against children.
- Hold a public meeting to discuss ways of preventing violence against children, ensuring participation by children.

KEY ACTION: PROMOTE NON-VIOLENT VALUES AND AWARENESS-RAISING; ENHANCE THE CAPACITY OF ALL WHO WORK WITH AND FOR CHILDREN

"If the adults around children, their parents and other family members, teachers and carers, do not understand the implications of the Convention and above all its confirmation of the equal status of children as subjects of rights, it is most unlikely that the rights set out in the Convention will be realized for many children."

– Committee on the Rights of the Child, General Comment No. 5, on general measures for implementing the Convention on the Rights of the Child, para. 66

Society's acceptance of everyday violence against children is a major factor in the persistence of that violence. Positive, non-violent environments should be created for and with children, in their homes, schools, other institutions and communities, accompanied by public education and advocacy campaigns and the training of teachers and other public servants.

Governments at various levels should promote and support programmes and campaigns to educate the public and parents on child rights generally and in particular on maintaining positive, non-violent relationships with children in families. Here, the media can also play a key role.

Similarly, initial and in-service training of teachers and others who work with and for children should transmit non-violent messages and promote non-violent conflict resolution. Given children's vulnerability to violence in care and justice systems, in institutions and in detention, special attention needs to be given to training police, lawyers, judges and all others who come into contact with children in these systems.

Article 42 of the Convention on the Rights of the Child obligates States to make the principles and provisions of the Convention widely known, "by appropriate and active means, to adults and children alike." The Committee on the Rights of the Child underlines the importance of disseminating the Convention's principles and provisions to all sectors of the population and suggests that the Convention should be incorporated into school curricula and into the training of all those who work with or for children.

Parliamentarians can question governments on the development of training programmes, curricula and support for parents, as well as lead public opinion in debates, speeches and through the media.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Have training programmes for all those working with and for children been reviewed to ensure that they cover the rights of children and effectively promote non-violent values and non-violent conflict resolution?
- Is there a comprehensive strategy for disseminating knowledge of the Convention on the Rights of the Child to both adults and children?
- Will the government promote or support campaigns to raise awareness of violence against children, its impact and its elimination?

Within parliament:

- Initiate a review/debate/parliamentary enquiry into the extent to which child rights are built into the training curricula and programmes of all those who work with and for children.
- Initiate a parliamentary enquiry into the media's contribution to raising awareness of the impact of violence against children, reporting of violence against children and the impact of media violence on children.
- Meet with NGOs and human rights institutions concerned with violence against children to hear their views on changing social norms and promoting non-violent values.
- Initiate a review/debate on gender stereotyping and its relevance to challenging violence against children.

In the constituency:

- Propose a survey in local schools of children's knowledge of their rights.
- Invite editors of local media to a meeting to discuss how they might contribute to promoting non-violent behaviour towards children.

KEY ACTION: PROVIDE RECOVERY AND SOCIAL REINTEGRATION SERVICES

All children who are victims of violence in any of its various forms have a right to necessary measures to promote physical and psychological recovery and social reintegration. Services focused on rehabilitation and reintegration may also help to reduce the risk of child victims of violence continuing the cycle of violence. The health and social outcomes of violence against children are serious and costly both to individuals and to society, and minimizing these outcomes will require a variety of treatment and support services.

Child victims may have a wide range of treatment needs, including prophylaxis to prevent sexually transmitted infections, including HIV/AIDS, in the case of child victims of sexual violence. Health workers have a responsibility to prioritize the child's physical health and to refer the child for psychosocial support services and child welfare and protection services. They should be trained to detect violence and to document and report incidents of violence. Incidents of violence detected outside the health sector should be referred to a health worker for proper assessment and care.

For further details, see sections in Chapter 4 on the treatment and support of child victims in the various settings in which violence occurs.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- What provision is available for child victims of violence to ensure their rehabilitation and reintegration?
- What is being done to ensure that children are aware of available services? For example, are helplines funded and are services publicized in schools and other institutions?
- What is being done to ensure that health, criminal justice and social service systems for child victims are child-friendly and accessible?

Within parliament:

- Initiate a parliamentary committee enquiry into the quality of treatment and care available to child victims of all forms of violence – physical, sexual, psychological.

- Invite representatives of associations of professionals involved in treatment and rehabilitation of child victims to a round-table discussion of national provision and needs.

In the constituency:

- Enquire about local health and social welfare services for child victims of violence; identify any gaps in provision and models of good practice.
- Enquire whether there are recent child victims of violence who would be willing to discuss their views on treatment received, with due regard for their privacy.

KEY ACTION: **ENSURE PARTICIPATION OF CHILDREN**

"If you want to know how to paint, you consult a painter; if you want to eat, consult a chef; so if you want to know about children's issues, you have to consult young people."

– Young person, NGO Advisory Panel to the UN Secretary-General's Study on Violence against Children[8]

Article 12 of the Convention on the Rights of the Child obligates States to ensure children's right to express their views "in all matters affecting [them]" and give children's views due weight in accordance with their age and maturity. The article specifically mentions children's right to be heard in administrative and judicial proceedings affecting them. Article 25 of the Convention mentions the right of children placed in care, protection or treatment to have these circumstances reviewed regularly; in line with Article 12, these reviews should also hear and give due weight to children's opinions.

Thus governments should ensure that children's views are taken seriously at every stage of involvement in child protection procedures. This applies equally within the family and to all aspects of preventing and responding to violence. Investigations should not be able to proceed unless the child's wishes and feelings have been ascertained and given due weight. If authorities are unable to directly ascertain the child's wishes and feelings, the reasons for this should be recorded in writing and subject to independent scrutiny. This

obligation should be promoted through the training of everyone involved in child protection and working with children and families.

Article 12 states that children's age and maturity need to be considered alongside their views, but this does not mean that older children have a greater right to be heard or that their views will necessarily carry more weight. Procedures need to be sensitive to the fact that children communicate in many different ways, including through play, and the interpretation of 'views' should therefore be as broad as possible. Young children, especially, should be given time and space to express their feelings, preferences, worries and questions.

Parliamentarians achieve children's right to be heard in the child protection system

In England and Wales, parliamentary passage of the Children Act (2004) means that children involved in child protection investigations now have the right to have their views given due consideration. The legislation followed the horrific death of an eight-year-old girl, Victoria Climbié, at the hands of her aunt and the aunt's partner. The public enquiry established after Victoria's death noted that no social worker had communicated directly with the child, even amid allegations of serious sexual and physical abuse. An amendment to child protection law that would require social workers to always hear directly from the child, drafted by the Children's Rights Alliance for England, was accepted by the Children's Minister following lobbying of the Westminster Parliament by the Children's Rights Alliance and strong pressure in both Houses of Parliament.

Children with experience in child protection systems and young adults who suffered violence during childhood can play essential roles in planning, monitoring and improving such systems and in making them genuinely sensitive and accessible to children. Their experiences can be used to transform systems and processes, as well as to bring a sense of urgency to legislative and policy reform.

Parliaments in all regions are beginning to interact with children. Parliamentary hearings are being held, in schools and elsewhere, through which children can voice their concerns and ideas. Parliamentary committees are taking evidence from children in the course of enquiries into care and justice systems, child prostitution and trafficking, and bullying in schools. Children's Parliaments

have been established and are formally consulted by government in several countries; sessions sometimes take place on the premises of national parliaments. Through such active engagement with children, parliaments can set a model for government.

Parliaments can also monitor States' fulfilment of its obligations to respect children's views and try to ensure that these views are having real influence. The Committee on the Rights of the Child has provided the following guidance in its General Comment No. 5, para. 12:

> "… appearing to 'listen' to children is relatively unchallenging; giving due weight to their views requires real change. Listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights."

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- What engagement has there been with children to develop strategies to prevent and respond to violence against children?
- Has legislation related to child protection been reviewed to ensure that it reflects the obligation to hear and give due weight to children's views in all matters affecting them?
- Are any additional legislative measures required to ensure that young children, disabled children, and those in institutional settings (education, care and custody) enjoy their right to be heard?
- What arrangements are in place to ensure that all those working with children in the child protection system are aware of their obligations under article 12 of the Convention on the Rights of the Child?
- What research exists on children's experiences of violence and of the child protection system?
- How many public enquiries or independent reviews relating to the child protection system have been undertaken in the past five years, and how many of these involved children as witnesses?

Within parliament:

- Encourage and increase involvement by children and children's organizations in parliamentary processes, including allowing them access to committee meetings and debates, and inviting them as witnesses to all relevant enquiries and to consultations with NGOs.
- Identify any child-led organizations working on violence against children and ensure their views are heard in parliament.
- Conduct an enquiry into children's views of the effectiveness of child protection services in realizing their right to protection from all forms of violence.
- Initiate a parliamentary committee enquiry into children's engagement in policy development across departments concerned with prevention of violence against children, aimed at increasing the participation and influence of children on an ongoing basis.

In the constituency:

- Ask relevant local government departments how they involve children in policy development that affects children.
- Ask if it would be possible to meet with some children subject to child protection procedures (with their agreement and with full respect for their privacy) to discuss their experiences and hear their views on existing policy and procedures.
- Ask how the views of children affected by violence are incorporated locally into child protection training.

KEY ACTION: CREATE ACCESSIBLE AND CHILD-FRIENDLY REPORTING SYSTEMS AND SERVICES

Services through which children and others can report indications of violence against children should be made available in every locality and every setting inhabited by children. Such services should be well-publicized and easily accessible to the public; they should be places where children can go to talk in confidence about anything troubling them. But creating such reporting services is plainly still a challenge in all countries.

Much violence against children goes unreported, whether the child victims are at home, in schools or other institutions, or on the street. Retrospective

studies questioning young adults about their childhood experiences reveal that the majority of child victims of violence did not talk to anyone or approach child protection services during their childhood, even in countries with highly developed systems. Reasons included not knowing where to go for help, a lack of services, a lack of trust in the services, or, in some cases, fear of reprisals by the perpetrator.

Providing confidential services for children – services that guarantee they will not report to others or take action without the child's consent, unless the child is at immediate risk of death or serious harm – remains controversial in many countries, because it challenges concepts of parental 'ownership' of children. Yet present knowledge of intrafamilial violence demands that children should have the same rights as adults to seek confidential advice and help.

In many countries, certain professional groups are legally obligated to report concerns about violence against children under mandatory reporting systems. In a few countries, the public are under the same legal duty. Views vary as to whether such reporting should be mandatory. It is essential that every government should review existing reporting systems, with the involvement in this review of children or young adults with recent experience of child protection services.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- When were systems for reporting violence against children that occurs in all settings, including the home and family, last reviewed, and what were the results?
- Are existing channels to enable children and others to report instances of violence against children considered adequate and accessible?
- Do children have access to genuinely confidential advice and advocacy services that will only take action without the child's consent if they believe the child to be at immediate risk of death or serious injury?
- Will the government initiate or support a confidential, free helpline to enable child victims of violence to seek counselling and help?

- Has any analysis of calls made by children to existing national helplines been reviewed? If so, can that analysis be published? Does the analysis reveal the need for further action to reduce violence against children?

Within parliament:

- Initiate a parliamentary debate or committee enquiry into systems for reporting violence against children; ensure that the committee hears from children with recent experience of child protection systems.
- Propose designing a reporting system that would be used with confidence by children, seeking input from children and organizations of children and young people.
- Arrange parliamentary visits to various institutional and other placements for children to investigate reporting and complaints procedures, including interviewing children with their consent in private.
- Debate what use is and could be made of the mass media to publicize reporting systems and encourage people to act when they are aware of violence against children.

In the constituency:

- Ask local child protection services for a briefing on local systems for reporting violence against children and to identify gaps and any models of good practice.
- Invite child protection practitioners to a meeting to discuss the accessibility of reporting systems to children and others.

KEY ACTION: ADDRESS THE GENDER DIMENSION OF VIOLENCE AGAINST CHILDREN

Violence against children has a gender dimension in that girls and boys are at different risk for different forms of violence across different settings. For example, girls are more likely to experience sexual violence than boys. Traditional practices such as female genital mutilation/cutting (FGM/C) and son preference affect girls exclusively – FGM/C has subjected millions of girls and women to health risks and life-threatening consequences, while daughters are more likely to be severely neglected in societies where son

preference is pronounced. In some societies, it appears that boys are more likely to experience severe violent punishment than girls, and more boys than girls are detained in juvenile justice systems and suffer violent punishments within them.

All research into violence against children and into strategies to prevent and respond to it should be designed to take gender into account. There is a particular need for men and boys to play active roles and exercise leadership in efforts to overcome violence. Gender stereotypes that directly or indirectly promote violence need to be challenged.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Are statistics and other information relating to the prevalence of various forms of violence against children disaggregated by sex?
- Has the national action plan to combat violence against children been reviewed from a gender perspective? Does the action plan take into account the particular issues facing girls?
- How can government work with other partners to ensure the active involvement of men and boys in strategies to prevent and respond to violence, including gender-based violence, against children?

Within parliament:

- Ensure that any existing parliamentary women's groups are involved in the issue of violence against women and children and encourage their collaboration.
- Examine/call for research into all aspects of boys' and girls' experiences of violence, including the nature and prevalence of such violence and why children don't report it, and ensure such research influences policy development.

In the constituency:

- Meet with local women's and girls' groups to hear their views on local systems to prevent and respond to violence against children and women.
- Enquire whether there are local attempts to increase men's and boys' involvement in challenging violence against children.

KEY ACTION: DEVELOP AND IMPLEMENT SYSTEMATIC NATIONAL DATA COLLECTION AND RESEARCH

In most countries, there are too few data on the prevalence of violence against children in all settings, and there is inadequate research on the risk and protective factors that influence violence, on the impact of violence against children, and on the effectiveness of different strategies to prevent and respond to violence against children.

All governments need to review and improve their systems for collecting, recording and centrally reporting data. The registration and reporting of births, marriages and all placements of children outside the home – in institutions, in alternative care and in detention – is essential and needs to be made universal. Governments also need to put in place systems for the rigorous, obligatory investigation of deaths of children in which violence could be implicated and systems that obligate health professionals to closely observe and record injuries to children.

No country can measure progress towards eliminating violence against children without regular surveys to estimate the magnitude and nature of non-fatal violence in the home and elsewhere. Such surveys should be based on interviews with children, parents and other caregivers and conducted in conditions of trust and confidentiality.

National research agendas on violence against children in all settings are needed in order to build knowledge, improve programme development and measure progress. Planning a national research agenda should include a range of methods such as interview studies, improved reporting and registration systems and investigation procedures, with particular attention given to researching the experience of vulnerable groups of girls and boys. Children, parents and service providers should participate in these processes.

In countries where progress has been made in identifying effective strategies for preventing some forms of violence against children, additional research is needed to identify and evaluate policies and programmes to make them appropriate and effective in preventing all forms of violence against children.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- What research exists on the range and scale of various forms of violence against children in all the settings in which it occurs?
- What action has been taken to meet the recommendation in the Report of the UN Secretary-General's Study on Violence against Children, that every government should develop reliable national data collection systems on violence against children by 2009?
- Will the development of a national research agenda on violence against children be considered? Will it involve non-governmental partners, including children?

Within parliament:

- Request an annual report to parliament with statistics and information on the prevalence of violence against children in all settings.
- Ensure the parliamentary library collects relevant research material on violence against children.

In the constituency:

- Enquire whether there has been any local research into the prevalence of all forms of violence against children, including in schools and other institutions.
- Ask local health and social welfare services about the recording and central reporting of violence against children and whether disaggregated information is available with regard to the age, gender and other characteristics of child victims.
- Explore how existing points of contact with children (schools, health centres, children's NGOs, analysis of helpline calls) can be routinely used to collect information on children's experiences of violence, reported and unreported.

Chapter 4

Key actions to prevent violence against children in specific settings

Children can experience violence in many settings – at home and in the family, in schools, care and justice systems, the workplace and the community. Chapter 4 of the handbook examines violence against children in each of these settings and makes suggestions for parliamentary action. These actions include questions to ask government and possible initiatives to undertake in parliament and in constituencies. Specific recommendations of the UN Secretary-General's Study on Violence against Children for prohibiting, preventing and responding to violence in the different settings are summarized at the end of Chapter 4.

VIOLENCE AGAINST CHILDREN IN THE HOME AND FAMILY

> *"I think child abuse happens a lot more than we think it does. Kids get beaten at home and are afraid to tell anyone. It's hard to stop something that happens behind closed doors."*
>
> – Child, 12, North America[9]

A stable family is one of the most important factors protecting children from violence. Families can also empower children to protect themselves as they mature into adults. But the home also can be a dangerous place for children. The prevalence of violence against children by parents and other family members has only begun to be acknowledged and documented in recent decades.

Domestic violence against children – in the home – is likely to result from a combination of personal, familial, social, economic and cultural factors, with lifelong consequences for children's health and development. The most apparent immediate consequences of domestic violence against children are fatal and non-fatal injury, cognitive impairment, failure to thrive, and psychological and emotional harm.

Types of violence in the home and family

- **Physical and psychological abuse:** The most frequent types of physical violence are hitting, kicking, shaking, beating, bites, burns, strangulation, poisoning and suffocation, including with such implements as whips, canes, belts and shoes. Psychological abuse can include persistent threats, insults, name-calling, belittling, isolation or rejection.

- **Sexual abuse:** Rape and all other forms of sexual abuse of children appear to be perpetrated mostly by close family members, other relatives or adults residing in or visiting the family – people normally trusted by children and often responsible for their care. Rates of reported sexual violence in all studies appear to be higher for girls than boys.

- **Neglect and harmful traditional practices:** Neglect can be defined as the failure of parents or caregivers to meet a child's physical and emotional needs. In many societies, gender discrimination causes a disproportionate neglect of girl children. Harmful traditional practices include female genital mutilation/cutting, scarifying, branding and tattooing.

Responses to violence

Parliamentarians can compel governments to confront their legal obligations to prevent and respond to violence in the family. Fewer than one in ten governments have prohibited violence against children, including all corporal punishment, within the family. In countries where violence against children is not prohibited in the home, some parliamentarians have taken the initiative by introducing their own private member bills.

Governments are sometimes wary of offending their constituencies by proposing laws and other measures to challenge family violence. For this reason, it is critical that parliament scrutinize legislation (existing and proposed) and government action and that it challenge inaction. Parliamentarians can call on governments to commission research into violence in the home.

Parliamentarians can help correct the erroneous characterization of the Convention on the Rights of the Child as 'anti-family'. Like the Universal Declaration on Human Rights and the two International Covenants that preceded it, the Convention proclaims the family as the fundamental group in society and the natural environment for the growth and well-being of all

its members, particularly children. It obligates States to respect parents' responsibilities and rights, to support parenting (articles 3, 5 and 18) and to ensure that education is directed, among other things, to promoting respect for parents (article 29). The Convention requires States to ensure that children are not separated from their parents against their will, unless separation is required by the child's best interests (article 9).

Laws and other necessary measures to protect the dignity of family members from all forms of violence do not threaten family values or family rights. Rather, the family's potential for protecting children from violence can only be fully realized once children's equal right to protection within the family has been accepted.

The persisting view of children as property, rather than as individual people holding equal rights, is reflected in laws in many countries that consider violence against children by their parents as 'discipline'. Changing these laws is a delicate matter, given children's dependent status and the fragility of family relationships. While there can be no impunity for perpetrators of violence against children, the law should be implemented in a manner that focuses on the best interests of affected children. Prosecuting parents is very seldom in the interests of their children, except in extreme cases. Formal interventions in the family and prosecution of parents should only be pursued when necessary to protect children from significant harm and uphold their best interests.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Questions to government:

- Have all services related to family support been reviewed to ensure maximum potential for preventing violence against children within the family?
- What proportion of new parents has access to parenting education and advice, such as promotion of positive, non-violent relationships with children? What information is given to new parents about children's rights, including their right to protection from all forms of violence?
- Will children and parents (with appropriate ethical safeguards) be interviewed to estimate the true prevalence of violence against children in the family?
- Have groups of children particularly vulnerable to domestic violence been identified? If so, what preventive action is being taken?

- How is universal birth registration being ensured in the country?
- What measures are in place to ensure that deaths of children in which violence may be implicated are fully investigated?
- What is the homicide rate for infants and young children?
- What action is being taken to prohibit all violence against children within the family, including harmful traditional practices, corporal punishment and sexual violence?
- What action is being taken to prevent early and forced marriage?
- Is action to prevent domestic violence against children fully integrated into domestic violence prevention policy and programmes?
- Are laws prohibiting domestic violence against women in place and enforced?

Within parliament:

- Establish a parliamentary committee enquiry into the extent of violence against children within the home and family.
- Hold a round-table meeting of relevant NGOs, ministers and department officials to discuss preventing domestic violence against children.
- Establish a parliamentary enquiry into the design and delivery of parenting education programmes, reviewing their contribution to violence prevention.

In the constituency:

- Visit local child protection and family support services and positive parenting initiatives.
- Ask the local administration of child protection if they have invited views on policy and practice from children affected by violence, and what steps have been taken to act on children's views and experiences.
- Ask local health and education services what training is available on early identification of domestic violence and how existing systems can be strengthened.
- Propose a meeting of all local child protection services to discuss the recommendations of the UN Secretary-General's Study on preventing and responding to violence against children in the family.
- Refer to local cases of domestic violence against children (while respecting their privacy) to encourage debate on prevention.

For recommendations of the UN Secretary-General's Study, see page 65.

VIOLENCE AGAINST CHILDREN IN SCHOOLS

> *"I have seen the harsh behaviour of teachers in schools and colleges. Every day there are severe punishments by teachers, so we remain very afraid in class. The teacher often makes a student stand up in class, scolds him with ugly words and teases him for being naughty or for not learning the lessons. It is very shameful as well as painful."*
>
> – Boy, 17, South and Central Asia[10]

Corporal and other humiliating punishments, bullying and sexual violence are among the many forms of violence common in educational settings. School violence is often entrenched in school culture, publicly and officially tolerated, and often goes unreported. It is repeatedly identified as a reason for child absenteeism, drop-out and lack of motivation in school.

Corporal punishment is the most common form of physical violence experienced by children in school. The Convention on the Rights of the Child requires States to take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and with the whole Convention.

Providing effective protection for children from all forms of violence in schools, whether state-provided or private, is an obligation of all States. Schools are uniquely placed to break patterns of violence by teaching children, their parents and communities how to communicate, negotiate and resolve conflicts in more constructive ways.

Types of violence in schools

- **Physical and psychological violence:** Physical and psychological violence are perpetrated in schools both by teachers and other staff and by students. Corporal punishment is usually administered with leather belts, canes or wooden 'paddles' and remains legal and state-authorized in nearly 100 countries.

- **Sexual violence:** Much of the sexual violence that occurs in educational settings is directed against girls by male teachers and classmates. A UNICEF study in West and Central Africa found this to be a main reason girls drop out of school. But boys may also be victimized. Revelations since the 1990s of widespread sexual abuse of

boys by male teachers (often clerics) in church-run schools in Europe and North America have brought this issue to light. In many countries, sexual violence in schools is also directed against homosexual, bisexual and transgendered young men and women.

- **Bullying:** Most commonly verbal, bullying is a pattern of behaviour that if left unchecked can lead to extreme violence. Around half of all children involved in bullying are both victims and perpetrators. The Internet and mobile phones are providing new opportunities for bullying through emails, online chat rooms, personal web pages, text messages and transmission of images.
- **Fighting, physical assault, gangs:** Boys in particular may engage in physical fighting as they seek to live up to traditional male stereotypes. Surveys of weapon-carrying in U.S. schools have found that between 3 and 10 per cent of students carry weapons inside school, and between 12 and 25 per cent carry weapons outside school.

Responses to violence in schools

While effective approaches to countering school violence need to be tailored to particular circumstances, all responses should be based on children's rights articulated in the Convention on the Rights of the Child. Schools embracing a rights-based approach to preventing violence are 'child-friendly': they should promote and protect children's emotional, psychological and physical well-being by providing a healthy and protective educational climate that is inclusive of all children, girls and boys equally.

Mongolian Parliament adopts education reforms, prohibits school violence

Major amendments to education law in Mongolia were passed by Parliament on 8 December 2006. The new law prohibits all forms of violence, including corporal punishment, in education settings and introduces a Code of Conduct holding school managers and teachers responsible for respecting students' inherent dignity and right to privacy. Mechanisms to monitor and regulate breaches of the Code are to be established. At a press conference following acceptance of the law, the country's leading parliamentarian recognized the Mongolia team of Save the Children UK for its work in promoting the changes. A parliamentary lobby group was also involved in promoting the amendments.

The Committee on the Rights of the Child, in examining States' reports, has consistently recommended prohibiting corporal punishment in schools. The Global Initiative to End All Corporal Punishment of Children tracks this issue. In July 2006, it reported that 106 countries and territories (of 223 tracked) had laws banning corporal punishment in all schools; another 7 had banned it only in certain areas or in state-provided schools.[11]

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Is the prevalence of violence in schools known?
- Will a study in primary and secondary schools be commissioned to determine the level of violence experienced by students?
- What statistics are available on incidents of violence in schools?
- Are all forms of violence against children, including corporal punishment and other inhuman and degrading forms of punishment, prohibited in all educational institutions, including private and religious schools?
- How is prohibition of violence enforced and monitored in state-supported and private schools?
- Are schools required to have a policy to prevent and respond to bullying?
- Do students in all schools have ready access to procedures to report violence?
- Have violence awareness and prevention been integrated into school curricula and teacher training?
- Are safe and confidential mechanisms available to report sexual abuse or harassment in school?

Within parliament:

- Initiate a debate on violence against children in schools, using recommendations of the UN Secretary-General's Study as a framework for discussion.
- Initiate a parliamentary committee enquiry into all forms of violence against children in schools, calling for testimony from students.
- Initiate a parliamentary enquiry into the extent of meaningful participation by students in organizing and managing schools, including developing discipline policies and preventing violence.

- Propose a round-table discussion by education officials, representatives of teachers' and parents' groups and students to discuss ways of building non-violent school communities.

In the constituency:

- Ask the local education administration what actions are being taken to prevent violence against children in schools, including violence perpetrated by teachers.
- Visit primary and secondary schools and talk in private to groups of girls and boys about their experiences with violence in school.
- Meet with teachers to discuss their perspectives on violence in schools and effective prevention.
- Raise awareness of the need to protect children from violence in schools by writing articles for local newspapers, contributing to radio and television and inviting responses from students, parents and teachers.

For recommendations of the UN Secretary-General's Study, see page 65.

VIOLENCE AGAINST CHILDREN IN CARE AND JUSTICE SYSTEMS

"Sometimes one day in prison felt like a year. But after ten days, you get used to it and you don't cry as much."

– Boy in juvenile detention, Middle East[12]

Worldwide, it is estimated that at least 8 million children are in residential care, and at any one time at least 1 million are deprived of their liberty. But many countries lack statistics on the number of children in care and justice systems, an indication of the isolation and lack of oversight that places these children at particular risk of abuse. Because institutions and detention centres are often closed to the public, violence can persist for years without coming to light.

Violence against children in detention is widely legitimized by long-held punitive attitudes towards children and acceptance of violent punishment. Some of this

violence may be state-authorized or administered by government officials, and governments may accord a low priority to these children.

Children in care and detention are the direct responsibility of the State, and parliament plays a vital role in ensuring that the State fulfils all its obligations towards children in care and justice institutions. Parliamentarians can reform laws, policies and budgets. They can initiate debates, pursue enquiries and call for a complete audit of the child population in institutions and places of detention. They can visit these institutions for themselves and ensure that the voices of children in care and justice systems are heard.

Types of violence in care and justice systems

- **Capital punishment:** The most extreme form of state-authorized violence – capital punishment – is still administered in several countries for crimes committed by children under 18, despite the fact that this is prohibited by both the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. Since 1990, Amnesty International has recorded 39 executions of children who have committed a crime in eight countries. Life sentences for children without possibility of release are also prohibited by the Convention, but at least 15 countries allow them. Sentences of whipping, flogging or caning children are still permitted in 31 countries.

- **Corporal punishment:** In many countries, corporal punishment and other cruel or degrading forms of punishment remain lawful and approved in care and penal institutions.

- **Violence against children with disabilities:** Particularly vulnerable in residential institutions are children with disabilities, who are sometimes subjected to violence in the guise of treatment. In some cases, children are subjected to electroconvulsive treatment without the use of muscle relaxants or anaesthesia.

- **Bullying:** Bullying occurs in all forms of institutions, particularly when conditions and staff supervision are poor and when older, more aggressive children are not separated from younger or more vulnerable children. Staff sometimes permit or encourage peer abuse among children.

Parliament enquires into bullying of young armed forces recruits

In the UK Parliament, the Select Committee on Defence in 2004–2005 undertook an enquiry following allegations of bullying and harassment of young recruits in the armed forces. The enquiry examined how the armed forces discharged their duty-of-care responsibilities to new recruits; how risks were assessed and responded to; and what improvements and oversight were needed. Among other evidence, the enquiry heard testimony from families of recruits who had died at two army barracks. It concluded that bullying, as well as sexual and racial harassment, existed and was under-reported. "We recommend that the Armed Forces, and the Army in particular, consider how to promote a culture that discourages bullying and encourages all Service personnel to take action to reduce harassment and bullying." The Committee recommended that the Ministry of Defence examine the potential impact of raising the recruitment age for all services to 18 and in the meantime formulate a policy for the care of recruits under 18. – UK Parliament, 2004–2005 Session, Select Committee on Defence, Third Report

Responses to violence in care and justice systems

Much of the violence against children in detention facilities is perpetrated by adults. The Convention on the Rights of the Child obligates States to separate children from adults in detention facilities. Developing and implementing such measures can reduce the risk of physical and sexual violence.

A significant amount of violence also occurs when children are in the custody of police and security forces, such as during arrest and interrogation. It appears that children often remain in police lock-ups for long periods, without the required notification of their parents or guardians. Laws requiring children to be quickly transferred from police custody to an appropriate children's facility should be enforced in countries where they exist and proposed as new legislation where they do not yet exist.

Institutional capacity-building and employee screening are further areas for response. Unqualified and poorly remunerated staff members are widely recognized as being linked to violence within institutions. Relatively few staff members in care institutions are trained in child development or human rights

topics, and few receive information about issues of violence. Furthermore, individuals with histories of physical and sexual violence against children may seek work that gives them access to children. Many countries do not require criminal records checks for employees of juvenile institutions.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Do centralized, disaggregated statistics exist on children placed in all types of institutions, including alternative forms of childcare and all forms of restriction of liberty?
- How many children are living in institutions? Are these data disaggregated by age, sex, ethnic origin, disability and reason for placement in institutions?
- How many children are in detention (in penal, health, mental health, welfare, education or immigration systems)? Are these data disaggregated by age, sex, ethnic origin, disability and reason for detention?
- Are all institutions in which children live (a) registered with the government; (b) regulated; (c) regularly inspected by an independent inspectorate:
    - In the care/welfare system?
    - In the education system?
    - In the health and mental health system?
    - In the justice system?
    - In the immigration system?
- Is there awareness at different levels of government of the forms of violence experienced by children living in institutions or in any form of detention?
- What measures have been taken to ensure that deprivation of children's liberty is used only as a last resort and for the shortest appropriate time?
- Is there a well-publicized and easily accessible system to enable children in institutions and detention to report incidents of violence without fear of reprisals?
- Is there any obligation to record and report incidents of violence against children in all forms of institution and detention, including

but not limited to incidents of violence by staff (both authorized and unauthorized), bullying by other children/inmates, self-harm and suicide?
- What statistics exist on incidents of violence against children in institutions and in detention?
- Are capital punishment, life imprisonment without possibility of release and all other cruel, inhuman or degrading forms of punishment, including corporal punishment, prohibited as sentences of courts throughout the country (including in any systems applying customary/religious law)?
- Are corporal punishment and other forms of cruel or degrading punishment of children prohibited in all institutions?
- Has the prevalence of bullying, self-harm and suicide among children in institutions and detention been reviewed?
- How often is the placement of a child in an institution reviewed, and is the child able to participate in the review and have his/her views heard and given due weight?

Within parliament:
- Initiate an enquiry by one or more appropriate parliamentary committees into violence against children in care and justice systems, including visits to institutions and places of detention and taking evidence from children in institutions and detention or who have recently left such institutions.
- Propose an investigation by an independent human rights institution into violence against children in care and justice systems.
- Initiate a review of the legislation applying to all categories of institutions and all forms of care outside the home to ensure that all forms of violence against children are prohibited and that effective systems are in place for preventing and responding to violence against children.
- Initiate a review of all forms of restriction of liberty of children in all systems – penal, health, mental health, welfare, education, immigration – to ensure that detention is being used solely as a last resort and for the shortest possible time.

In the constituency:
- Enquire about and seek to visit institutions and places of detention in constituencies.

- Ask what forms of discipline are permitted and what forms are prohibited.
- Ask about reports of all forms of violence – physical, sexual, psychological – including bullying and self-harm.
- Arrange to meet in private with children (with their consent) in care and detention and with children who have recently left care and detention to enquire into their experiences of violence and the response to it.
- Organize a local meeting to bring together administrators and staff of institutions and young people to discuss violence and its prevention.

For recommendations of the UN Secretary-General's Study, see page 65.

VIOLENCE AGAINST CHILDREN IN PLACES OF WORK

"Violence is when children are made to work like animals."

– Urban children, Latin America[13]

Across all regions, physical, sexual and psychological violence affects millions of boys and girls who are working, both legally and illegally. Violence may be used to coerce children to work or to punish or control them within the workplace. Some forms of work – categorized as the 'worst forms of child labour' – amount to violence in themselves.

According to international instruments and most national laws, children under a certain age (usually 15 but sometimes lower) should not work at all, let alone be in a workplace where they might be subject to violence. Yet well over 200 million children and adolescents work, at ages both below and above the minimum legal age, and many suffer ill-treatment, physical and sexual violence, and verbal or sexual abuse.

Many parliaments already play an active role in challenging child labour, promoting ratification of the relevant international instruments and adopting appropriate domestic laws, monitoring their enforcement and ensuring political debate and raising public awareness. But the dimension of violence *within* child labour is largely invisible, making it a priority issue for parliamentarians' attention.

Types of violence in the workplace

- **Physical, psychological and sexual violence:** Much of the physical, psychological and sexual violence against children in the workplace is inflicted by 'employers', although perpetrators may also include co-workers, clients, foremen, customers, police, criminal gangs and, in the case of sexual exploitation, pimps. Physical violence includes beatings, kicking, slapping, whipping, scalding and in extreme cases even murder. Psychological violence is committed with shouting, scolding, insults, threats, obscene language, bullying, mobbing, isolation and marginalization. Sexual violence includes sexual harassment, fondling and rape.

- **Child commercial sexual exploitation:** It is estimated that at least 1.8 million children are sexually exploited in prostitution and pornography, many of whom are coerced, kidnapped and sold into these activities. In addition to the sexual violence which is intrinsic to child prostitution, girls and boys in prostitution frequently suffer physical and psychological violence, as well as neglect. They are often unable to seek help or may be treated as criminals when they do.

- **Forced and bonded labour:** Bonded labour of children is practiced in many parts of the world. Children in forced and bonded labour are rarely able to protect themselves from employers and other workers, and children's testimonies suggest that all forms of violence are endemic to forced and bonded labour.

Responding to violence in the workplace

The most obvious response to violence against children in the workplace is to remove them from it. But for many children, this is not an easy option. Programmes to remove children from violent workplaces have to ensure that the reasons they are there – economic, social and cultural – are simultaneously addressed. Programmes also need to engage with child workers and their families if they are to remove children permanently from an exploitative working life.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- Has the State ratified International Labour Organization (ILO) Convention No. 138 on minimum working ages and ILO Convention No. 182 on the worst forms of child labour?
- Has the State reported in a timely fashion under these Conventions?
- Is there awareness at different levels of government of the prevalence of child labour, including 'worst forms' of child labour, in the country?
- Is research being conducted to analyse violence against children who are working legally or illegally?
- Have organizations of working children been consulted on strategies for ending the worst forms of child labour/all child labour?
- What government support is provided to organizations run by and for child workers?
- What independent and confidential mechanisms exist to enable children who are working, legally or illegally, to report violence and to seek and receive appropriate assistance?
- Do legislation and policy ensure that children are not criminalized for their involvement in illegal, harmful and hazardous forms of child labour, including involvement in child trafficking, prostitution and pornography?

Within parliament:

- Initiate a debate on violence against children working legally and illegally by drawing on the recommendations of the UN Secretary-General's Study on Violence against Children.
- Initiate a parliamentary debate into implementation of ILO Conventions No. 138 and No. 182.
- Initiate a parliamentary debate or enquiry into the prevention of violence against children, including eliminating the worst forms of child labour, ensuring that working children and organizations of working children are called on as witnesses.
- Organize a round-table discussion or parliamentary committee enquiry into corporate social responsibility towards child labour, inviting representatives of industry, trade unions, NGOs, working children, academic institutions and relevant government departments.

In the constituency:

- Ask the local administration for information on children working, legally or illegally, in the area.
- Ask the local education administration about the impact of child labour on school attendance and what measures are taken to reduce this impact.
- Ask to meet local employment inspectors to discuss child labour.
- Seek to meet working children to discuss their experiences with violence in the workplace.
- Call a local meeting to discuss child labour and violence in the community, ensuring that working children are represented.

For recommendations of the UN Secretary-General's Study, see page 65.

VIOLENCE AGAINST CHILDREN IN THE COMMUNITY

> *"It is easy to get beaten if you are a street boy. People can rape you. Men can beat a boy and rape him. There is nothing you can do but run away if you are lucky."*
>
> – Boy, 12, living in the street, Eastern and Southern Africa[14]

Communities are more than just physical spaces; they are social environments. When communities are subjected to stresses such as rapid urbanization, political instability and environmental insecurity, the protection available to children can be dramatically decreased.

For children, the risk of encountering violence is much greater in some communities than in others. Violence can assume frightening proportions in poor, urban settings where weapons are in wide circulation and in settings where conflict or unrest is ongoing, among others. Alarming levels of violence also occur in comparatively rich and stable societies that are characterized by clear inequalities.

Children's vulnerability to violence in the community increases as they get older. For some children, the journey to and from school may be their first independent exposure to the community; it may also be their first exposure to its risks. Children may be exposed to violence when carrying out domestic

tasks, such as fetching water, fuel, food or fodder for animals. These tasks, which may involve walking considerable distances, are usually assigned to girls in rural areas of the developing world.

Violence against children in the community also takes the form of a growing exposure to violent and pornographic images through globalized media and new information and communications technology.

Types of violence in the community

- **Violence from authority figures:** Police brutality towards children, often exercised with impunity, is reported from countries with high overall levels of violence and is usually targeted at children living or working on the streets. Without independent monitoring systems, children have nobody to whom they can report police violence other than police. Children are also sometimes subjected to violence by people who are responsible for supervising them, such as sports coaches, religious authorities and youth club workers.

- **Gang violence:** Organized crime and gang violence in the community has led some governments to adopt strong repressive measures against young gang members. But increased punitive measures such as large-scale detention of supposed gang members, often associated with arbitrary, inefficient and violent law enforcement, further contribute to the stigmatization of poor youth and to rising violence.

- **Peer violence:** Physical violence between peers tends to be more common in urban areas characterized by lack of employment, education and social amenities and low standards of housing, where youthful and rapidly growing populations express frustration, anger and pent-up tension in fights and anti-social behaviour. Much of the violence involves personal disputes between friends and acquaintances and is strongly associated with the use of drugs and alcohol. Where guns and other weapons are available, fights often lead to severe injuries and death. Gender differences in adolescent homicide rates suggest that male socialization and norms of masculinity contribute to violence.

- **Violence in refugee and displaced communities:** Millions of child refugees, returnees and internally displaced children around the world are at particular risk of physical and sexual violence. The Office of the

United Nations High Commissioner for Refugees found that a high proportion of the crimes and disputes in camps fell into the category of sexual and gender-based violence, including within families. Little formal protection or redress is available.

- **Sexual violence:** Sexual violence against children is most commonly perpetrated by someone known to the child, but assaults by strangers in the community happen as well. Sexual violence may be accompanied by abduction or trafficking. In some regions, there are particular attacks on young homosexuals, bisexuals and transgendered individuals.

- **Trafficking:** A complex phenomenon, trafficking is related to poverty, labour migration flows, demand for cheap labour and perceptions or misinformation about a better life elsewhere. Most victims are trafficked into violent situations: prostitution, forced marriage and domestic or agricultural work in conditions of slavery, servitude or debt bondage. The International Labour Organization (ILO) estimates that 1.2 million children are trafficked every year.

- **Cyber-space and cyber-threats:** Access to information is every child's right, but when children's access to the media, particularly electronic media, is not appropriately controlled by parents or other caregivers, children may be exposed to violent and pornographic material. The Internet in particular appears to have increased dissemination of child pornography. Online solicitation or 'grooming' of children has been reported and is difficult to curtail, both within a jurisdiction and across international borders.

- **Sexual exploitation:** Accessible and affordable tourism has increased 'sex tourism', which often involves the victimization of children. In recent years, the Internet has been used increasingly for adults to make contact with children. Some major international companies are now committing themselves to the Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism.

Parliamentarians act to end commercial sexual exploitation of children in Brazil

Collaboration between Brazil's Parliamentary Group for Children and civil society was the starting point in 2003 for a national enquiry by parliamentary commission on the commercial sexual exploitation of children. During the course of the investigation, the Commission received over 800 complaints, visited 22 of the 27 Brazilian states, heard from 280 people and analysed nearly 1,000 documents. The investigation's final report called for the indictment of over 200 people, made public policy recommendations and proposed five new bills to reform national legislation. A follow-up commission was established in Congress to monitor implementation of the recommendations through annual progress reports. To date, three of the five bills have been approved by the Senate and await consideration by the House of Representatives; the other two have started their way through the House and will then move on to the Senate. Meanwhile, the parliamentary group has taken part in national campaigns to raise public awareness of commercial sexual exploitation and violence against children.

Responding to violence in the community

Types of violence in the community are many, and so are the ways in which communities can respond. Integrated long-term prevention efforts linking various approaches, including legal, social, educational and economic strategies, have been most effective in reducing risk factors and strengthening protection at individual, family, community and societal levels. Top-down prevention approaches, which influence society-wide risk and protective factors, should be balanced against bottom-up approaches that highlight local needs and allocate prevention responsibility to communities.

At the family level, early child development programmes targeted at young children and their parents have proven to be among the most effective means for preventing violence by adolescents and among them. At the community level, interventions supporting high-risk children's education and socialization have great potential to prevent violence. These include programmes to reduce truancy, return dropouts to school and provide non-formal learning opportunities, such as mentoring activities, programmes for street children, sport and youth activities, and education based in life skills. Police reform

and training, promotion of norms and values for peaceful conflict resolution, accountability and access to justice, community organization against trafficking, provision of safe physical environments, and services for victims of violence are indispensable.

Societal-level interventions can have a significant bearing on whether interpersonal violence is prevented or reduced. The most important approaches include promoting economic opportunity and equality, reducing access to alcohol and illegal drugs, reducing access to and demand for weapons, and reducing exposure to violence in the media.

Children should be part of all efforts to prevent and eliminate violence, and the collection of data by the health and justice system should be reinforced.

SUGGESTIONS FOR PARLIAMENTARY ACTION

Ask government the following questions:

- What research exists on violence against children in the community, including both rural and urban areas?
- What information is available on rates of homicides and serious injuries caused by violence to children, disaggregated by gender, age, ethnicity, disability and other characteristics?
- Is there a statutory system for the formal investigation of all child deaths?
- Which government departments, both local and central, are involved in action to prevent and respond to violence against children in the community, and how are their actions coordinated?
- Do children, including those living or working in the street, have procedures to complain of any form of violence, including by the police?
- Is there evidence of sex tourism, either by nationals in other countries or by foreigners in the country? Is legislation adequate to prosecute them?
- Is there any evidence of child trafficking from/to the country, and if so, what measures have been taken to end it and ensure adequate protection for child victims?

Within parliament:

- Initiate a debate on violence against children in the community and consider using the framework provided by the recommendations of the UN Secretary-General's Study on Violence against Children.
- Initiate a debate or parliamentary committee enquiry into youth and gang violence and effective prevention and responses, seeking evidence from young people.
- Initiate a debate or parliamentary committee enquiry into the influence of the media, including the Internet, on children's experience of violence and its prevention.
- Hold a round-table discussion in parliament with relevant ministers and officials, academic institutions and independent child protection institutions to hear children and young people's ideas for reducing and eliminating violence against children in the community.
- Encourage relevant ministers to commission research and interviews with representative groups of young people on their experiences of violence and report the results to parliament.

In the constituency:

- Find out which departments of local government are working to reduce community violence, including violence against children. Ask representatives of these departments to meet to discuss violence against children in the community and work together to eliminate it.
- Enquire into policies of local police towards violence against children in the community.

For recommendations of the UN Secretary-General's Study, see page 65.

UN SECRETARY-GENERAL'S RECOMMENDATIONS

PROHIBITING, PREVENTING AND RESPONDING TO VIOLENCE IN THE HOME AND FAMILY:

For full recommendations, see Report of the UN Secretary-General's Study, para. 110, and World Report*, pages 93–96.*

- **Prioritize prevention:** Comprehensive systems to prevent violence and protect children in their homes and families should be implemented at scale, in ways that respect children and their families. Response systems should be coordinated to focus on prevention and early intervention and linked to integrated services that extend across sectors – legal, education, justice, social, health, employment and other necessary services.

- **Respect children's views:** The views of children on the development of effective prevention and response services should be honoured. A child's right to free speech should be written into the law and promoted through guidance and training.

- **Assess impact of policies on violence against children:** Governments should conduct social impact assessments to evaluate the effect of policies on violence against children. Results should help direct the development of economic and social safety nets, family support centres with childcare facilities, preschool enrichment programmes and respite programmes for families facing particularly difficult circumstances.

- **Implement advocacy programmes on violence prevention:** At both society and community level, governments should develop strategies to raise awareness of children's rights, including gender equality and non-discrimination. These programmes should target people working with and for children as well as parents and the general public. Governments should initiate and support programmes that promote communication with children and positive involvement of men and boys in family life.

- **Prohibit all violence in the family:** Governments should implement an explicit framework of law and policy that prohibits all forms of violence against children within the family, including harmful traditional practices, corporal punishment and sexual violence. Law reform, advocacy and awareness-raising should promote positive, non-violent relationships with children.

- **Ensure that justice systems involved in child protection are child-sensitive:** Governments should ensure that child victims of family violence are not re-victimized during the child protection process. Investigations, law enforcement, prosecution and judicial processes should take the special needs of children into account.

- **Develop coordinated parenting support:** Governments should develop or enhance programmes to support parents and other caregivers in child-rearing. Investments in health care, education and social welfare services should aim to build on the strengths of family and community to promote healthy child development and early detection and support of families facing problems.

- **Develop culturally appropriate and gender-sensitive parent education programmes**: Governments should support parents in providing a violence-free home. Components of this education should foster increased understanding of the physical, psychological, sexual and cognitive development of infants, children and young people; expand child-rearing and parenting skills, emphasizing respect for children's views and evolving capacities; promote non-violent relationships and non-violent, non-humiliating forms of discipline, problem-solving skills and management of family conflict; and cultivate male involvement in family life and in violence prevention.

- **Develop targeted programmes for families facing especially difficult circumstances and to protect especially vulnerable children:** Governments should assist child-headed families and children facing discrimination. Governments should focus on children who may be especially vulnerable to violence, including children with disabilities, refugee and other displaced children,

children from minority groups and children affected by HIV/AIDS. Special attention should also be given to the differing risks faced by girls and boys.

- **Build registration systems:** Governments should ensure universal, accessible and free civil registration of births, marriages and deaths, removing any penalties for late registration.

- **Develop a national research agenda on family violence against children:** Governments and their partners need to strengthen information systems that report violence against children. This can be done through population-based interviews with children, parents and other caregivers. Injury surveillance in health services and systematic recording of all stages of child protection systems provide valuable information (but do not, of course, indicate the true extent of violence experienced by children). Rigorous investigation of all child deaths and serious injuries can also inform prevention.

PROHIBITING, PREVENTING AND RESPONDING TO VIOLENCE IN SCHOOLS AND OTHER EDUCATIONAL SETTINGS:

For full recommendations, see Report of the UN Secretary-General's Study, para. 111, and World Report, *pages 153–156.*

- **Prioritize prevention:** Governments should ensure universal access to violence-free, rights-based schools that offer safe and healthy, gender-sensitive, inclusive and effective learning environments for girls and boys. Promoting non-violence in and beyond the school should be a clear goal, with policies and well-publicized procedures for enforcement. Violence prevention programmes should be implemented by governments for all staff and students. Specific strategies should ensure that the special needs of vulnerable students are addressed.

- **Prohibit all violence in schools:** Governments should prohibit corporal punishment and other cruel or degrading forms of punishment, bullying and other sexual and gender-based violence.

- **Prioritize attention to gender issues and their links to violence:** Male students, staff and community members should acknowledge the pervasive influence of entrenched gender stereotypes on violence; men and boys should be actively engaged as strategic partners and allies.

- **Provide safe physical spaces:** Safe physical spaces should be provided for both girls and boys such that equal access is available to all facilities. For example, there should be adequate toilet facilities.

- **Build capacity:** Codes of conduct reflecting children's rights should be established and promoted widely for all staff, students, their families and communities. Schools should train trusted adults to whom students can safely and confidentially report incidents of violence and from whom they can receive advice. Administrators and teachers should be trained in non-violent and respectful classroom management strategies and specific skills to prevent bullying and gender-based violence.

- **Support the involvement of students:** Governments should actively promote student involvement in the design, development, implementation and monitoring of policies and programmes by soliciting confidential complaints or implementing reporting mechanisms.

- **Strengthen knowledge and skills for non-violence:** Administrators should design the school curriculum to highlight non-violence and gender equality. Rights-based skills for non-violence should be promoted in the curriculum through subjects such as peace education, citizenship education, anti-bullying, human rights education and conflict resolution and mediation. Governments and school administrators should build close school-community links involving students, staff, parents and police, health and social services, faith-based groups, community recreation groups and cultural groups.

- **Build information systems:** Governments should collect data on all forms of violence experienced by girls and boys. These

data should include views from students, parents, teachers and the wider community, with a special focus on the experiences of vulnerable children. Governments should ensure that this information is disaggregated at least by age and sex and incorporated into existing education management systems at local, district and national levels. A national research agenda on violence in and around schools should be developed, including qualitative and quantitative research.

PROHIBITING, PREVENTING AND RESPONDING TO VIOLENCE IN CARE AND JUSTICE SYSTEMS:

For full recommendations, see Report of the UN Secretary-General's Study, para. 112, and World Report, *pages 216–219.*

- **Prohibit all forms of violence in care and justice systems:** All violent sentencing and all corporal and other cruel or degrading forms of punishment should be eliminated in care and justice systems.

- **Reduce numbers entering justice systems and detention:** Governments should reduce the numbers of children entering the justice system by decriminalizing 'status offences', which are offences that are considered crimes only when committed by children, such as truancy and running away from home; survival behaviours, such as begging, selling sex, scavenging, loitering or vagrancy; and victimization through trafficking or criminal exploitation.

- **Establish comprehensive, child-centred, restorative juvenile justice systems:** Governments should develop juvenile justice systems that have rehabilitation and social reintegration as their paramount aims. Detention should be reserved for child offenders who pose real danger to others.

- **Establish effective and independent complaints, investigation and enforcement mechanisms**: Children should have simple, safe and accessible mechanisms, including access to courts when necessary, to deal with cases of violence in care and

justice systems. All allegations of violence should be investigated thoroughly and promptly, and whistle-blowers should be protected from reprisals.

- **Apply effective sanctions against perpetrators:** Governments should adopt and apply appropriate criminal, civil, administrative and professional proceedings and sanctions against those who perpetrate violence against children in institutions and those responsible for institutions where violence takes place.

- **Ensure institutionalization is a last resort:** Governments should prioritize alternatives to institutionalization by supporting family preservation and community-based alternatives. Family-based care options should be favoured in all cases; they should be the only option for infants and very young children.

- **Ensure effective monitoring and access:** Governments should ensure that all institutions are inspected regularly by appropriately empowered independent bodies (parliamentarians, NGOs and human rights institutions) and that these groups have authority to enter without warning, interview children and staff in private and investigate any alleged violence.

- **Registration and collection of data:** The government should register and report all institutional placements and movements between placements. Disaggregated data should be systematically collected and published. All incidents of violence should be recorded and reported. Confidential 'exit' interviews should be offered to all children leaving institutions, during which they can disclose any concerns not previously reported.

- **Ensure quality staffing, training – including in children's rights – and supervision:** Governments should ensure, through staff recruitment, training and employment policies and rights-based codes, that all those who work with children in care and justice systems are qualified and fit for the work.

- **Regularly reassess placements**: The state should allow children regular review of placement in care or detention and the reasons for institutionalization.

PROHIBITING, PREVENTING AND RESPONDING TO VIOLENCE IN WORKPLACE SETTINGS:

For full recommendations, see Report of the UN Secretary-General's Study, para. 113, and World Report, *pages 268–271.*

- **Zero tolerance of violence against children in places of work:** Governments should bring perpetrators to account for all acts of violence against children, whether they are working legally or illegally. Children who are working illegally need to be helped to leave work and enter education or training. Priority should be given to the youngest and most vulnerable and to children working in informal sectors such as agriculture, fishing and domestic service. Where children are working legally, prevention of violence should be explicitly built into regulations inspections, with access for young workers to reporting systems, complaint procedures and the courts.

- **All violence against working children should be condemned and prohibited:** Governments should ratify the relevant international instruments and harmonize national law with them. Legislation should specify enforcement mechanisms and impose penalties that act as an incentive to eliminate the 'worst forms' of child labour. Employers of under-age children and perpetrators of physical, sexual and psychological violence against children should not be granted impunity.

- **Enforcement and judicial procedures should be child-friendly:** Children should not suffer further violence, trauma or discrimination. The best interests of the child should be the primary concern of judicial procedures concerning child workers.

- **Develop national action plans to address child labour:** The government should develop national action plans to combat child labour. These plans should be integrated into national development plans and policies.

- **Develop reporting systems:** Working children should have a means of reporting acts of violence to people whom they trust and who can help them leave the workplace and/or obtain redress.

- **Ensure access to services:** Governments should uphold working children's rights to education, health and social services. Working children should be encouraged and enabled to leave work and attend school or vocational training by transitional education programmes and other initiatives. Life skills should be part of their non-formal education.

- **Mainstream children's participation:** Working children's views, energies, creative skills and effectiveness in advocacy should be deployed in ways which enable policies and programmes for ending child labour to be effective and sustainable.

- **Increase awareness of the damaging effects of child labour:** The government should cultivate public awareness of children's right to be protected from all forms of violence.

- **Engage private sector and civil society:** Employers should practice 'corporate social responsibility' to tackle workplace violence against children. In particular, the tourism industry and media should be encouraged to campaign against sexual exploitation and trafficking.

- **Collect data and monitor the impact of interventions:** Governments should use all possible means, including studies and surveys, to collect data and monitor the impact of interventions. Vulnerable children should be targeted for research, including those in home-based, street-based and illicit work. Interventions should be evaluated, and good practices and lessons learned should be widely disseminated.

PROHIBITING, PREVENTING AND RESPONDING TO VIOLENCE IN THE COMMUNITY:

For full recommendations, see Report of the UN Secretary-General's Study, para. 114, and World Report*, pages 335–338.*

- **Prioritize prevention:** Governments should support efforts to strengthen knowledge and skills within families of child

development, non-violent discipline and behaviour management and to improve social safety nets. Programmes that encourage at-risk children to stay in or return to school or participate in non-formal education programmes need to be supported. Local government and civil society initiatives that provide safe recreational and citizenship activities for boys and girls need to be supported too.

- **Attend to immediate environmental risk factors in the community:** Governments need to ensure reduction in both the supply and demand for weapons and alcohol. Urban designs should take into account violence prevention and include safe public places and routes between communities for children. Law enforcement officers should be properly trained to work with children, and the impunity of police who are violent to children should be ended.

- **Increase efforts to prevent trafficking:** Governments should increase efforts to prevent child trafficking and punish adults who engage in it while avoiding the criminalization of children involved. Governments should develop a legal framework consistent with relevant international instruments and standards and fully implement domestic laws against trafficking. They should strengthen efforts to protect all children from trafficking and sexual exploitation, including through bilateral, sub-regional, regional and international cooperation. Strategies should range from primary prevention (namely, changing the conditions that make children vulnerable to trafficking) to law enforcement targeting traffickers.

- **Provide services for victims:** Improved pre-hospital care and emergency services can significantly reduce deaths and improve outcomes for victims of violence. Similarly, early access to quality support services can mitigate the impact of violence and lessen longer-term consequences. There should be effective reporting services to enable victimized children to reach trained professionals. These can include child helplines and formal mechanisms such as community advocates for children.

- **Invest in social, housing and educational programmes to strengthen families and communities and reduce violence:** Violence prevention needs to be explicit in urban rehabilitation and rural development programmes and integrated as a key element into poverty reduction programmes. Governments should support sustained campaigns to promote pro-social, non-violent norms. Governments should work with the media to devise global standards for child protection, including protective hardware and software solutions. Government also should pursue law enforcement approaches, including criminalizing those who make, distribute, possess or profit from child pornography.

- **Build information systems:** The universal registration of births, marriages and deaths is critical and should be advocated widely, facilitated and implemented in cooperation with local government, hospitals, professional and traditional birth attendants, police, religious and community leaders and other partners. A national research agenda on preventing and reducing community violence against children should be established.

RESOURCES

Following are sources related to the **UN Secretary-General's Study on Violence against Children**:

- *Report of the Independent Expert for the United Nations Study on Violence against Children,* UN General Assembly, 61st Session, 19 August 2006 (A/61/299). This is the short, 34-page formal report transmitted to the General Assembly by the UN Secretary-General in October 2006. Available on the web in six official UN languages at <www.violencestudy.org>.

- Paulo Sérgio Pinheiro, *World Report on Violence against Children*, published by the UN Secretary-General's Study on Violence against Children, Geneva, 2006. This is the full 364-page report that complements the Study. It includes an introductory chapter, commentary on relevant international human rights law and standards, and five chapters covering violence against children in the home and family, in schools, care and justice systems, the workplace and the community. Available on the web at <www.violencestudy.org>.

- *United Nations Secretary-General's Study on Violence against Children, Adapted for Children and Young People* and *Our Right to Be Protected from Violence: Activities for learning and taking action for children and young people*. A child-friendly version of the Study and educational materials are available on the web at <http://www.violencestudy.org/r49>.

- Summary reports of the nine regional consultations held in connection with the Study and other documents are available on the web at: <http://www.violencestudy.org/r57>.

- Responses from 137 member and observer states to the questionnaire on violence against children, circulated by the Independent Expert in connection with the Study in 2004, are available on the web at <www.ohchr.org/english/bodies/crc/study.htm>.

- The Children's Rights Information Network (CRIN) acts as a 'gateway' for civil society to the Study and its follow-up, with related materials available on the web at <www.crin.org/violence/index.asp>.

Committee on the Rights of the Child documents, including General Comments, reports of general discussions on violence against children, individual state reports and concluding observations, are available on the web at <www.ohchr.org/english/bodies/crc/index.htm>.

Inter-Parliamentary Union publications, including handbooks for parliamentarians on child protection (IPU/UNICEF, 2004), child trafficking (IPU/UNICEF, 2005), the worst forms of child labour (IPU/ILO, 2002), the Convention on the Elimination of All Forms of Discrimination against Women (IPU/UNDAW, 2003) and Parliamentary Practice (IPU/UNESCO, 2004) are available on the web at <www.ipu.org/english/handbks.htm>.

UNICEF publications:

Implementation Handbook for the Convention on the Rights of the Child, rev. ed., UNICEF, Geneva, 2007.

What Parliamentarians can do about HIV/AIDS, UNICEF, New York, 2003. Available on the web at <www.unicef.org/publications/index_19021.html>.

Publications of the World Health Organization:

World Report on Violence and Health, WHO, Geneva, 2002. Available on the web at <http://www.who.int/violence_injury_prevention/violence/world_report/en/>.

Publications of the Office of the High Commissioner for Human Rights:

Available on the web at <www.ohchr.org/english/about/publications/>.

The **UNICEF Innocenti Research Centre** offers a number of publications covering issues of violence against children, available on the web at <http://www.unicef-icdc.org>.

Innocenti Report Card Series:

A League Table of Child Deaths by Injury in Rich Nations (No. 2), 2001

A League Table of Child Maltreatment Deaths in Rich Nations (No. 5), 2003

Child Poverty in Rich Countries 2005 (No. 6), 2005 (available in English, French, Italian and Spanish).

Innocenti Digest Series:

Children and Violence (No. 2), 1997 (available in English and Spanish).

Domestic Violence against Women and Girls (No. 6), 2000 (available in English, French, Italian and Spanish).

Early Marriage (No. 7), 2001 (available in English, French, Italian and Spanish).

Birth Registration, Right from the Start (No. 9), 2002 (available in English, French and Spanish).

Ensuring the Rights of Indigenous Children (No. 11), 2004 (available in English, French and Spanish).

Changing a Harmful Social Convention: Female Genital Mutilation/ Cutting (No. 12), 2005 (available in Arabic, English, French, Italian and Spanish).

Other Innocenti publications:

Council of Europe Actions to Promote Children's Rights to Protection from all Forms of Violence, UNICEF Innocenti Research Centre and the Council of Europe, Florence, 2005.

UN Human Rights Standards and Mechanisms to Combat Violence against Children: A contribution to the UN Secretary-General's Study on Violence against Children, UNICEF Innocenti Research Centre, Florence, 2005.

Violence against Children in Europe: A Preliminary Review of Research, UNICEF Innocenti Research Centre, Florence, 2005.

Study on the Impact of the Implementation of the Convention on the Rights of the Child, UNICEF Innocenti Research Centre, Florence, 2004.

The General Measures of the Convention on the Rights of the Child: The Process in Europe and Central Asia, UNICEF Innocenti Research Centre, Florence, 2006.

General Comments of the Committee on the Rights of the Child, UNICEF Innocenti Research Centre, Florence, 2006.

Annex A

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS RELEVANT TO PROTECTION OF CHILDREN FROM ALL FORMS OF VIOLENCE

Convention on the Rights of the Child, 1989
- Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 2000
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000

International Convention on the Elimination of All Forms of Racial Discrimination, 1965

International Covenant on Civil and Political Rights, 1966
- Optional Protocol to the International Covenant on Civil and Political Rights, 1966
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989
- International Covenant on Economic, Social and Cultural Rights, 1966

Convention on the Elimination of All Forms of Discrimination against Women, 1979
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999

Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 2002

Convention on the Rights of Persons with Disabilities, 2006 (opened for signature 30 March 2007)
- Optional Protocol to the International Convention on the Rights of Persons with Disabilities, 2006 (opened for signature 30 March 2007)

International Convention for the Protection of All Persons from Enforced Disappearance, 2005 (opened for signature, December 2006)

Convention relating to the Status of Refugees of 1951, as amended by the Protocol relating to the Status of Refugees of 1967

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000

Rome Statute of the International Criminal Court, 1998
Geneva Convention relative to the Protection of Civilian Persons in Time of War
Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977
Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977
Hague Convention on the Civil Aspects of International Child Abduction, 1980
Hague Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption, 1993
ILO Convention No. 29 on Forced Labour, 1930
ILO Convention No. 138 Concerning Minimum Age for Admission to Employment, 1973
ILO Convention No. 182 on Worst Forms of Child Labour, 1999

For details of international instruments and their ratification, see <www.ohchr.org>.
For details of ILO Conventions, see <www.ilo.org/public/english/standards/index.htm>.
For details of Hague Conventions, see <www.hcch.net/index_en.php>.

Annex B

INTERNATIONAL CRIMINAL, HUMANITARIAN, REFUGEE AND LABOUR LAW

While the core human rights instruments, including the Convention on the Rights of the Child, provide protection at all times to children, there are other treaties which provide key legal protection to children affected by internal and international conflict: the Rome Statute of the International Criminal Court, the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. Similarly, the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol cover children who meet the definition of refugees.

Trafficking, including trafficking of children, was addressed originally in the 1948 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In 2000, the UN General Assembly adopted the United Nations Convention against Transnational Organized Crime and two of its supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and

the Protocol against the Smuggling of Migrants by Land, Sea and Air. The Trafficking Protocol, accepted by over 100 States from all regions, includes the first international legal definition of trafficking and other key provisions.

Two Hague Conventions are also relevant, the 1993 Convention on the Protection of Children and Co-operation in respect of Intercountry Adoption and the 1990 Convention on the Civil Aspects of International Child Abduction. For further information, see <www.hcch.net/index_en.php>.

Numerous conventions of relevance to children have been elaborated by the International Labour Organization, including in particular the Minimum Age Convention No. 138 (1973), and the Worst Forms of Child Labour Convention No. 182 (1999). For further information, see <www.ilo.org/public/english/standards/index.htm>.

Annex C

REGIONAL HUMAN RIGHTS INSTRUMENTS AND MECHANISMS

The international legal framework for the promotion and protection of human rights and the standards it provides in relation to protection from violence against children are reinforced by instruments adopted by regional bodies, including the Council of Europe, the Organization of American States and the African Union. Regional human rights mechanisms have been highly influential in upholding States' obligations to protect children from various forms of violence.

The human rights mechanisms of the 46 member-state Council of Europe have issued important judgments and decisions on violence against children. The European Court of Human Rights has found violations of the European Convention on Human Rights in judgments condemning corporal punishment of young offenders, both at school and at home. Other judgments have addressed sexual abuse, failures of child protection systems and juvenile justice. The European Committee of Social Rights, monitoring compliance with the European Social Charter and Revised Social Charter, has held that these instruments require legislation to prohibit all forms of violence against children. The Council has also elaborated instruments addressing trafficking in children and violence associated with new information technologies, and

a new instrument concerning sexual exploitation of children is being drafted (2007). For further information on all Council of Europe instruments and mechanisms, see <www.coe.int/DefaultEN.asp>.

Note that the following list is not exhaustive.

REGIONAL TREATIES RELEVANT TO VIOLENCE AGAINST CHILDREN

Organization of American States:
Inter-American Convention to Prevent and Punish Torture
Inter-American Convention on the Forced Disappearance of Persons
Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities
Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women

African Union:
African Charter on Human and Peoples' Rights
Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa
African Charter on the Rights and Welfare of the Child

South Asian Association for Regional Cooperation (SAARC):
Convention on Regional Arrangements for the Promotion of Child Welfare
Social Charter
Convention on Combating the Crime of Trafficking in Women and Children for Prostitution

League of Arab States:
Arab Charter on Human Rights (adopted 1994, revised 2005; not yet in force as of January 2007)

Council of Europe:
European Convention for the Protection of Human Rights and Fundamental Freedoms
European Social Charter and the Revised European Social Charter
Additional Protocol to the European Social Charter Providing for a System of Collective Complaints
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
Convention on Cyber-crime
Council of Europe Convention on Action against Trafficking in Human Beings

References

1 Cited in Pinheiro, Paulo Sérgio, *World Report on Violence against Children,* published by the United Nations Secretary-General's Study on Violence against Children, Geneva, 2006, p. 12.

2 Ibid., p. 5.

3 United Nations General Assembly, 61st Session, Report of the Independent Expert for the United Nations Study on Violence against Children, A/61/299, 29 August 2006; and Pinheiro, Paulo Sérgio, *World Report on Violence against Children,* op. cit.

4 United Nations General Assembly, 61st Session, Report of the Independent Expert for the United Nations Study on Violence against Children, op. cit., para. 116; and Pinheiro, Paulo Sérgio, *World Report on Violence against Children,* op. cit., p. 24.

5 Inter-Parliamentary Union and the United Nations Educational, Scientific and Cultural Organization, *A Guide to Parliamentary Practice: A Handbook,* IPU and UNESCO, Geneva and Paris, 2003, p. 8.

6 Principles relating to the status of national institutions, UN General Assembly resolution 48/134, 20 December 1993, annex.

7 For detailed guidance, see 'United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime', Economic and Social Council resolution 2005/20.

8 Cited in Pinheiro, Paulo Sérgio, *World Report on Violence against Children,* op. cit., p. 334.

9 Ibid., p. 88.

10 Ibid., p. 114.

11 For updated information, see <www.endcorporalpunishment.org>.

12 Cited in Pinheiro, Paulo Sérgio, *World Report on Violence against Children,* op. cit., p. 175.

13 Ibid., p. 251.

14 Ibid., p. 295.

The United Nations Children's Fund (UNICEF)

UNICEF, the United Nations Children's Fund, is a global champion for children, working to make a lasting difference in their lives.

UNICEF is guided by the Convention on the Rights of the Child, which sets out the range of basic human rights to which children are entitled, including the right to health and nutrition, education, protection from abuse and exploitation, relief in emergencies, and water and sanitation.

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"Children are tired of being told they are the future. They want to see us fulfil our promises in the present, and enjoy their right to be protected from violence today."

Paulo Sérgio Pinheiro,
Independent Expert for
the United Nations Secretary-General's Study on
Violence against Children.