

# TOWARD A WORLD FREE FROM VIOLENCE

**GLOBAL SURVEY ON VIOLENCE AGAINST CHILDREN**



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Md. Sohel Mahmood, 12, plays with his pigeons in Mach Ghat, Bangladesh, on 30 July 2013. He studies in grade four and loves pigeons. He was arrested for stealing pigeons. With support from UNICEF he was released from jail. After counseling and months of education, he has managed to make a better life for himself.

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# Foreword

Freedom from fear and violence, and respect for the dignity and inalienable rights of all members of the human family, lie at the heart of the United Nations agenda. These values are the very foundation of cohesive and prosperous societies.

Our efforts to end violence, whether state-sponsored or embedded in deep-rooted conventions or harmful practices, must start with the protection of our youngest citizens. Every child has the right to freedom from all forms of violence. This is not just common sense and basic morality; it is also an international legal obligation, as defined in the Convention on the Rights of the Child, the world's most widely ratified human rights treaty.

Without the threat of violence, girls and boys are free to develop their talents and skills to their full potential and shape their future. The potential for positive change is enormous, but for now, violence remains a pervasive phenomenon that blights the life of millions of children, haunts entire communities and stifles the prospects for sustainable development and social progress.

As underlined in this Report, violence against girls and boys cuts across boundaries of age, race, culture, wealth and geography. It takes place in the home, on the streets, in schools, in the workplace, in detention centres and in institutions for the care of children. For countless girls and boys the world over, childhood is described by one word: fear.

Violence manifests itself in many forms: neglect, physical and emotional violence, sexual abuse, rape, trafficking, torture, inhuman and degrading treatment or punishment, forced and child marriage, acid attacks, killings in the name of honour, forced begging, bonded

labour and so many others. Such violence also has serious and long-lasting consequences. It compromises child development and increases the risk of poor health, poor school performance and long-term welfare dependency. It is often associated with poverty and deprivation, and acts as a brake on the potential of individuals and nations.

Yet as this Report makes clear, violence against children is not inevitable. Around the world, commitments are being made at the highest level to protect children from violence. More governments are pledging to honour international treaties, introducing robust legal provisions and rallying support through public campaigns to overcome social norms and attitudes condoning violence against children. Children and young people are actively joining these efforts, including through advocacy and peer education.

This comprehensive and ambitious Survey not only conveys the extent of the challenges ahead, but also provides important examples of initiatives that successfully shield children from violence and address the attitudes that allow it to flourish. It is being issued as Member States deepen their efforts to define a post-2015 development agenda and ensure an appropriate institutional response. The Report's findings and recommendations point the way towards a future in which children are able to grow up well-nourished, in good health, well-educated, resilient and free from violence. We owe a childhood without fear to each and every one of our children.

**Ban Ki-moon**

Secretary-General, United Nations

# Preface

As discussions on the post-2015 global development agenda intensify and the 25<sup>th</sup> anniversary of the Convention on the Rights of the Child draws closer, this Global Survey on Violence against Children provides a strategic insight into how far we have come toward ensuring children's protection from violence and, crucially, what still needs to be done to give every girl and boy the opportunity of enjoying a childhood free from violence.

This Global Survey is the first comprehensive attempt to assess progress in preventing and eliminating violence against children since the groundbreaking 2006 UN Study on Violence against Children. Preparations for the Global Survey began in 2011, five years after the submission of the Study to the General Assembly.

An undertaking such as the Global Survey is only possible thanks to the support and engagement of a wide range of committed partners, including Governments, UN Agencies, regional organizations and institutions, and civil society organizations. Children and young people have been particularly important partners, and it has been my pleasure to work along side them and learn from their insights and vision. Their views and recommendations have been captured through a child-friendly version of the survey developed in close collaboration with civil society partners.

As a result of the Global Survey, informed by reports received from over 100 Governments, we are today in a better position to make an informed, objective appraisal of the progress we have made toward ending all forms of violence against children, as well as the considerable challenges we still face.

The Global Survey reveals that children's protection from violence is gaining increasing recognition on international, regional and national agendas. Our understanding of how and why children are exposed to violence has deepened, and strategic actions are underway in a number of countries to translate this knowledge into effective protection. Significant normative, policy and institutional developments have advanced national implementation of child protection measures, and there has been a revitalization of networks to support advocacy, together with the development of strategic partnerships. This, in turn, has helped to address attitudes and deeply rooted social norms condoning violence against children and has encouraged the mobilization of social support for this cause.

At the same time, however, progress has been too slow, too uneven and too fragmented to make a genuine breakthrough in the protection of children from violence. Countless girls and



boys of all ages continue to be exposed to the cumulative impact of different forms of violence as a result of reactive, ill-coordinated and ill-resourced national strategies; dispersed and poorly enforced legislation; low levels of investment in family support and gender- and child- sensitive approaches; and insufficient data and research.

There is no time for complacency: the situation is dramatic in its scale and extent, but there are signs of change. The energy and vision of the children who have engaged in the Survey process, together with the commitment of all those who make children's protection from violence a priority, offer grounds for optimism. We must consolidate the gains that have been made, grasp the lessons we have learned, and redouble our efforts to shape a dynamic, forward-looking strategy to ensure children's right to freedom from violence everywhere and at all times.

Preventing and ending violence against children requires a global effort on an unprecedented scale – an effort that includes political leaders as well as ordinary citizens, and children as well as adults. The cost of inaction – for every child, and for nations' social progress – is simply too great to be tolerated.

As the international community considers the global development agenda beyond 2015, the protection of children from violence, including the most vulnerable and marginalized girls and boys, must be made a priority and recognized as a cross-cutting concern.

There is no doubt as to the pressing importance of this task. As underlined in the report to the Secretary-General of the United Nations System Task Force on the Post-2015 United Nations Development Agenda, “ the prevention and reduction of all forms of violence and abuse – and protection against their specific manifestations [...] – should be at the heart of any agenda which fully recognizes the centrality of human security, both as a human rights imperative and as integral to development.”

It is my hope that the findings of the Global Survey will constitute a key reference for these efforts.

**Marta Santos Pais**

Special Representative of the Secretary-General  
on Violence against Children

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## Acronyms

|                |   |
|----------------|---|
| <b>ACPF</b>    | African Child Policy Forum  |
| <b>ACWC</b>    | ASEAN Commission on the Promotion and Protection of the Rights of Women and Children      |
| <b>AECID</b>   | Spanish Agency for International Development Cooperation                                  |
| <b>ASEAN</b>   | Association of Southeast Asian Nations  |
| <b>CARICOM</b> | Caribbean Community   |
| <b>CBO</b>     | Community-based organization  |
| <b>CEE/CIS</b> | Central and East Europe and the Commonwealth of Independent States                        |
| <b>CFCI</b>    | Child Friendly Cities Initiative  |
| <b>CHI</b>     | Child Helpline International  |
| <b>CISOCA</b>  | Centre for the Investigation of Sexual Offences and Child Abuse                           |
| <b>CPMERG</b>  | Child Protection Monitoring and Evaluation Group  |
| <b>CPU</b>     | Child Protection Unit   |
| <b>CRC</b>     | Convention on the Rights of the Child   |
| <b>DHS</b>     | Demographic and Health Survey   |
| <b>ECOSOC</b>  | Economic and Social Council   |
| <b>ECPAT</b>   | End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes |
| <b>EPOCH</b>   | Global Initiative to End All Corporal Punishment of Children                              |
| <b>EU</b>      | European Union  |
| <b>FAO</b>     | Food and Agriculture Organization   |
| <b>FEDASIL</b> | Federal Agency for Asylum Seekers   |
| <b>FGM/C</b>   | Female genital mutilation/cutting   |
| <b>FTR</b>     | Family tracing and reunification  |
| <b>GDP</b>     | Gross domestic product  |
| <b>HRC</b>     | Human Rights Council  |
| <b>HTP</b>     | Harmful traditional practices   |
| <b>ICT</b>     | Information and Communication Technologies  |
| <b>IDP</b>     | Internally displaced person   |
| <b>IJJO</b>    | International Juvenile Justice Observatory  |
| <b>ILO</b>     | International Labour Organization   |
| <b>IOM</b>     | International Organization for Migration  |
| <b>IPEC</b>    | International Programme on the Elimination of Child Labour                                |
| <b>IPU</b>     | Inter-Parliamentary Union   |
| <b>IRC</b>     | UNICEF Innocenti Research Centre  |
| <b>ITU</b>     | International Telecommunications Union  |

|                 |  |
|-----------------|--|
| <b>MDG</b>      | Millennium Development Goals   |
| <b>MENA</b>     | Middle East and North Africa   |
| <b>MERCOSUR</b> | Mercado Común del Sur/Southern Common Market   |
| <b>MICS</b>     | Multiple Indicators Cluster Survey   |
| <b>MMI-LAC</b>  | Global Movement for Children in Latin America and the Caribbean                                |
| <b>MRGAD</b>    | Men's Responsibilities in Gender and Development   |
| <b>NCCAN</b>    | National Centre on Child Abuse and Neglect   |
| <b>NGO</b>      | Non-governmental organization  |
| <b>NHRI</b>     | National Human Rights Institutions   |
| <b>NPA</b>      | National plan of action  |
| <b>NRC</b>      | Norwegian Refugee Council  |
| <b>ODI</b>      | Overseas Development Institute   |
| <b>OHCHR</b>    | Office of the High Commissioner for Human Rights   |
| <b>PRI</b>      | Penal Reform International   |
| <b>REDLAMYC</b> | Latin American and Caribbean Network for the Defense of the Rights of Children and Adolescents |
| <b>REDNNYAS</b> | Regional Network of Children and Adolescents of Latin America                                  |
| <b>SAIEVAC</b>  | South Asia Initiative to End Violence against Children   |
| <b>SRSG</b>     | Special Representative of the Secretary-General (on Violence against Children)                 |
| <b>UN Gift</b>  | United Nations Global Initiative to Fight Human Trafficking                                    |
| <b>UN</b>       | United Nations   |
| <b>UNDP</b>     | United Nations Development Programme   |
| <b>UNEP</b>     | United Nations Environment Programme   |
| <b>UNFPA</b>    | United Nations Population Fund   |
| <b>UNGA</b>     | United Nations General Assembly  |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees  |
| <b>UNICEF</b>   | United Nations Children's Fund   |
| <b>UNIFEM</b>   | United Nations Development Fund for Women  |
| <b>UNODC</b>    | United Nations Office on Drugs and Crime   |
| <b>UNSG</b>     | United Nations Secretary-General   |
| <b>UPR</b>      | Universal Periodic Review  |
| <b>USA</b>      | United States of America   |
| <b>VAC</b>      | Violence against children  |
| <b>WHO</b>      | World Health Organization  |
| <b>YMCA</b>     | Young Men's Christian Association  |

# Executive Summary

Violence against children takes place in every setting, including those where children should be safest – in schools, in care institutions and at home. Like a contagion, violence spreads through communities and is transmitted to future generations. Across regions and countries, it threatens children’s survival and development, erodes family structures, jeopardizes education, generates social

insecurity and consumes precious national resources.

The Global Survey on Violence against Children, conducted under the auspices of the Special Representative of the Secretary General on Violence against Children, examines the measures in place around the world to ensure follow-up to the recommendations

Every year, and in every region of the world, millions of children suffer the cumulative impact of physical, mental and emotional violence, and millions more are at risk.





set out in the 2006 UN Study on Violence against Children, especially those recommendations intended to prevent violence against children, protect child victims and hold perpetrators to account.

The Survey reveals that there has been some progress on these issues since the 2006 study, but this progress has been too

slow, too uneven and too fragmented to bring violence to an end. Most girls and boys who are exposed to violence still live in isolation, loneliness, and fear. Many children simply do not know where to turn for help, especially when the perpetrator is a family member, caregiver, teacher or anyone else responsible for their protection and well-being.



## The impact of violence on children

Violence has a devastating impact upon children, threatening both their survival and development. Its toll has been captured by the Committee on the Rights of the Child.<sup>1</sup>

- Fatal or non-fatal injury (possibly leading to disability).
- Health problems (including failure to thrive, and lung, heart and liver disease and sexually-transmitted infections in later life).
- Cognitive impairment (including impaired school and work performance)
- Psychological and emotional consequences (feelings of rejection, impaired attachment, trauma, fear, anxiety, insecurity and shattered self-esteem).
- Mental health problems (anxiety and depression, hallucinations, memory disturbances and suicide attempts).
- Risky behaviours (substance abuse and early initiation of sexual activity).
- Developmental and behavioural consequences, such as non-attendance at school, and antisocial and destructive behaviour, leading to poor relationships, school exclusion and conflict with the law.

## The impact of violence on national economies

Investing in violence prevention is a question of good governance and respect for human rights. It also makes economic sense, with studies confirming violence as a major drain on national economies.

- The annual cost of child maltreatment in the United States is an estimated US\$124 billion.<sup>2</sup> Gang violence in Los Angeles alone is thought to cost the US criminal justice system US\$1.145 billion each year.<sup>3</sup>
- The costs of child abuse in Australia in 2007 was estimated to be between Aus\$10 and Aus\$30 billion (between US\$8.3 and US\$24.8 billion at 2007 rates), while the cost of the lifelong aftermath of violence in that year alone would amount to between Aus\$13 and Aus\$38 billion (between US\$10.7 and US\$31.4 billion).<sup>4</sup>
- Youth violence in Brazil is estimated to cost nearly US\$19 billion every year.<sup>5</sup>

Just as violence costs, so prevention pays. According to the European Union (EU), every euro invested in preventing violence produces a social return of €87.<sup>6</sup> In a time of austerity, investing in violence prevention is a question of good economics.

Freedom from violence is a fundamental human right, enshrined in the Convention on the Rights of the Child (CRC). The CRC is clear and unambiguous: any form of violence against children is unacceptable and children must be protected from any practice that threatens their well-being and human dignity. Freedom from violence is a right that the international community has promised to safeguard for all children, everywhere and at all times. It is time to deliver on that promise.

### Key findings from the Global Survey on Violence against Children

The Global Survey confirms that the recommendations made in the 2006 UN Study on Violence against Children are as urgent and relevant as they were at the time of the Study's release. They continue to serve as a fundamental reference for child protection initiatives the world over. Governments must re-double their efforts to translate into practice the recommendations identified in the

2006 UN Study. The recommendations represent specific challenges but, as the Survey has found, they are challenges to which countries can – and do – rise.

The Global Survey also recognizes that the world has changed since 2006. This report therefore looks beyond the concerns expressed in the original UN Study to explore new themes and challenges in child protection and the prevention of violence, including social exclusion and deprivation aggravated by the world economic crisis, climate change, rising food prices, natural disasters and mass population movements. These emerging challenges only reinforce the urgency of delivering on the recommendations put forward by the UN Study.

### Which children, and where?

All children are at risk of violence, but the Global Survey confirms that today, as in 2006, the most vulnerable children are those at greatest risk of violence: those with disabilities, those who migrate, those who are confined to institutions, and



those whose poverty and social exclusion expose them to deprivation, neglect and, at times, to the inherent dangers of life on the streets.

The Survey emphasizes that specific age groups face particular risks. Many of the greatest dangers are associated with the earliest years, when incidents of violence can have an irreversible impact on children's development and well-being, and may even put their life at risk. There are also specific dangers for adolescents, who face risks in their transition to adulthood and may be drawn into, or targeted by, particular forms of violence, including community and street violence, sexual abuse and exploitation and bullying and abuse through information and communication technologies. Furthermore, many types of violence have a gender dimension, with girls particularly at risk of sexual violence and boys of more severe physical punishment and gang-related violence.

The Survey also confirms that, children and young people continue to be at risk of violence in all five of the settings where they spend much of their lives: the home and family; school and educational settings; care and justice institutions; the work place; and the community. It emphasizes that violence is rarely contained in any one of these settings, but tends to spill over from one context to another. The Survey also draws attention to the interlinked and cumulative nature of violence. A child who is exposed to violence in one particular context or setting is more likely to experience violence in other settings, and vulnerable children risk becoming 'polyvictims'.

In short, nowhere is totally safe – even a child's home can be a place of danger. Some harmful practices, such as female genital mutilation/cutting, child marriage and so-called 'honour'

killings, acid attacks or accusations of witchcraft, are often deeply-rooted in traditional social norms and condoned by the families and communities.

## Background to the Global Survey on Violence against Children

In 2003, the UN General Assembly asked the Secretary-General for a detailed study on violence against children.<sup>7</sup> The resulting Independent Expert's Study (the 'UN Study') by Professor Paulo Sérgio Pinheiro,<sup>8</sup> and the more detailed *World Report on Violence against Children*<sup>9</sup> represented the first attempt to document the reality of violence against children around the world and to map out what was being done about it. The UN Study was presented to the General Assembly in 2006, and set out 12 recommendations for action.

### The 12 recommendations from the UN Study on Violence against Children

1. Strengthen national and local commitment and action
2. Prohibit by law all violence against children
3. Prioritize prevention
4. Promote non-violent values and awareness-raising
5. Enhance the capacity of all who work with and for children
6. Provide recovery and social reintegration services
7. Ensure the participation of children
8. Create accessible and child-friendly reporting systems and services
9. Ensure accountability and end impunity
10. Address the gender dimension of violence against children
11. Develop and implement systematic national data collection and research
12. Strengthen international commitment

In 2011, to mark the fifth anniversary of the submission of the UN Study to the UN General Assembly, the Office of the Special Representative of the Secretary-General on Violence against Children (SRSG) undertook a Global Survey to assess the progress made by States on the 12 recommendations of the UN Study, reflect on good practices, identify gaps and set priorities to accelerate efforts to end violence against children.

The Global Survey on Violence against Children draws on a wide range of sources. These include the responses from 104 governments to the Global Survey questionnaire, which was shaped by the UN Study recommendations. All governments that responded provided information on policies and legislation to address violence against children, while only 61 per cent included information on activities to promote child participation or end impunity. Similarly, only 63 per cent of responses provided information on initiatives to address the gender dimension of violence. All other issues had a response rate of over 70 per cent.<sup>10</sup>

The Global Survey was also informed by four regional studies on the follow-up to the UN Study recommendations conducted

in the Middle East and North Africa, the Caribbean, Central America and South America, and its content has been enhanced by a wealth of other regional contributions, including from the South Asia Initiative to End Violence against Children (SAIEVAC); the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC); the Council of Europe and the European Union. Furthermore, it has benefited from collaboration across relevant UN funds, programmes and specialized agencies, and Human rights monitoring processes, particularly the Committee on the Rights of the Child and the African Committee on the Rights and Welfare of the Child. It has also been informed by the work of Ombuds for Children and civil society organizations.

Crucially, the findings of the Global Survey have been augmented by the participation, views and opinions of those most affected: children and young people themselves. A child-friendly version of the Global Survey questionnaire was developed and disseminated, and seven regional consultations were held with children and young people between 2009 and 2012, spanning West Africa, the Caribbean, Central America, South America and South Asia.

## A summary of progress since the 2006 UN Study

The progress made since the 2006 UN Study on Violence against Children should be applauded. This includes national efforts to prevent violence, protect children, and ensure that perpetrators of violence are held to account. There is, in addition, a growing understanding of how and why violence against children persists. The responses to the Global Survey suggest that violence against children is becoming more visible on national agendas and more present in public debate. In all, the Global Survey identifies ten positive developments:

1. **Advocacy and mobilization are having a growing impact on adherence to international standards on children's protection from violence**, particularly through the ratification and implementation of the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography.
2. **More countries have policies in place to prevent and address violence against children.** In 2006, 47 countries had some form of policy agenda on this issue – today, there are more than 80.
3. **More countries have an explicit and comprehensive legal ban on violence against children, at times in the Constitution itself.** In 2006, only 16 countries had legislation prohibiting violence in all settings. Today, 35 have a comprehensive legal ban on violence against children.
4. **There has been progress on the legal protection of children from sexual exploitation.** Over 90 per cent of government responses indicated the existence of a legal prohibition on sexual violence against children.
5. **Momentum is growing to ban violence as a form of sentencing.** More than 60 per cent of government responses confirmed the prohibition of inhuman sentencing for children and youth, including life imprisonment and capital punishment, and many others have introduced a moratorium to this effect.
6. **Some countries are raising awareness of the risks to children associated with new technologies**, particularly the internet, social networks and mobile phones. There is also a growing awareness of the untapped potential of these technologies to report violence and support prevention.
7. **The growing influence of regional organizations and institutions** that act as a bridge between international commitments and national realities, and play an increasingly important role in informing and facilitating the cross fertilization of lessons and positive experiences.
8. **Growing support for children's participation.** There is a set of new international and regional platforms for children's engagement, growing involvement of children in research initiatives, and greater scrutiny of the gap between rhetoric and reality in this area.
9. **An increasingly sophisticated understanding of the risks factors and underlying influences that lead to violence** – social, cultural, political, economic and environmental – and how, in turn, this violence is experienced by children as they grow and develop.
10. **The growing visibility of violence against children on the policy agenda and in public debate**, and a gradual recognition of the human and social cost of this phenomenon, together with the high social return that investment in prevention can bring.

## A summary of persistent challenges

While there have been encouraging developments, the slow pace of progress in addressing challenges identified in 2006 is a serious indictment of our commitment to our youngest citizens. Seven years after the landmark UN Study on Violence against Children, the international community has not yet been able to make a genuine breakthrough in the protection of children from violence. This report on the Global Survey highlights ten key challenges to be addressed if children are to grow up in a world free from violence.

1. **Insufficient investment in violence prevention**, despite the clear benefits for human and economic development, and the high social cost of inaction.
2. **Fragmented or non-existent national strategies**. The Global Survey finds that most governments have some sort of policy framework in place, but less than 20 per cent have a comprehensive agenda to prevent and respond to all forms of violence against children in all settings.
3. **Uncoordinated policy interventions**, with weak communication and articulation across government departments and between central and local authorities.
4. **Unconsolidated and poorly-enforced legislation**, with gaps in children's legal protection, and between law and practice in many countries.
5. **A lack of focus on gender**, with up to 40 per cent of governments providing no information on laws, policies or advocacy on the gender dimension of violence.
6. **Insufficient attention given to the situation of particularly vulnerable children** who remain hidden, overlooked or ignored. This includes girls, children with disabilities, children growing up in poverty, children living and/or working on the street, indigenous children and those from minority groups.
7. **Inadequate attention to the cumulative impact of violence across children's life**, and insufficient investment in early childhood care and development and positive parenting programmes.
8. **Insufficient investment in child-sensitive mechanisms** for counselling, reporting and complaints on violence against children. This, in turn, hampers efforts to fight impunity. Where child-sensitive mechanisms exist, they often lack the resources and professional capacity to address children's concerns adequately.
9. **Insufficient recovery and reintegration services**. Where such services exist, they fail to address all forms of violence against children, and little information is available on their quality or impact.
10. **Scarce data and research**, with little information on the extent and impact of violence against children, the risk factors, underlying attitudes and the social norms that perpetuate the violence. This makes it harder to mount an effective response to the cycle of violence that characterizes the lives of too many children.

## Building a world where violence has no place

Violence is often associated with poor rule of law, weak enforcement, high levels of organized crime and homicide rates, and a culture of impunity. For children, violence goes hand-in-hand with deprivation and high risks of poor health, poor school performance and long-term welfare dependency. Beyond its impact on child victims and their families, violence is associated with far-reaching costs for society, diverting billions of dollars from social spending, slowing economic development and eroding nations' human and social capital.

The situation calls for an urgent response. With this in mind, the Global Survey sets out eight imperatives.

1. All governments should develop and promote **a national, child-centred, integrated, multidisciplinary and time-bound strategy** to address violence against children.
2. **Explicit legal bans on violence against children** should be enacted as a matter of urgency, accompanied by detailed measures for implementation and effective enforcement.
3. Policy initiatives and legal measures should be accompanied by greater **efforts to address the social acceptance of violence against children**.
4. There must be an ongoing **commitment to children's meaningful participation**.
5. All governments must work to ensure the **social inclusion of girls and boys** who are particularly vulnerable.
6. Governments must recognize the crucial importance of **collecting appropriately disaggregated data on violence against children**, and match this recognition with adequate support.
7. There must be a stronger focus on the **factors that influence levels of violence and the resilience of children**, their families and communities. These include poverty and inequality, environmental degradation, natural disasters, mass population movements, political instability and organized crime.
8. As the international community considers the future global development agenda beyond 2015, **violence against children**, including the most vulnerable and marginalized girls and boys, **must be made a priority and recognized as a cross-cutting concern**. The human dignity of children and their right to protection from violence must be at the heart of this global effort, just as they must be at the heart of national strategies.

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## NOTES

- 1 CRC/C/GC/13, Committee on the Rights of the Child, General comment No. 13 (2011) The right of the child to freedom from all forms of violence, 18 April 2011, §15.
- 2 Fang, Xiangming, et al., *The economic burden of child maltreatment in the United States and implications for prevention*. Child Abuse & Neglect, 2012, p. 6.
- 3 Davis, Rachel A., 'The Value of Prevention', paper presented at the workshop on the Social and Economic Costs of Violence, 28-29 April 2011 (prepublication copy), Washington DC, Institute of Medicine of the National Academies, National Academy of Sciences, 2011.
- 4 The minimum amounts refer to the substantiated number of abuse cases; the higher to the maximum number of possible cases (an extrapolated estimate including unreported and unsubstantiated cases, given the different methodologies of various surveys and studies). Access Economics Pty Limited, *The Cost of Child Abuse in Australia*, Australian Childhood Foundation and Child Abuse Prevention Research Australia at Monash University, November 2008.
- 5 Ibid., p.8.
- 6 Speech by Viviane Reding, Vice-President of the EC, responsible for Justice, Fundamental Rights and Citizenship, EU Conference on Violence against Children, Brussels, 25 November 2010.
- 7 Under Resolution 57/190, and acting on the recommendation of the Committee on the Rights of the Child.
- 8 A/61/299, Report of the independent expert for the United Nations study on violence against children, 29 August 2006.
- 9 Pinheiro, Paulo Sérgio, *World Report on Violence against Children*, United Nations Secretary-General's Study on Violence against Children, 2006.
- 10 The questionnaire did not address recommendation 12 (strengthen international commitment), which did not lend itself to this form of analysis.



# PART 1



# The Global Survey on Violence against Children

## CHAPTER 1

### Introducing the Global Survey

#### Why a Global Survey?

*[...] violence exists in every country of the world, cutting across culture, class, education, income and ethnic origin. In every region, in contradiction to human rights obligations and children's developmental needs, violence against children is socially approved, and is frequently legal and State-authorized.<sup>11</sup>*

UN Study on Violence against Children, 2006

Every year, between 500 million and 1.5 billion children worldwide endure some form of violence. Even by the most conservative of these estimates, a vast number of children suffer its physical, mental and emotional effects, and millions more are at risk.<sup>12</sup> Violence knows no boundaries. It takes place in all settings, including those where children expect to be safe – in schools, in justice and care institutions, and also in the home. It is absorbed and at

times perpetuated by those exposed to it. Children raised in a violent home gain little experience of negotiating social relations, and are more likely to use violence themselves at home and elsewhere, including at school and in the community.

Across regions and within countries, violence against children is pervasive and destructive: it compromises children's development and threatens their survival (see Box

- ◀ Baby Siad sits playing in the dirt whilst his family is waiting for WFP food vouchers in the Domiz camp in Northern Iraq. Siad and his family have been in the camp for few months. Siad turned one just two weeks ago, celebrating his first birthday in the camp.

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1); it erodes family structures, jeopardizes education, generates insecurity in communities and consumes national resources. At the same time, it is often socially condoned as a way to instil discipline, to 'teach' a child appropriate behaviour, or to reinforce power relations. Violence is also used to compel children to work, provide sexual services or engage in petty crime. In many cases, violence and abuse are hidden from view. They thrive in darkness and secrecy, and often neither the perpetrator nor the victim will speak about them willingly.

#### BOX 1

### The impact of violence against children

Violence has a devastating impact upon children, threatening both their survival and development. Its toll has been captured by the Committee on the Rights of the Child.<sup>13</sup>

- Fatal or non-fatal injury (possibly leading to disability).
- Health problems (including failure to thrive, and lung, heart and liver disease and sexually transmitted infections in later life).
- Cognitive impairment (including impaired school and work performance).
- Psychological and emotional consequences (feelings of rejection, impaired attachment, trauma, fear, anxiety, insecurity and shattered self-esteem).
- Mental health problems (anxiety and depression, hallucinations, memory disturbances and suicide attempts).
- Risky behaviours (substance abuse and early initiation of sexual activity).
- Developmental and behavioural consequences, such as non-attendance at school, and antisocial and destructive behaviour, leading to poor relationships, school exclusion and conflict with the law.
- The risk of further victimization and an accumulation of violent experiences, including violent relationships in later life.

Despite the ubiquity of violence and the countless children affected, the reality for most girls and boys who are exposed to violence is one of isolation, loneliness, and fear. Many children who fall victim to violence simply do not know where to turn for help, particularly when the perpetrator is a family member, caregiver, teacher or some other figure children know and trust.

This reality is in stark contrast to international child rights standards. Freedom from violence is a fundamental human right that the international community has committed to safeguard for all children, everywhere and at all times. Recognizing the inherent dignity and worth of every child, the Convention on the Rights of the Child (CRC) condemns violence unequivocally, prohibits torture and any other cruel, inhuman or degrading treatment or punishment, and calls for the protection of children from sexual abuse, economic exploitation, sale, trafficking and other forms of exploitation that threaten a child's well-being. The CRC also condemns harmful traditional practices, as well as school discipline that is inconsistent with the child's human dignity. It prohibits the death penalty and life imprisonment, and stresses the imperative to protect children from all forms of violence within every family and under the responsibility of every caregiver.

This report addresses the key challenge of how to close the gap between the normative standards of the CRC and other human rights instruments, and the harsh reality experienced by so many children every day. This is a pressing issue with far-reaching implications. As the United Nations (UN) System Task Force on the Post-2015 UN Development Agenda underlined in its report to the Secretary-General,



*[t]he prevention and reduction of all forms of violence and abuse – and protection against their specific manifestations including trafficking in human beings, torture, organized crime, the press-ganging of children, drug-related criminality, sexual abuse and labour exploitation – should be at the heart of any agenda which fully recognizes the centrality of human security, both as a human rights imperative and as integral to development.*<sup>14</sup>

This urgent task of making international standards a reality for all children and ensuring their protection from violence, exploitation, abuse and neglect warrants the full commitment of governments worldwide. This report examines the extent to which States have taken up this challenge, and identifies areas where additional efforts are required. It also examines the contemporary context in which violence against children takes place, including the impact of poverty and inequality, the global economic crisis, armed and community violence, organized crime, food insecurity, environmental degradation and natural disasters. In the light of these discussions and findings, this report sets out practical strategies to accelerate progress toward achieving children's protection from violence in countries around the world.

### **The structure of this report**

This report consists of six chapters grouped in four parts. Part I sets out the background and context of the Global Survey. Part II reviews key global developments, many of which have emerged since the 2006 UN Study on Violence against Children, and revisits the five settings of violence identified in that Study from a contemporary perspective. In Part III, the report examines the findings of the Global Survey

in the light of the more than 100 responses received from governments in all regions. Part IV offers conclusions and key areas for future action.

### **Background to the Global Survey**

Serious concerns about violence as a threat to the rights of children around the world have been voiced at the UN since the Committee on the Rights of the Child held its first debate on the issue in 2000. In 2001, following a recommendation of the Committee, the General Assembly requested the Secretary-General to conduct an in-depth study on violence against children. Guided by this process and the 2002 World Health Organization (WHO) World Report on Violence and Health, the UN Study on Violence against Children (A/61/299), led by Professor Paulo Sérgio Pinheiro, was submitted in 2006 to the General Assembly, accompanied by a more detailed *World Report on Violence against Children*.<sup>15</sup> Together, these represented the first attempt to document the multidimensional facets of violence against children around the world, to map out what was being done about it, and to set out recommendations for action.

#### *The 2006 UN Study on Violence against Children*

The 2006 Study presented a comprehensive picture of violence against children, and the steps needed for prevention and response. It drew on extensive research and consultation with governments, children, UN bodies, non-governmental organizations (NGOs) and research centres to analyse violence against children in their homes, schools, in care and justice systems, in workplaces and in the community. The Study set out 12 recommendations for action:

1. Strengthen national and local commitment and action
2. Prohibit by law all violence against children
3. Prioritize prevention
4. Promote non-violent values and awareness-raising
5. Enhance the capacity of all who work with and for children
6. Provide recovery and social reintegration services
7. Ensure participation of children
8. Create accessible and child-friendly reporting systems and services
9. Ensure accountability and end impunity
10. Address the gender dimension of violence against children
11. Develop and implement systematic national data collection and research
12. Strengthen international commitment

### **Special Representative of the Secretary-General on Violence against Children**

To promote dissemination and ensure effective follow-up to the Study recommendations, the General Assembly called for the appointment of a Special Representative of the Secretary-General (SRSG) on Violence against Children.

The SRSG is an independent global advocate for the prevention and elimination of all forms of violence against children. The SRSG mandate, established by General Assembly resolution 62/141,<sup>16</sup> is anchored in human rights standards, and the SRSG advocates for the universal ratification and effective implementation of core international conventions, including the CRC and its optional protocols. The SRSG collaborates with UN Member States, UN agencies and human rights mechanisms, regional organizations, Ombuds for Children, civil society, the corporate sector and children and young people themselves to promote the prevention and elimination of all forms of violence against children.

The SRSG prioritizes the following goals:

- the development in each State of a well-coordinated and well-resourced national strategy to prevent and respond to all forms of violence;
- the introduction of an explicit legal ban on all forms of violence against children, in all settings;
- the promotion of a national system of data collection, analysis and dissemination, and a research agenda on violence against children.

In 2011, the fifth anniversary of the submission of the UN Study, the SRSG initiated the Global Survey outlined in this report. The aim was to assess the progress made by States on the 12 recommendations of the UN Study, reflect on good practices, identify gaps and set priorities to accelerate efforts to end violence against children. This report contains the key findings of the Global Survey.

## BOX 2

### What is in the Global Survey?

Violence against children is examined in the context of:

- international standards to prevent and address violence against children;
- new developments and concerns, including the world economic crisis, poverty, inequality and deprivation, armed and community violence, environmental degradation, and mass population movements;
- the impact of violence on children at different stages of their development, with its irreversible impact in early childhood and the particular vulnerability of adolescents;
- children's cumulative exposure to violence across the various settings identified in the 2006 UN Study (home and family, schools and educational settings, care and justice systems, work settings and the community);
- the cumulative nature of violence faced by the most vulnerable children and the risk that they become 'polyvictims';
- violence as a critical development concern, with its high economic and social cost and its negative impact on progress in the global development agenda, including the Millennium Development Goals;
- the continuing lack of data and analysis on violence against children, which remains a serious obstacle to the assessment of its magnitude and incidence and to the monitoring of progress;
- the positive and growing recognition of the potential contribution of children and young people to the research agenda.

## Sources

The Global Survey draws on a wide range of complementary sources to assess advances made toward a violence-free world for children, including information from governments, the UN system, regional organizations and civil society partners, as well as a wide range of academic studies and reports. Sources also include the voices and views of children and young people.

To support of this process, the Office of the SRSG developed a questionnaire which was shared with governments, UN agencies, Ombuds for Children and regional and civil society organizations. The questionnaire took

into consideration the 2004 questionnaire sent to governments for the original UN Study, and was made available in English, French, Russian and Spanish. In cooperation with partners, child-friendly versions in English, French and Spanish were also developed, together with a guide for facilitators, in order to benefit from the valuable insights of children and adolescents.<sup>17</sup>

### *Information from governments*

Information was received from 104 governments in response to the questionnaire, with additional information provided through government contributions to the regional studies conducted on the follow-up to the UN Study recommendations.<sup>18</sup>

As Figure 1 demonstrates, all governments provided information on policies and legislation that address violence against children, while only 61 per cent included information on activities to promote child participation or end impunity. Similarly, only 63 per cent of responses provided information on initiatives to address the gender dimension of violence. All other issues had a response rate of over 70 per cent. This research was carried out for 11 of the 12 overarching recommendations from the 2006 UN Study, as the twelfth, 'strengthening international commitment', did not lend itself to this form of analysis.

The charts included in this report reflect the responses provided by governments and should, therefore, be interpreted in this light.

### The UN System

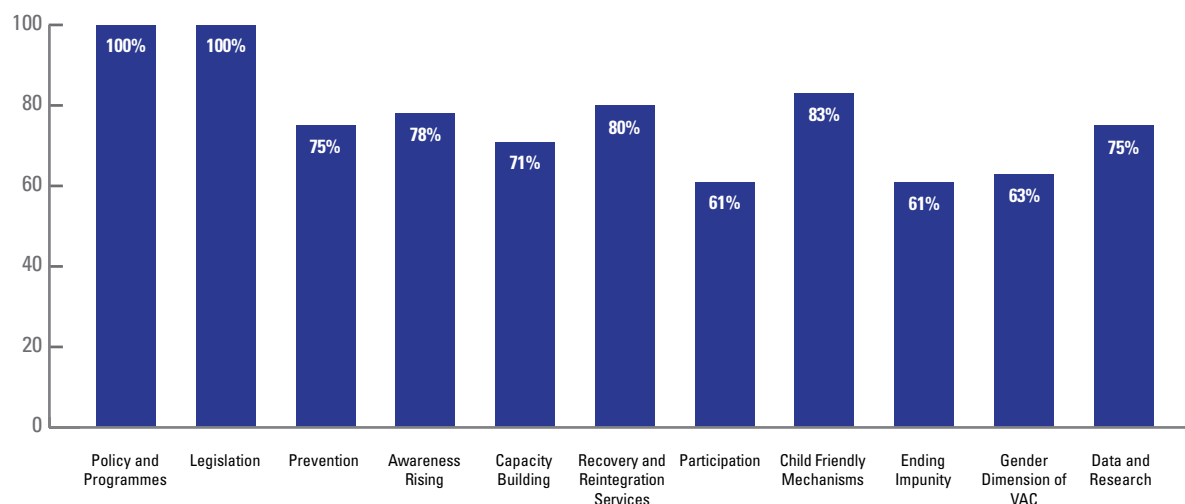
The Global Survey benefited from significant inputs from UN agencies. These included, for

example, information from WHO and UNICEF, including 116 UNICEF Country Office Annual Reports. It also received inputs from the International Labour Organization (ILO), as well as the Office of the High Commissioner for Human Rights (OHCHR) and the UN Office on Drugs and Crime (UNODC).

The Survey also drew on inputs from the Special Representative of the Secretary-General for Children and Armed Conflict, and contributions from UN human rights mechanisms, including input from UN human-rights monitoring processes, notably the Concluding Observations and General Comments from the Committee on the Rights of the Child. As a result of cooperation between the Committee and the SRSG, all Concluding Observations include a specific section devoted to the follow-up to the 2006 UN Study's recommendations and on-going collaboration with the SRSG.

**FIGURE 1**

**Government response rates to the global survey questionnaire according to the overarching recommendations of the UN study (percentage)**



The Global Survey has equally built on partnerships across special procedures of the Human Rights Council, including with the Special Rapporteur on the sale of children, child prostitution and child pornography; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on contemporary forms of slavery; and the Working Group on Enforced or Involuntary Disappearances.

The Universal Periodic Review process of the Human Rights Council has also provided a wealth of information for the Global Survey. In addition, and as a result of the Council's 2010 Resolution 13/20, the Council invited the SRSG and the Special Rapporteur on the sale of children, child prostitution and child pornography to submit a joint report on child sensitive counselling, complaint and reporting mechanisms to address incidents of violence, which generated important information incorporated into the Global Survey.<sup>19</sup>

### *Regional organizations and institutions*

Collaboration with regional organizations and institutions has included regional studies conducted in the Middle East and North Africa, the Caribbean, Central America and South America and in Europe. These regional studies include strategic recommendations for future action and constitute a reference for regional organizations and institutions and Member States, as well as for the SRSG's strategy to promote regional implementation of the recommendations of the UN Study. These efforts are anchored in strong political commitments adopted in eight regions,<sup>20, 21</sup> and growing mobilization to mainstream the protection of children from violence in the policy agenda.

### *Children and young people*

The Global Survey has been informed by the views and voices of those who have the most at stake: children and young people themselves. As noted above, the SRSG worked with Save the Children and Plan International to develop a child-friendly version of the Global Survey questionnaire.

In addition to a thematic consultation with young people on violence prevention in early childhood, seven regional consultations were held with children and young people between 2009 and 2013:

- for South Asia: in Kathmandu, Nepal, and in Colombo, Sri Lanka
- for South America: in Asunción, Paraguay,
- for the Caribbean: in Kingston, Jamaica,
- for Central America: in Santo Domingo, Dominican Republic and
- for West Africa: in Accra, Ghana (in 2010 and again in 2013).

This report includes the reflections of children and young people gathered during these regional consultations, ranging from the need to ban by law all forms of violence against children, including harmful practices, to the importance of effective and child-friendly responses to violence, and from strong child protection services to special training on non-violent approaches for all those who work with or care for children.

## NOTES

- 11 A/61/299, Report of the independent expert for the United Nations study on violence against children, 29 August 2006, § 1.
- 12 In this report, as in the 2006 UN Study, the definition of violence against children is drawn from article 19 of the 1989 Convention on the Rights of the Child: "all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse."
- 13 CRC/C/GC/13, Committee on the Rights of the Child, general Comment No. 13 (2011) The right of the child to freedom from all forms of violence, 18 April 2011, §15.
- 14 UN System Task Team on the Post-2015 UN Development Agenda, *Realizing the Future We Want for All*, United Nations, June 2012, §91, retrieved 23 September, 2013 from, [http://www.un.org/millenniumgoals/pdf/Post\\_2015\\_UNTTreport.pdf](http://www.un.org/millenniumgoals/pdf/Post_2015_UNTTreport.pdf). Similarly the Secretary-General's High-level Panel of Eminent Persons on the Post-2015 Development Agenda recognizes freedom from violence as a fundamental human rights, and the essential foundation for building peaceful and prosperous societies, and calls for the elimination of all forms of violence against children. See High-Level Panel of Eminent Persons on the Post-2015 Development Agenda, *A New Global Partnership*, United Nations, 2013, annex II, p. 52, retrieved 24 September, 2013 from <http://www.post2015hlp.org/wp-content/uploads/2013/05/UN-Report.pdf>.
- 15 Pinheiro, Paulo Sérgio, *World Report on Violence Against Children*, United Nations, 2006.
- 16 A/RES/62/141, Resolution adopted by the General Assembly, 22 February 2008, §58.
- 17 For the Global Survey questionnaire in both the original and child-friendly versions, see [http://srsq.violenceagainstchildren.org/page/Global\\_Progress\\_Survey\\_2011](http://srsq.violenceagainstchildren.org/page/Global_Progress_Survey_2011).
- 18 Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cuba, Djibouti, Dominica, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kiribati, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libya, Lithuania, Malawi, Mali, Mauritania, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Nicaragua, Norway, Oman, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, Qatar, the Republic of Moldova, the Russian Federation, Saudi Arabia, Senegal, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Sudan, Suriname, Swaziland, Sweden, the Syrian Arab Republic, the former Yugoslav Republic of Macedonia, Togo, Tunisia, the United Arab Emirates, the United Republic of Tanzania, Uganda, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen and the State of Palestine.
- 19 A/HRC/16/56, Joint report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Representative of the Secretary-General on Violence against Children, 7 March 2011.
- 20 More information can be found in the publication *Political Commitments by Regional Organizations and Institutions to prevent and Address Violence against Children* available at <http://srsq.violenceagainstchildren.org/category/document-type/political-declarations>.
- 21 League of Arab States, SAIEVAC, ASEAN through its Commission for the Promotion and Protection of the Rights of Women and Children, the Caribbean Community (CARICOM), MERCOSUR, Central American countries (Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama and Dominican Republic), the Council of Europe and the European Union, as well as the Organization of Islamic Cooperation and countries in the Asia Pacific region.





# PART 2





# Violence against children in a rapidly changing world

## CHAPTER 2

### Risk factors influencing violence against children

Violence against children may be a hidden phenomenon, shrouded in shame and silence, but it does not take place in a vacuum. Indeed children's vulnerability, as well as genuine opportunities to prevent and respond to violence, are all strongly influenced by risk factors such as poverty and deprivation, gang and armed violence, organized crime, climate change, natural disasters and mass displacements. The work carried out since the establishment of the SRSG mandate, together with the partnerships that it has generated, has advanced our understanding of these critical factors.

Taken together, the developments and challenges discussed in this chapter are changing the context in which violence against children takes place.

#### **Violence, poverty, inequality and children at risk**

##### *Poverty and violence against children*

The UN Study points out that violence against children takes place in all settings, including contexts of economic affluence. However, where poverty and disadvantage are pervasive, the risk of violence against children becomes acute.

Poverty and violence against children are highly interconnected, and the links between the two are multifaceted. Violence and deprivation have a cumulative impact on children's development, increasing the risks of poor health, poor school performance and long-term welfare dependency. Poverty and economic hardship have a direct impact on family

- ◀ A girl stands in her community's makeshift camp in the city of Hyderabad, in Pakistan in September 2011. The community has been displaced by rising flood waters.

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and community stress levels, leading, in turn, to higher incidences of violence, including domestic violence and violence in the street. Poverty also undermines support systems, whether these are the informal structures that would normally provide mutual support among community members in hard times, or formal structures such as economic safety nets and social services, especially where governments lack the capacity and resources to make these measures effective.

As families struggle to meet their basic needs, children – especially girls – may be pressed to drop out of school to contribute to household income. Girls may also be in danger of being drawn into hazardous economic activities, including domestic service, begging and sexual exploitation; or may even be forced to marry: the risk of getting married before the age of 18 being three times higher amongst the poorest girls.<sup>22</sup>

As well as increasing a child's vulnerability to violence, poverty contributes to a profound lack of self-esteem. All too often the victims of bullying, humiliation and abuse, the poorest children feel powerless to speak up and fear that they will not be believed or that they will be blamed for having 'caused' incidents of violence.

Violence also erodes the livelihoods, assets and skills of the poorest households. Conversely, the more assets these households can acquire, and the better they can manage them, the more resilient they become.

### *Income inequality and violence against children*

Some studies have found that income inequality, rather than income level, is a key factor in

violent crime. A review of crime and violence in Latin America and the Caribbean indicates that countries with more unequal income distribution tend to have higher crime rates than those that are more egalitarian, and that crime rates fall as the poorest 20 per cent of the population receives a larger share of national income.<sup>23</sup>

The challenges to child protection as a result of poverty and inequality are more difficult to overcome when they are compounded by social exclusion and discrimination. Children growing up in poverty are less likely to access basic social services of quality or to benefit from preventive initiatives or protection mechanisms. Paradoxically, some of the hardest to reach children live in informal settlements in the centres of the world's largest cities. Schools, health facilities and other services may be situated only blocks away but, for a child living in poverty, the socio-economic distance can be insurmountable.

As many as 100 million children live or work on the streets,<sup>24</sup> where they face daily discrimination, violence and exploitation. Some have seen the break-up of their families, others may have run away from abuse suffered in the home, while others remain in contact with their families and work in the streets to supplement household income. Lacking a formal residence, they often struggle to survive in unhealthy, hazardous and violent public spaces, where crime is rampant, where there is little or no protection and where they are at risk of enduring ill-treatment by the authorities or being criminalized for survival behaviour, including truancy and begging. Furthermore, without a legal domicile, children may face challenges obtaining a birth certificate or identity document.

### *Violence against children with disabilities*

Children with disabilities are also at heightened risk of abuse, neglect, stigma and exploitation. As confirmed by the *World Report on Disability* produced by the World Bank and WHO, research data on disability are scarce, but estimates suggest that more than 5 per cent of children below the age of 14 – 93 million children around the world – experience some form of moderate to severe disability.<sup>25</sup> According to UNDP, around 80 per cent of adults and children with disabilities live in developing countries.<sup>26</sup> The prevalence of disability tends to be higher among children from minorities and those from poorer households that lack access to basic social services.

Disability, poverty and violence often go hand in hand. Poverty can cause or contribute to disability through inadequate health care, malnutrition and unsafe living conditions. Equally, disability can aggravate poverty, as families of children with disabilities endure social exclusion, forgo employment opportunities and face additional costs for medical care, housing and transport.

WHO indicates that in some countries, up to one quarter of disabilities are a result of injuries and violence, and for every child killed in armed conflict, three are permanently disabled.<sup>27</sup> Children with disabilities are far more likely to experience physical, psychological or sexual violence than children with no apparent disability,<sup>28</sup> including infanticide and so-called ‘mercy killings’, beatings, bullying and emotional and verbal abuse. According to a 2012 review commissioned by WHO, children with disabilities are: 3.7 times more likely than non-disabled children to be victims of any sort

of violence; 3.6 times more likely to be victims of physical violence; and 2.9 times more likely to be victims of sexual violence. Children suffering from mental illness or intellectual impairments appear to be among the most vulnerable, with 4.6 times the risk of sexual violence compared with non-disabled peers.<sup>29</sup>

Most evidence comes from nations in the developed world, but similar patterns can be seen in developing countries. According to research conducted in Kenya, for example, it is estimated that 15 to 20 per cent of children



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with disabilities experience *severe* levels of physical and sexual abuse, with girls who have intellectual impairments being particularly vulnerable.<sup>30</sup> A 2004 study conducted in Orissa, India, found that virtually all women and girls with a disability were subjected to physical violence in the home, while 25 per cent of those with intellectual impairments had been raped and 6 per cent had been forcibly sterilized.<sup>31</sup>

As well as being more vulnerable to violence, children with disabilities are also less likely to be reached by prevention programmes or targeted protection services. They are often less able to protect themselves from incidents of violence or to protest against such violence when it occurs. A study of child disability in Cameroon, Ethiopia, Senegal, Uganda and Zambia, for example, revealed that children with disabilities reported only 45 per cent of the cases of physical abuse and rape to which they had been subjected and that only 12 per cent of the perpetrators in these cases were punished.<sup>32</sup>

### *HIV and AIDS and violence against children*

Poverty, discrimination, violence and social invisibility are daily realities for most children affected by or living with HIV and AIDS. In 2010, 3.4 million of the estimated 34 million people around the world living with HIV were children under 15 years, and about 16.8 million were women. A UNICEF *Report Card on Adolescents* using UNAIDS estimates from 2011 indicates that approximately 2.2 million adolescents are living with HIV worldwide, and most of them do not know their status. Of these, approximately 1.3 million are girls, and just under 900,000 are boys.<sup>33</sup>

Again, the cumulative nature of vulnerability is clear: adolescents with disabilities are at particular risk of HIV infection for many reasons, including lack of information, difficulty in accessing sex education programmes (particularly for those not in school), and the higher levels of violence and sexual abuse to which they are subjected.<sup>34</sup>

In addition to the direct risk to children's health, HIV and AIDS have devastated communities and families, especially in sub-Saharan Africa, stripping away support networks that were once available to children. An estimated 17.1 million children under the age of 18 have lost one or both parents to AIDS and millions more have been affected, with a vastly increased risk of poverty, homelessness, school dropout, discrimination and loss of prospects.<sup>35</sup> All of these factors increase the likelihood of a child being exposed to violence, abuse or exploitation.

The HIV and AIDS epidemic not only increases the risk of violence: violence also fuels the epidemic, especially among girls. Rape, sexual abuse and exploitation, child marriage and age-disparate sex all increase the likelihood of a girl being exposed to HIV, as do certain harmful traditional beliefs and practices. In sub-Saharan Africa young women aged 15–24 are more than twice as likely to be infected as young men of the same age.<sup>36</sup>

The link between violence and HIV infection is not always immediate: forced sex in childhood or adolescence increases the subsequent likelihood of engaging in unprotected sex, having multiple partners, participating in sex work and engaging in substance abuse: all behaviours that increase the risk of HIV.<sup>37</sup>

### *Violence against children in care or justice institutions*

The most vulnerable children include those placed in institutional care. Again, the compound nature of vulnerability is clear, as many children confined to institutions have some form of disability. In 2002, an estimated 317,000 or more children with disabilities were living in institutions in the CEE/CIS region and Baltic States alone.<sup>38</sup>

Institutions may not be registered with the authorities, making oversight impossible. Personnel are sometimes ill-trained and poorly paid, and there may be no norms and standards to regulate their activities. Monitoring systems are weak and ineffective, and there is little or no access to safe complaint and reporting mechanisms. In effect, children in institutions are at increased risk of neglect and social isolation and 'easy targets' for violence and abuse, including sexual abuse at the hands of staff and other residents.

Similarly, around the world, countless children involved with the justice system are deprived of liberty for minor crimes, or as a result of an ill-functioning child protection system. They are often detained in inhuman conditions and, at times, in adult facilities, where they are at high risk of violence, including sexual abuse, while having little or no recourse to complaint procedures. And in a number of countries, they continue to face violence as a form of sentencing, including flogging, stoning, amputation, life imprisonment and even the death penalty.

Other groups of children at a particularly high risk of marginalization and exclusion as well as violence include indigenous children, those belonging to ethnic, linguistic, cultural or

religious minorities, children impacted by migration, refugee and asylum-seeking children, and children whose births have not been officially registered. Too often they remain invisible, afflicted by deprivation, overlooked by public policies and ignored by the general population.

### **Armed and community violence, and organized crime**

In recent years, the boundaries between political, criminal and intimate violence have become increasingly blurred, provoking fear and insecurity and visiting harm on families and societies at large. Children are particularly vulnerable to these intertwined forms of violence, both as victims and witnesses.

An estimated 526,000 people die violently every year worldwide, with only a small minority of these deaths taking place during armed conflicts.<sup>39</sup> Some young males are at high risk of homicide as a result of their possession of small arms, their participation in street fighting, street crime, gang membership, and other high risk activities.<sup>40</sup> Women and girls are predominantly the targets of intimate and gender-based violence and, in many nations, family-related homicide is the major cause of female deaths.

Poor rule of law and weak law enforcement performance facilitate the use of small arms, which in turn is associated with higher levels of homicide and organized crime and paves the way to a culture of impunity and increased levels of violence.

Armed violence is not the preserve of criminals and criminal groups: in many countries it is also used by state security, particularly

where the rule of law is weak, law enforcement is poor and impunity prevails.

Lethal violence and lack of security compromise human development, being linked to higher levels of poverty and hunger, lower primary education enrolment, higher infant mortality rates and higher birth rates among adolescents.<sup>41</sup> Together, they compromise children's safety and well-being, fuel domestic violence, and disrupt access to health, education and social support, while deepening children's vulnerability and deprivation.

According to the 2011 Small Arms Survey,<sup>42</sup> there are an estimated 875 million small arms in circulation worldwide, and the value of their annual authorized trade exceeds US\$6 billion. Many of these arms enter illicit markets through corruption, seizure, and loss.

The relationship between the availability of firearms and levels of lethal violence is complex, but 80 per cent of the countries where more than 70 per cent of homicides are carried out with a firearm show disproportionately high homicide rates (20 per 100,000 people or more). Such findings indicate that societies with high proportions of homicides committed with firearms also experience higher overall violent death rates.<sup>43</sup> Across all affected societies, young males are both the most common perpetrators, and the most likely victims. The phenomenon is of particular concern in societies characterized by a young demographic profile and high rates of unemployment among male youth. Where these factors combine with concentrations of displaced populations in post-conflict settings, there is a real risk that tensions and hostilities will be reignited.<sup>44</sup>

High levels of violence and the extensive use of firearms undermine a child's protective environment and increase stress levels within families. These phenomena may also disrupt economic activities, education, social support, health care and the supply of food, water and essential goods. And where levels of armed violence result in forced displacement, this inevitably increases vulnerability to violence, especially among children, women and the elderly.

### *Organized crime, gang violence and the criminalization of children*

The involvement of children in organized criminal activities is a growing concern, not least because they risk victimization within criminal networks and also at the hands of law enforcement officials.

Children – particularly children from poor families and communities and those living without caregivers – are attractive targets for organised criminal activities. They are recruited – through coercion, social pressure or the promise of financial reward – to hold or deliver drugs, weapons or other forms of contraband, to beg in the streets, to carry out petty crime and thefts, or to provide commercial sexual services. Their exploitation is almost inevitably accompanied by threats and violence.

Local gangs use children in similar ways, but gang culture can have a special appeal: faced with lack of opportunities, as well as social exclusion, children and young people may see association with gangs as a natural choice, particularly when membership comes with the promise of status and 'respect'. Recent studies suggest that as many as 15 per cent of all youth within gang-affected communities can end up joining a gang.<sup>45</sup>



Estimates indicate that there are 2 to 10 million gang members around the globe, the vast majority of whom are young, urban males, often unemployed and often from low-income groups. Typically, the age range for male gang members is between 7 and 30 years, with 15 being the typical age of gang entry.<sup>46</sup>

Girls and young women constitute a growing proportion of gang members, although data remain sketchy. Conservative estimates put global female gang membership at anything between 132,000 and 660,000.<sup>47</sup> Girls in gangs report being victimized more often than girls who do not belong to gangs: for example, a study in the USA found that 28 per cent of female gang members had experienced sexual assault in their lifetime, at home or in the gang, compared to 12 per cent for non-gang members.<sup>48</sup>

Youths associated with gangs are said to be responsible for approximately four to five times more violent delinquency than those who have no gang affiliation, a figure that holds true across countries.<sup>49</sup> Much of this violence is directed at other gang members: gang homicide rates are estimated to be up to 100 times higher than homicide rates among the general population.<sup>50</sup>

While, as noted, up to 15 per cent of youth might be involved in gangs in areas where they are active, at least 85 per cent are not involved at all. Yet, media reports and, at times, political agendas, can fuel public perception that all young people in certain neighbourhoods are dangerous criminals, or that all youth who dress in a certain manner are gang members. This, in turn, legitimizes severe or violent policing methods against some of the most vulnerable children in society.

The perceived threat of juvenile delinquency increases social pressure for the criminalization of children and adolescents and for the introduction of ever-lower ages of criminal responsibility and longer periods of deprivation of liberty. In extreme cases, it leads to the arbitrary arrest, physical abuse and even summary execution of children. This pattern helps to create a culture of tolerance of institutionalized violence against children and is yet another factor that contributes to the stigmatization of children who are poor and disadvantaged.

In Central America, the first decade of the new millennium was characterized by an oppressive 'war on gangs' in many countries, including Honduras, Guatemala and El Salvador, where an anti-gang policy, later declared unconstitutional, advocated the immediate imprisonment of youths as young as 12 who displayed gang-related tattoos or flashed gang signs in public.<sup>51</sup> These aggressive approaches were not matched by rehabilitative and developmental programmes. Ultimately, they contributed to the routine stigmatization of gang members, the radicalization of actual and would-be members, and a downward spiral of violence.<sup>52</sup> This approach has now been replaced by interventions that focus on the underlying causes of the violence, not only the symptoms.<sup>53</sup>

For the most part, children who do participate in criminal activities are the victims of exploitation and manipulation, often by violent means. Criminal organizations use children because they can often be controlled more easily than adults; and in some cases, they cynically exploit the special protection that children enjoy under the law. In countries where the minimum age of criminal



responsibility excludes the possibility of convicting children, children under that age become attractive recruits for criminal networks, including drug dealers, because they cannot be charged if stopped by the police. This, in turn, creates the risk that the police will use illegal measures to 'punish' children or obtain information from them.

### *Trafficking in children*

Trafficking is a global phenomenon, with a very large number of countries affected as sources, transit points or destinations.<sup>54</sup> According to the UNODC 2012 global report on trafficking in persons, at least 136 nationalities were trafficked and detected in 118 countries.<sup>55</sup>

Trafficking is, like many of the issues discussed in this chapter, linked closely to poverty and inequality. It is, in itself, a form of violence and a violation of a child's human rights. As the UN Study noted, trafficking can involve many forms of violence: abduction or deception by recruiters, sexual violence as they are transferred to their destination, and being held captive while waiting for 'job' placement. Most victims are trafficked into violent situations.<sup>56</sup>

Between 2007 and 2010, almost half of all trafficking victims detected worldwide were trafficked across borders within their region of origin. Domestic trafficking accounts for 27 per cent of all detected cases of trafficking in persons worldwide.<sup>57</sup>

The numbers of child victims of trafficking are increasing. From 2003 to 2006, 20 per cent of all detected victims were children, but between 2007 and 2010 this percentage rose to 27 per cent. Two in every three child

victims are girls.<sup>58</sup> While European and Central Asian countries report that children account for 16 per cent of detected victims, this percentage rises to approximately 68 per cent in Africa and the Middle East.

Children may be trafficked for different purposes, including sexual exploitation and domestic work. They may also be trafficked for adoption, exchange of debts, recruitment into criminal activities or armed groups or, in a small number of cases, for organ harvesting. An estimated 1 million children are coerced, kidnapped, sold and deceived into child prostitution or child pornography each year – many of them victims of trafficking.

Sexual exploitation, forced labour and begging are particularly common: trafficking for the purpose of sexual exploitation accounts for 58 per cent of all trafficking cases detected globally, while incidents associated with forced labour account for 36 per cent, and victims trafficked for begging account for about 1.5 per cent of the victims. Detected cases of trafficking for the removal of organs remain relatively rare, amounting to 0.2 per cent of total cases detected in 2010, although found in 16 countries spread across every region.<sup>59</sup>

Trafficking is a global business that promises attractive financial returns for criminal networks. Although 83 per cent of countries had proper legislation to combat human trafficking in 2012, up from 60 per cent in 2009, the number of convictions for trafficking in persons remains low: 16 per cent of countries have not recorded a single conviction.<sup>60</sup> Stronger enforcement and better data and monitoring mechanisms remain a priority for the years ahead.

## The global economic crisis and violence against children

The vulnerability of children to violence and abuse has become even more acute in the context of the global economic downturn.

Although initially buffered from the financial crisis, low-income nations soon felt its impact, with a slow-down in international trade, severely stretched government budgets and uncertainty around foreign aid.<sup>61</sup>

### BOX 3

#### Counting the cost of violence

Violence generates significant costs to household, community and national economies. For this reason, investing in violence prevention is not only a human rights issue, it also makes economic sense.

While a wide range of methodologies have been used to calculate the direct and indirect cost of violence against children, each and every study confirms one key fact: violence is a major drain on national economies. As noted in a WHO study, “meeting the direct costs of health, criminal justice, and social welfare responses to violence diverts many billions of dollars from more constructive societal spending. The much larger indirect costs of violence due to lost productivity and lost investment in education work together to slow economic development, increase socioeconomic inequality, and erode human and social capital”.<sup>62</sup>

Figures from Australia in 2007 indicate that the cost of child abuse in that year was between Aus\$10 and Aus\$30 billion (between US\$8.3 and US\$24.8 billion at 2007 rates), while the cost of the lifelong aftermath of violence in that year alone would amount to between Aus\$13 and Aus\$38 billion (between US\$10.7 and US\$31.4 billion).<sup>63</sup>

In the USA, the total lifetime costs of child maltreatment, including health care, child welfare, criminal justice, and the value of lost future productivity and earnings are thought to be US\$124 billion every year.<sup>64</sup> And the estimated cost of gang violence in Los Angeles is thought to amount to US\$1.145 billion each year in criminal justice costs alone.<sup>65</sup>

There is little comparable information available from low- and middle-income countries. However, given that an estimated 90 per cent of all violence-related deaths occur in these countries, it is likely that the economic impact of violence is even more severe.<sup>66</sup> A study cited by the World Bank that looked only at reduced earnings as a result of domestic violence found that these amounted to US\$29.5 million in Nicaragua, or 1.6 per cent of GDP, and as much as US\$1.56 billion in Chile (2 per cent of GDP).<sup>67</sup>

Violence in schools is also costly for countries. Youth violence in Brazil alone is estimated to cost nearly US\$19 billion every year, of which US\$943 million can be linked to violence in schools.<sup>68</sup> The cost to the US economy is even higher, at an estimated US\$7.9 billion per year.<sup>69</sup> In Argentina, the forgone benefit to society<sup>70</sup> from overall early school dropout is 11.4 per cent of GDP, and in Egypt, nearly 7 per cent of potential earnings is lost as a result of school dropout.<sup>71</sup> One study has estimated that over a period of 15 years, the net accumulation of human capital in Latin America and the Caribbean has been halved by the increase in crime and violence.<sup>72</sup>

The news is not all bad: just as violence costs, so prevention pays. According to the European Union (EU), for example, every single euro invested in prevention produces a social return of €87.<sup>73</sup> In this period of economic crisis, marked by cuts (often severe) in social spending, investing in violence prevention is not only a question of good economics, but a way to limit the economic and social impact of the crisis in the long term.

According to some studies, the additional number of people trapped in poverty in 2009 ranged from 50 to 90 million.<sup>74</sup> Vulnerable children have been particularly affected, with estimates that as many as 50,000 infant deaths in sub-Saharan Africa in 2009 were linked to the global financial crisis.<sup>75</sup> At the household level, insecurity in employment and pressure on resources, including as a result of increases in food and fuel prices, have exacerbated the vulnerability of families, resulting in a growing risk of tension and violence.

Economically advanced nations are implementing severe cutbacks in social spending and promoting budgetary austerity measures in the hope of reducing national debt and strengthening their economies. In some cases, cuts in child benefits in the area of education have hampered families' ability to buy schoolbooks or cover the cost of their children's meals and transportation, while child labour in the informal sector and in agriculture may be on the rise as a result of shrinking family income. As highlighted by the Commissioner for Human Rights of the Council of Europe, increasingly difficult socio-economic situations for families and high levels of stress and pressure can seriously increase the risks of domestic violence against children and must be carefully monitored.<sup>76</sup>

### **Climate change, food insecurity and natural disasters**

Climate change and natural disasters, including earthquakes and flooding, devastate national and local economies, physical infrastructure and social support structures, with serious implications for the safety and well-being of children. At the same time, global

food insecurity and water scarcity compromise national economies and generate stress and anxiety within families and communities. As communities and countries compete over diminishing environmental resources, with the growing threat of social unrest that this brings, children are at greater risk of neglect, injury and abuse.

The human cost of climate change and climate-related hazards includes threats to traditional farming practices and agricultural yields for small farmers; the entry of certain plant and livestock diseases into regions where they were once unknown; and threats to the livelihood of fishing communities as sea temperatures change and ocean currents shift.

All of these developments contribute to the fragility of local communities that depend upon their relationship with the environment for their livelihoods. Households may come under increasing pressure, reducing expenditure on basic goods and services. Caregivers, especially mothers, increase the amount of time they spend away from the home to earn an income, and girls may have to step in as caregivers in the absence of an adult. Children may also be required to participate in income generating activities, sometimes at the expense of their schooling.

In this context, children's vulnerability to violence is heightened: levels of domestic violence may increase alongside the likelihood of children becoming victims of exploitation.

There are also growing numbers of displaced persons seeking to escape the impact of climate change. According to recent and tentative estimates, there could be between 25

million and 1 billion climate refugees by 2050, with a figure of 200 million being most widely cited.<sup>77</sup> In conditions of uncertainty and insecurity associated with mass movements of populations, exploitation and violence against children inevitably become pressing concerns.

Drought and famine also heighten children's vulnerability to violence. In the Horn of Africa, by the end of 2011, an estimated 13.3 million people were thought to be affected by food shortages.<sup>78</sup> In these desperate conditions, certain survival strategies can harm children, such as the choice of some families to deny adequate nutrition to girls to ensure sufficient food for their brothers. And a drought crisis may also lead to marked increase in the number of children living on the street and separated from their families.<sup>79</sup>

Children are also vulnerable to the impact of the world food price crisis, which has been fuelled in part by climate change, but also by such factors as the rising price of fertilizers, the loss of agricultural land to agribusinesses and foreign governments and the increased cultivation of monocultures such as soya and sugarcane for human consumption, livestock feed or conversion to biofuel.

Record food prices in 2008 kept or pushed an estimated 105 million people below the poverty line in the short run, affecting in particular the urban poor and female-headed households, who typically spend more than half their income on food.<sup>80</sup> According to the World Bank Group's *Food Price Watch*,<sup>81</sup> prices peaked again in February 2011 and remained high and volatile thereafter, hitting the poorest countries hardest and adding to the strains on the global economy.



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Volatile food prices create uncertainty for many households and stretch the meagre family budgets of the poorest, with resulting risks for children. Women often bear the heaviest burden: as the World Bank reports, they have to manage more stressful domestic family relations that can erupt into violence.<sup>82</sup>

These general trends are sometimes exacerbated by natural disasters, including earthquakes and floods of devastating proportions. The severe floods and subsequent mass displacement experienced in Pakistan in 2010, which affected an estimated 18 million people,<sup>83</sup> exposed children to heightened risks as community networks unravelled and families

and individuals struggled to cope. As a result, children became increasingly vulnerable to trafficking and exploitation, psychosocial distress, child marriage, trafficking and physical and sexual abuse.<sup>84</sup>

The massive earthquake in Haiti in January 2010 caused the loss of more than 220,000 lives and the fracturing of countless families. It is thought that some 1.5 million children were affected directly.<sup>85</sup> The earthquake heightened the vulnerability of Haiti's children to abandonment, trafficking, abuse and exploitation, while adolescents faced greater risks of recruitment into gang activity and urban armed violence, and of engaging in risky behaviour, including substance abuse.<sup>86</sup>

## Children affected by migration and displacement, asylum seekers and refugees

One of the defining developments of recent years has been the increase in the number of people on the move. The search for better economic opportunities and a better lifestyle on the one hand, and the effects of political instability, violence and discrimination, climate change and natural disaster on the other, are driving international and internal migration flows – from South to North, and more significantly, between and within countries in the South.

### *Children affected by migration*

Every year thousands of people become international migrants. According to the World Bank, approximately one third of migrants from developing countries are aged 12 to 24.<sup>87</sup> The number of people moving within national borders is more difficult to assess but, according to some estimates, may be as high as 740

million.<sup>88</sup> These numbers are set to increase in the coming years, driven by population dynamics and a general lack of development and employment opportunities, particularly in rural areas affected by profound environmental changes.

Most child migrants move with their families, and most families that migrate do benefit in terms of income, access to education, health and improved prospects for their children.<sup>89</sup> However, the uncertainty and instability inherent in migration can increase a child's vulnerability to violence and exploitation, especially when they and their families lack legal documents. Of the world's international migrants, some 30 to 40 million are thought to be 'unauthorized',<sup>90</sup> and are highly vulnerable to exploitation, abuse and violence.

Child labour is a particular risk for children of seasonal migrants who travel with parents as they follow work opportunities or escape seasonal droughts or floods.

Migrating children are particularly vulnerable to exploitation, coercion, violence, abuse, theft and trafficking when they are unaccompanied. Most of the world's independent child migrants, especially younger children, are internal migrants in developing countries. Some seek employment or schooling or are attracted by the lure of urban centres. Others may be orphans, or are fleeing conflict, natural disaster, or violence or abuse in their homes or communities.

Girls who migrate can face specific challenges: many leave their families to get married, to contribute to family finances through domestic work – an occupation that can make them particularly isolated and vulnerable – or



to access education. Others leave their families to avoid a forced or arranged marriage, or to escape sexual abuse. Some migrate as a survival strategy and are drawn into sexual exploitation networks in large cities or in tourist areas, while others may be forced into sex work during their journey or at their destination.<sup>91</sup>

Child migrants are particularly vulnerable at transport hubs or border crossings. In some cases, girls may be forced to have sex with border guards to gain entry into a country.<sup>92</sup> Child migrants often cross borders without proper documentation and identification, increasing their risk of exploitation, as well as of detention and imprisonment. A survey of independent child migrants travelling from Nepal to India, 87 per cent of whom were boys, found that only 4 per cent carried any form of identity document.<sup>93</sup>

The vulnerability of these children continues when they arrive at their destination, especially if they do not speak the local language. They often have no legal status and no place to live, and may face discrimination, stigma and xenophobia. Many have no choice but to live on the street. Those who find work risk mistreatment, exploitation and neglect. Lack of documentation is also an obstacle to accessing basic social services, including education and health care, as well as protection services required to address the incidents of violence migrant children may endure and to ensure their recovery and social reintegration.

Despite their growing numbers, child migrants remain largely invisible in the policy debate and in statistical information. Policy responses are fragmented at best, and fail, in general, to protect the rights of child migrants or offer

genuine opportunities for their personal development. This is not a question of preventing the movement of children, but rather one of preventing their vulnerability when they move. Simply sending children back to their place of origin without understanding why they left can put them at greater risk of abuse, violence, conflict or extreme poverty.

A growing concern is the situation of children 'left behind' as parents and caregivers seek economic opportunities elsewhere. This arrangement can be beneficial where children continue to enjoy a supportive family and community structure. It can also be beneficial where their economic situation is improved through remittances that may support their harmonious and healthy development, enable them to attend school and reinforce their protection from neglect, abuse or exploitation.

Unfortunately, the opposite is too often the case. Children left behind may have to drop out of school to carry out household chores or look after younger siblings. Without the protection of parents, they can also become more vulnerable to violence, including sexual violence. There is no guarantee that absent family members will send remittances, or that those remittances will be devoted to the well-being of children or address their vulnerability.

### *Refugees, stateless children and internally displaced persons (IDPs)*

Natural disasters, human rights abuses and violent conflict can all force children to leave their country of origin, with or without an accompanying adult. The United Nations High Commission for Refugees (UNHCR) estimates that there were 15.2 million refugees around the world by the end of 2011, of whom 7

million (46 per cent) were children. An additional 12 million people were estimated to be stateless by the end of the same year, with up to 54 per cent of them children.<sup>94</sup>

Children are particularly vulnerable to sexual violence in and around refugee settings.<sup>95</sup> They may also face stigma and discrimination in their receiving country, and struggle with a new language.

At the end of 2011, there were an estimated 26.4 million IDPs worldwide who had been forced from their homes by conflict, generalised violence and human rights violations.<sup>96</sup> As with refugees, children constitute a particularly vulnerable segment of the IDP population. Like adult IDPs, they must rely on national governments that may be complicit in their displacement. Lack of data also limits the response: according to a report by the Norwegian Refugee Council, data on IDP numbers, disaggregated by sex, age and location were collected in only 11 of the 50 countries with IDP populations in 2011. Data make a difference: in Burundi, for example, it is reported that IDPs have a better chance of obtaining durable solutions to their situation as the result of a nationwide data collection exercise and legal measures that simplify land acquisition.<sup>97</sup>

## **New technologies: challenges and opportunities**

Mobile phone technology, internet-based communication networks and social media have developed at a dramatic rate over the last two decades, bringing with them enormous opportunities for children in terms of education, socialization and entertainment. Children and adolescents around the world

have adhered to these technologies with ease, creating new spaces for interaction. Indeed, the advances have been so rapid that parents and caregivers often struggle to keep up.

At the same time, however, these technologies can expose children to abuse and exploitation in ways that are often difficult for adults to detect and address, particularly when they take place in spaces beyond adult supervision. The risks associated with the internet, mobile phones and other social media platforms include the proliferation of child abuse images, online 'grooming', and the stalking of potential child victims through social media sites and chat rooms.

Cyber-bullying is becoming a growing source of concern. It may originate in face-to-face interaction in schools or other social spaces, but children do not escape it at the end of the day. In 2010, the European Union Kids Online initiative survey of 25,000 internet users aged 9 to 16 across 25 European countries found that 93 per cent go online at least weekly, that 6 per cent had received hurtful messages, and 3 per cent admitted to having sent such messages to others.<sup>98</sup>

As the 2011 UNICEF Innocenti Research Centre report on child safety online points out, "[w]hile information and communication technologies (ICT) have not created crimes involving sexual abuse and exploitation of children; they have enhanced the scale and potential of some old and familiar ones".<sup>99</sup> The study indicates that several factors exacerbate the likelihood of harm to children, including a lack of parental awareness and knowledge, difficult economic conditions, and underdeveloped regulatory frameworks. Gaps



in online protection appear greater in low- and middle-income countries, where there are already gaps in overall child protection. The most dramatic changes in the coming years may occur in lower-income countries, where children are more likely to go online in public places, such as internet cafes, where they are at greater risk of abuse.

Responses to these challenges include raising the awareness of parents and caregivers to the risk of online abuse in its various forms, and initiatives to encourage responsible online behaviour. Protection also implies the creation of effective, accessible, confidential and child-friendly mechanisms to report and address violence or the risk of violence.

Telephone helplines have a vital role to play here. As highlighted by a recent Child Helpline International report that provided insightful evidence based on calls from European children over a decade, child helplines play a uniquely supportive role in that they offer confidentiality and support to vulnerable people in crisis, at times when free access to other services is unavailable.<sup>100</sup> Child helplines provide a means for children and young people to have confidential conversations with trained staff who generally succeed in creating a supportive environment

that gives the caller a sense of emotional safety. The staff establish a rapport with the callers, focusing on their concerns and adapting the pace and duration of the conversation to the needs of each child.

### **Keeping children at the heart of our efforts**

All the developments discussed in this chapter have serious implications for children. Measures to end violence must recognize and respond to these developments and pressing challenges. Equally, responses to these global challenges cannot afford to overlook the issue of violence, or fail to consider their impact on the enjoyment of children's rights, including their freedom from violence.

## NOTES

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## CHAPTER 3

# Violence against children in all settings

To address a topic as wide ranging as violence against children in a systematic way, the 2006 UN Study used an analytical framework based on the five main settings of childhood: the home and family, schools, care and justice systems, workplaces and the community.

### Revisiting the five settings

The analytical framework built around these five settings continues to inform work to prevent and address violence against children. At the same time, no single setting should distract us from a holistic view of the child across all of these contexts.

In reality, violence is interlinked and cumulative: it is often the *same* children who experience violence in any or all of these settings,

and a child subjected to violence in any one of these environments is likely to experience violence in any other. Recent literature uses the term 'polyvictim' to refer to children exposed to multiple manifestations of abuse in the family, at school, and in the community where they live.<sup>101</sup>

The 2009 study on violence against children from Tanzania, for example, found that young women and men aged 13 to 24 who had experienced sexual violence also tended to report exposure to physical and emotional violence.<sup>102</sup> In the USA, the National Survey of Children's Exposure to Violence in 2008, found that multiple experiences of violence were common:<sup>103</sup> children who were exposed to one type of violence were at far greater risk of experiencing other types of violence. Those who had been physically

◀ Farida Ousmane, 16, holds her 9-month-old brother, Laouli Ousmane, at the UNICEF-supported Routgouna Health Centre, in the town of Mirriah, Niger. They are waiting for Laouli, who is malnourished, to be examined.

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assaulted in the past year were five times as likely to have been sexually victimized and more than four times as likely to have been maltreated during that period.<sup>104</sup>

Wherever it occurs, violence undermines a child's personal development. There is growing scientific evidence that prolonged or excessive exposure to fear and anxiety can cause levels of stress that impair brain development, early learning and later performance in school, in the workplace and the community.<sup>105</sup> One established finding in the psychological literature on aggressive and violent behaviour is that 'violence begets violence'.<sup>106</sup> Once violence becomes a part of a child's life, it tends to recur in different settings and may even be passed from one generation to another.

For children living in poverty or experiencing discrimination, the impact of multiple abuse on their lives is even more damaging. Many drop out of school and are drawn into dangerous or harmful forms of labour. Some become involved in violent gang culture, while others are harassed by the police. Many are incarcerated, at times with adults, and exposed yet again to violence.

For girls in particular, a cycle of sexual abuse can begin in the home and continue in school and on the streets. Children who have been exposed to sexual violence are, in turn, more susceptible to risk-taking, as well as to alcohol or substance abuse, all of which increase their vulnerability to yet more violence.

Far from being clearly defined and discrete, the five settings are inherently interlinked, and developments in one setting can have profound implications in another. As outlined

in the 2012 publication issued by the SRSG on *Tackling Violence in Schools*:

*In effect, violence in the home, in the school and in the community is a continuum, spilling over from one setting to another. If schools can be established as violence-free environments there is a possibility of creating a new continuum [...].<sup>107</sup>*

If children come to see violence as a legitimate way to resolve conflicts or establish dominance or status, it is more than likely that they will bring these values into schools and other settings.

The extent to which the five settings of childhood overlap is not only a conceptual issue, but also a reflection of the physical and social organisation of different societies. In some parts of the world, particularly in rural settings, there is no formal structure that can be identified as a 'school': learning takes place informally in the community. Likewise, child misdemeanours might be addressed by community members through customary law rather than formal legal institutions; and for many children engaged in domestic chores or working in small family businesses, there is little division between home and the workplace.

The most recent developments in information and communication technology, addressed in the previous chapter, also blur the distinction between these settings, and children and young people are among the most adept at using this technology, with all its opportunities and risks.

The remainder of this chapter considers the five settings examined in the UN Study and recent developments in these areas. It



emphasizes the interlinked nature and cumulative impact of violence, highlighting the patterns of abuse that expose children to violence throughout their childhood.

## Home and family

*“In a poor family, if the dad doesn’t work, it’s hard for him to assume his responsibility as father of the family. If the dad doesn’t bring anything home, he’s considered a good-for-nothing. And if something happens, he can’t speak, he’s got nothing to say in front of the family or even in front of the children. To unburden himself he uses blows or insolent words.”*<sup>108</sup>

– A.K, Democratic Republic of the Congo

For most children, home is a place of nurture and security in which they can grow, play, learn and develop without fear. It is here that most young children begin to explore the world around them and bond with others. This is also where they internalize the values that will shape their behaviour and attitudes in the years to come.

Raising a family can, however, be stressful, especially where parents and caregivers face difficult social, economic or personal circumstances. As a result, for too many children, home is associated with suffering that can set a pattern for the rest of their lives.

As the UN Study emphasizes, addressing violence against children in the home is, perhaps, the greatest challenge. Seen by many as the most ‘private’ of private spheres, the home presents significant obstacles in monitoring children’s well-being, implementing policy, applying legal measures of protection, and ensuring access for child care professionals.

Yet evidence shows that it is also in the home that children continue to be at greatest risk of violence. A 2010 UNICEF survey of child discipline practices in the home in low- and middle-income countries indicates that three out of four children between 2 and 14 years of age experience violent discipline at home,<sup>109</sup> and more than 20 per cent suffer severe physical punishment in 13 of the countries surveyed.<sup>110</sup> Boys are often more likely to suffer violent discipline than girls.<sup>111</sup>

Physical violence is often accompanied by psychological violence, including insults, name-calling, isolation, rejection, threats, emotional indifference and belittling, all of which undermine a child’s psychological development and well-being.

According to data from Child Helpline International, based on calls made by children to helplines worldwide, immediate family members are the most common perpetrators of all forms of abuse, accounting for 34 per cent of reported cases where the perpetrator was known. Immediate family members commit more than one third of the cases of physical and sexual abuse. One fifth of all abuse of children is committed by members of the extended family. In all, family members account for 60 per cent of all reported cases of violence and abuse against children.<sup>112</sup>

The most vulnerable children – including the very young and children with disabilities – are the least able to draw attention to the violence they experience or witness in the home. And it is all too often those who are responsible for their protection and care who put them at risk.<sup>113</sup>

The youngest children spend the most time in the home and are at high risk of violence. The 2010 report on child maltreatment compiled by



the Children's Bureau in the USA, based upon case-level data on maltreatment from across the country, found that children under 1 year of age had the highest rate of victimization among all children, at 20.6 per 1,000 children in that age group, while 34 per cent of all victims of maltreatment were aged 3 or under.<sup>114</sup> In low- and middle-income countries, rates of child abuse and homicide for children aged 0 to 4 are reported to be more than double those for children in the 5 to 14 year age group.<sup>115</sup>

There is growing recognition of the need to promote the rights of every child from the very first days of life and the high returns to be gained from protecting the very youngest children from violence.

In the seven years since the UN Study, a growing body of evidence from developmental neuroscientists indicates that children's brains are wired to deal with what is happening in the present. When that present is characterized by violence, the brain learns to cope with a malevolent world. Consequently, the effects of family neglect and violence in early childhood can have an impact on physical and mental health that can take years to remedy.<sup>116</sup>

Children with disabilities, often isolated from the wider community, are relatively easy targets for violence in the home. Perpetrators often enjoy impunity and there are rarely any witnesses to speak out. While the extent of the additional risks faced by these children is hard to estimate, the National Centre on Child Abuse and Neglect (NCCAN) in the USA has suggested that the increased risk for children with disabilities across all types of abuse is 1.7 times that for children without disabilities, and that they are four to ten times more vulnerable to sexual abuse.<sup>117</sup>

Violence need not be directed at the child to have an impact: a study in Nicaragua cited by the World Bank estimated that the children of victims of abuse are six times more likely to die before the age of five than children raised in a non-violent context.<sup>118</sup> Children exposed to violence often suffer from anxiety, depression, aggression, difficulties with attachment, and regressive behaviour.<sup>119</sup> Child abuse in the home has also been linked to more risk-taking behaviour among youth, including alcohol and drug use, early and risky sexual experience and violence.<sup>120</sup>

Sexual violence and abuse in the home is a major concern – and a phenomenon for which reliable data are notoriously difficult to obtain. One study on maltreatment of children in the home in Spain, conducted by the Spanish Government, found that 4.25 per cent of children between the ages of 8 and 17 had experienced maltreatment in the family in 2006, and 0.89 per cent of children had been subjected to sexual abuse.<sup>121</sup> The findings also suggested that, while sexual violence is not the most common form of violence in the home, it is more likely to be repeated than any other form: a reflection of the secrecy, shame and fear associated with these incidents.<sup>122</sup>

Children are also exposed to harmful practices in the home, including forced feeding, breast ironing or child marriage.<sup>123</sup> One practice, female genital mutilation/cutting (FGM/C), often takes place in great privacy, although the social and cultural pressures to inflict this practice on a young girl may be deeply rooted in the community. UNICEF indicates that more than 70 million girls and women aged 15 to 49 have undergone FGM/C in 28 African countries, plus Yemen, and that

three million girls are at risk of FGM/C each year in Africa alone.<sup>124</sup> In the 29 countries where FGM/C is widely practiced, the percentage of women aged 15 to 49 who have been cut ranges from under 5 per cent in Cameroon, Ghana, Niger, Togo, Uganda and Zambia, to over 90 per cent in Djibouti, Egypt, Guinea, Sierra Leone and Somalia.<sup>125</sup> Cases of FGM/C have been documented in the Middle East and have also been found in Europe, Australia, Canada and the United States of America among immigrant populations.

Just as violence takes a particularly heavy toll in early childhood, positive initiatives in this phase of life, such as Positive Parenting programmes, can enhance the resilience of children in all settings. Increased resilience, in turn, reduces the likelihood of children reacting with violence or falling victim to it in any of the settings identified in the UN Study.

While parenting is, in many respects, private, it is also a legitimate domain for public policy: and legislation can send a clear message about the unacceptability of violence in every setting, including the home. At the time of writing this report, 35 States around the world have a comprehensive legal prohibition of violence against children, with the most recent states to enact this law being Honduras in 2013, South Sudan in 2011 and Angola, Albania, the Republic of the Congo, Kenya, Poland and Tunisia in 2010.<sup>126</sup>

Significantly, parents themselves do not necessarily support the use of corporal punishment, and the role of public authorities in supporting parents to learn and practice good parenting skills and positive discipline is crucial. According to the UNICEF survey of disciplinary practices in a range of low- and middle-income countries, only one in four

#### BOX 4

### The Council of Europe principles for positive parenting<sup>127</sup>

Positive parenting is parental behaviour that respects the rights and best interests of the child. The positive parent nurtures, empowers and guides children, recognizing them as individuals in their own right. Positive parenting is not permissive parenting: it sets the boundaries that children need to develop their full potential. A key part of positive parenting is raising children in a non-violent environment.

Positive parenting provides:

- Nurture – responding to a child’s need for love, warmth and security;
- Structure and guidance – giving a child a sense of security, a predictable routine and necessary boundaries;
- Recognition – listening to children and valuing them as people in their own right;
- Empowerment – enhancing children’s sense of competence and personal control;
- A non-violent upbringing – excluding all corporal or psychologically demeaning punishment.

States can support positive parenting by introducing appropriate policy measures, providing mechanisms to support parents, raising awareness and, importantly, mainstreaming children’s rights into policy-making and creating meaningful opportunities for children to make their opinions heard.

mothers or primary caregivers believe that physical punishment is necessary to raise a child;<sup>128</sup> but, in the absence of opportunities to learn positive parenting techniques and alternative forms of discipline, they may still resort to corporal punishment. There are indications that parents who stop using physical discipline, perhaps as a result of preventive legislation or the impact of awareness-raising campaigns, may resort to psychological violence unless they have adequate support and information to use positive discipline methods.

The Council of Europe, while explicitly acknowledging that there are many different ways to raise children, has drawn up a set of general principles that underlie the concept of positive parenting (see Box 4).<sup>129</sup>

## Schools

*“Two years ago one of the teachers had beaten one of my classmates very badly. Her mother came to school and complained to the principal. The same teacher got angry with the parent and called her very bad words, and finally the student’s mother decided not to let her daughter attend the school.”<sup>130</sup>*

– Lima, 15 years old, Afghanistan

Children in most countries spend more time in the care of adults in educational settings than anywhere else outside of their homes. Schools have a responsibility to protect children from violence, and the adults who oversee and work in schools are required to provide safe environments that support and promote children’s dignity and development. In this connection, the CRC calls on States Parties to ensure that school discipline

is administered in a manner consistent with the child’s human dignity and in conformity with the principles and provisions of the Convention.<sup>131</sup> Despite this, educational settings expose many children to violence, and may even teach them violence.

Violence in schools includes bullying and playground fighting, sexual and gender-based violence, and psychological and physical violence, including corporal punishment; it may be linked to the location of a school, the proximity of gang violence, the availability of weapons and fighting in the neighbourhood. Violence in (and around) schools is one of the most significant factors in the under-representation of girls in schools.

Children who are bullied at school are more likely than their peers to be depressed, lonely or anxious and to have low self-esteem. Recent studies suggest that around half of all children involved in bullying are both victims and perpetrators, and that they are the most troubled group of children involved in this manifestation of violence.<sup>132</sup> Among perpetrators, boys are more likely to engage in physical bullying, while girls most often engage in verbal harassment.

The UN Study notes that violence is also directed increasingly at children on the basis of their sexual orientation. A research review from the USA, for example, found that the relationship between bullying and suicide risk was significantly stronger for lesbian, gay and transsexual youth than for heterosexual youth.<sup>133</sup>

A small number of countries have introduced specific legislation to protect children against bullying and, in a few cases, cyber-bullying. Like all legislation, its impact depends on

awareness-raising among schoolchildren, parents, caregivers and the public as well as on the provision of appropriate complaint and redress mechanisms. In Norway, for example, the Government has galvanized all levels of society into action through a Manifesto Against Bullying which was supported by the Government, as well as teaching unions and parents' committees.



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Children the world over are also exposed to sexual abuse and violence in schools. Such abuse may be perpetrated by students themselves, most often by male students who abuse younger and weaker children and girls in particular. In other cases, school staff – including teachers – is responsible for such abuses.

In sub-Saharan Africa, it is not uncommon to find teachers promising higher grades, supplies or reduced school fees in exchange for sex with girls. Teachers may even blackmail girls for sexual favours by, for example, threatening them with negative assessment of their school achievement or by refusing to issue them with a school certificate. In West and Central Africa, this has led to a reported practice of 'sex for grades'.<sup>134</sup> In certain cases, this exploitation of pupils, especially girls, is exacerbated by low teaching salaries, growing class sizes and the sense among teachers that they are undervalued.<sup>135</sup>

The impact of school violence on girls' education can be devastating, particularly when exacerbated by other economic and cultural factors, including expectations that girls should stay at home or work to support their family. Some of the most serious violence-related barriers to girls' education, in addition to physical or sexual abuse at the hands of teachers or fellow pupils, include: school drop-out because

of unwanted pregnancies, at times legitimized by legislation requiring pregnant girls to abandon their schooling; the distance that girls must travel to school and the dangers along the way; the unsafe physical environment of schools, including the failure to provide separate and adequate toilet facilities; and the decision of parents to keep their daughters at home because of the risk of violence in or around school.<sup>136</sup>

Boys may also become victims of sexual harassment and abuse. In Uganda, for example, research found that 8 per cent of 16 and 17-year-old boys and girls had had sex with their teacher, and 12 per cent with ancillary staff.<sup>137</sup>

Corporal punishment may be inflicted on pupils with or without the approval of education ministries and other school authorities. The *World Report on Violence against Children* noted a clear trend away from corporal punishment in schools in every region – most notably in Europe.<sup>138</sup> This trend has been further reinforced over recent years, with more countries outlawing the use of violence, including corporal punishment, in school.

In India, the Right of Children to Free and Compulsory Education Act 2009,<sup>139</sup> recognizes the right of the child to protection from physical punishment or mental harassment and foresees

disciplinary action for those who may contravene such provisions. To support the implementation of the Act, additional measures call for the promotion of awareness-raising initiatives, as well as for procedures for monitoring implementation and complaints mechanisms to address the violation of children's rights. India's National Commission for Protection of Child Rights examines and reviews the safeguards of children's rights provided by the Act, as well as any complaints alleging their violation.

In Belize, the Education and Training Act 2010, which came into force in May 2011, calls upon school authorities to ensure that pupils are free at school from physical, sexual or other forms of harassment, as well as intimidation and corporal punishment. The Act underlines that nothing can or should authorize harassment, intimidation, the administration of corporal punishment or any other actions harmful to a student.

According to the Global Initiative to End All Corporal Punishment of Children<sup>140</sup> as of July 2013, corporal punishment in schools was unlawful in 117 countries. This positive legal trend must be complemented by practical initiatives to ensure a safe environment within and around schools, and training in positive discipline to avoid teachers resorting to psychological punishment in the classroom that belittles, humiliates, threatens, scares or ridicules children.

A number of recent developments may, however, be compromising the capacity of teaching staff. As international progress is made toward universal education, and the number of children in school rises, stressful conditions, including overcrowded classrooms, insufficient resources, and more emphasis on student testing and

achievement may lead teachers to resort to violent discipline. This trend is by no means established, but requires careful observation and a strong focus on the quality of education available to children.

Addressing violence in schools is a priority for the SRSG mandate. Recognizing the crucial importance of education in safeguarding children's rights, and of violence-free schools as catalysis for non-violence in the communities that they serve, the SRSG, in cooperation with Government of Norway and the Council of Europe, organized an expert consultation on violence in schools in June 2011. The meeting provided the foundation for the SRSG study *Tackling Violence in Schools*,<sup>141</sup> with concrete and specific recommendations to tackle violence against children in their learning environment.

As noted by this study, the most promising initiatives break away from a strict sectoral approach in favour of child-centred, 'whole school' strategies. They overcome inherent bureaucratic and administrative divisions by addressing violence on a number of levels simultaneously, including through legislation, policy development, budgetary allocations, employment policy, teacher training, school administration and curricula development. School- and system-wide interventions not only reduce violence, but also help to reduce truancy, improve academic achievement, and enhance children's social skills and well-being. This whole school approach is illustrated by Plan International's 'Learn Without Fear' campaign, a global effort to end violence against children in schools launched in 2008 (see Box 5).<sup>142</sup>

This report, like the UN Study and the SRSG's report *Tackling Violence in Schools*, advances

## BOX 5

### Learn Without Fear Campaign

The Learn Without Fear campaign addresses a range of manifestations of violence, including sexual abuse, neglect, verbal and emotional abuse, corporal punishment, bullying, peer-to-peer violence, youth gangs, harassment on the way to and from school, and the use of weapons in and around schools.

The campaign aims to raise the profile of these issues among the public and persuade governments, schools and other key players to act. It is based on seven steps:

- working with governments to develop and enforce laws against school violence;
- working with partners to develop reporting and referral mechanisms for children affected by school violence;
- recognizing children and young people as critical participants in the development of strategies and solutions to address violence in schools;
- working with governments to establish holistic data collection systems and carry out research to ascertain the scale and severity of violence in their schools;
- ensuring that sufficient resources are made available by governments and international organizations to tackle violence in schools;
- advocating with UN agencies, multilateral donors, development banks and international NGOs to increase support to governments to tackle violence in schools;
- working with pupils, parents, school staff, education authorities and the community to expel violence from schools.<sup>143</sup>

As of August 2010, the campaign was operating in 44 countries. It has contributed to changes in legislation, the creation of safer schools and communities, and an increased awareness of the issue of violence in schools. Between 2008 and 2010, anti-violence campaign messages reached 94 million adults and children through radio and television shows, leaflets, training sessions and workshops. Over the same period, the campaign trained more than 19,000 teachers in non-violent teaching methods.

As a result, 33 countries report an increase in non-violent practices among educators.<sup>144</sup> The Learn Without Fear campaign has also helped to improve mechanisms that give children the opportunity to report violent incidents and hold perpetrators to account in 27 countries. A further 36 campaign countries have provided access for children to medical support for injuries sustained at school and 28 countries have provided counselling services for affected children.<sup>145</sup> Children are involved in all aspects of the campaign, ranging from campaign planning in Egypt and Malawi, to running radio shows three times a week in Senegal and participating in regional art collaborations across Asia.

the concept of rights-based, child-friendly schools aiming at the prevention and elimination of violence against children. Child-friendly schools are proactively inclusive, gender sensitive and academically effective.<sup>146</sup> They offer all children a healthy and protective environment, and emphasize engagement with families and communities.

Cultivating tolerance and dignity both inside and outside education facilities requires schools to operate as inclusive structures. Any school that fails to cultivate positive values and social inclusion may well contain violence through specific and limited initiatives, but is unlikely to become truly violence-free, or serve as a real catalyst for change in the community.



A school that includes all children, however, is good for all children. Aiming to create a child-friendly whole-school environment, India's 2009 Right of Children to Free and Compulsory Education Act includes a provision whereby 25 per cent of entry-level places in private schools are reserved for disadvantaged children from the neighbourhood. The Act also stipulates barrier-free education for children with special needs, and requires all schools to establish School Management Committees, comprising local authority officials, teachers, parents and guardians, with a mandate for the inclusion of 50 per cent women and parents of children from disadvantaged groups in these Committees.<sup>147</sup>

Intercultural, inclusive education – learning that promotes respect for and understanding of other cultures and caters for all children, is vital to eliminate discrimination and increase respect among children and between teaching staff and pupils. Diversity itself can become a pedagogical resource that contributes to a better and safer educational experience for all children – an experience with the potential to spread beyond the school into society in general.

## Care and justice institutions

*"I've lived with violence since my childhood, since the age of two and a half. And all the children who were in the institution went through the same thing. Verbal violence, blows, mistreatment."*<sup>148</sup>

– M.B., Belgium

The UN Study observes that millions of children, particularly boys, spend long periods under the control and supervision of care authorities or in justice facilities, in institutions

such as orphanages, children's homes, care homes, police lock-ups, juvenile detention facilities, prisons and reform schools. The report produced in 2011 by the NGO Council on Violence against Children, found very limited progress on ending violence against children in care institutions since the Study was published in 2006.<sup>149</sup>

### *Children in residential care*

Some 42 per cent of all children in institutional care worldwide are in Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS).<sup>150</sup> Despite child care reforms that are underway in all 20 countries in this region, the rate of children in institutional care in 12 countries increased between 2000 and 2007: on average, the number of children living in residential or family-based care in the region in 2007 was 1,738 per 100,000, up from 1,503 per 100,000 in 2000.<sup>151</sup>

Children in institutional care – already vulnerable as a result of the circumstances that led to their separation from their families and communities – are at high risk of violence, neglect and abuse, including sexual abuse, from staff and officials responsible for their well-being. This is particularly true where staff are poorly-trained and ill-paid, and where the institutions themselves are stigmatized by attitudes in the local community. For example, a 2011 survey of violence against children in State-run institutions in Kazakhstan found that more than one-third of children or youth in orphanages or educational institutions for children with 'deviant behaviour', and one quarter of those in shelters, had seen staff using violence against other children.<sup>152</sup> It also found that such violence caused serious anxiety and emotional distress among children that often resulted in acts of self-harm.<sup>153</sup>



Children in institutional care are also vulnerable to bullying, abuse and other forms of violence at the hands of other children. Moreover, conditions can be so poor in institutions that they put the health and lives of children at risk. Children with disabilities are at particular risk of violence, and may even be subjected to abuse in the guise of treatment. Again in the CEE/CIS region, research indicates that children with disabilities face a greater risk than others of being institutionalized and of staying so for long periods. According to data from 2007, more than one third of all children in residential care in the region were classified as having a 'disability' – a figure that has remained static over the past 15 years, suggesting that little has been done to provide non-residential alternatives for these children and that their interests are being ignored in reforms.<sup>154</sup>

The situation of all children in institutions is addressed most effectively by strategies that go beyond the institutional setting to ensure that families and caregivers receive support to care for their children at home where possible, to help schools adopt inclusive teaching techniques and provide appropriate support for all children, and to create a protective community environment for these children.

The 2009 UN Guidelines for the Alternative Care of Children are an important breakthrough, setting out desirable pathways for policy and practice on the protection and well-being of children deprived of parental care or who are at risk of being so. They aim to support efforts to keep children with their families or, failing this, to find another appropriate and permanent family-like solution, including adoption or *kafala* under Islamic law. Under the Guidelines, States must ensure that the accommodation and supervision provided to children in alternative care protects



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them from abuse. In addition, all alternative care settings are required to protect children from abduction, trafficking, sale and all other forms of exploitation.<sup>155</sup> The Guidelines state that:

*[a]ll disciplinary measures and behaviour management constituting torture, cruel, inhuman or degrading treatment, including closed or solitary confinement or any other forms of physical or psychological violence that are likely to compromise the physical or mental health of the child, must be strictly prohibited in conformity with international human rights law.*<sup>156</sup>

In May 2011, the SRSG convened with UNICEF, the Council of Europe and the EU, an 'International Conference on Combating Violence Against Children'<sup>157</sup> in Kiev, Ukraine, where the Guidelines were given prominent attention. The Conference called for enhanced efforts to prevent the separation of children from their families, and to ensure that children's care and protection are compatible with their human dignity and the safeguard of their fundamental rights at all times. The Conference underlined the need for diversified services for children and families, the training of professionals on prevention, identification, child-centered and child-sensitive assessment and reporting of violence against children, and the introduction of 'gatekeeping' systems to support the rights of

each individual child through the appropriate services at the right time. Many of these measures are already in place in Moldova (Box 6), with encouraging results.

While foster care is a positive alternative to residential care, children who enter the fostering system are often deeply disturbed as a result of family violence and abuse and require steady support. Statistics from the USA highlight the vulnerability of former foster children, with an estimated 27 per cent experiencing homelessness within a year of 'aging out' of foster care and 47 per cent experiencing unemployment after one year. More than 44 per cent of male and 16 per cent of female

former foster children are incarcerated after leaving foster care.<sup>159</sup>

### *Children in justice institutions*

Like children in residential care, children involved with the justice system, including those deprived of liberty, are at risk of violence at the hands of correctional staff or law enforcement officials. For this reason, violence against children in the justice system is a high priority concern for the mandate of the SRSG.

As stated in the CRC, no child should be deprived of their liberty in an unlawful or arbitrary way, and this measure can only be used as a last resort and for the shortest possible time. Yet thousands of children around the world are deprived of their liberty – often as a first option rather than the last, and only a little over half of the governments that responded to the Global Survey indicated that legal provisions are in place to address violence against children in the justice setting.

According to cautious estimates, more than one million children are held in police stations, pre-trial facilities, closed children's homes and similar places of detention. As stressed by the joint report, *Prevention of and responses to violence against children within the juvenile justice system*, issued by the SRSG in cooperation with OHCHR and UNODC, most of these children are first-time offenders, awaiting trial or accused of or sentenced for petty offences.<sup>160</sup> Children may also be denied access to legal assistance and placed in detention as a substitute for care arrangements.

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reports that, in many countries, the criminal justice system functions

#### **BOX 6**

### **Addressing violence in care institutions in Moldova**<sup>158</sup>

Reform of the childcare system in the Republic of Moldova, led by the Government, has focused on family support services, preventive interventions and the expansion of alternative care services. As a result, the number of children in residential care fell from 11,544 in 2005, to 5,650 in 2011, and parents are now more aware of new services and alternatives to abandonment.

Moldova has concluded its 2007-2012 National Strategy and Action Plan for the Reform of the Residential Care System, complementing its 2010-2011 National Plan of Action on the Protection of Children Left Without Parental Care. New services have been established, including a nationwide network of community-based social workers, 'gatekeeping' commissions, and alternative care services such as foster care and family-type homes.

Parents of newborns from vulnerable families now receive support and information from health and social workers, resulting in fewer children being abandoned at birth. Coordination among the various stakeholders – a key element to this complex reform – has also been strengthened.

as, “an ill-suited substitute for a lacking or dysfunctional welfare system, resulting in the detention of children who have not committed a crime but who actually require welfare assistance, such as street children”.<sup>161</sup> The Special Rapporteur has expressed alarm at the low age of criminal responsibility in many countries, encountering children as young as 9 or 10 years old who have been deprived of their liberty, many of them in prolonged pre-trial detention.<sup>162</sup>

Once in detention, including awaiting trial, children are at risk of humiliation, abuse and acts of torture. They may also be subjected to violence as a form of discipline or punishment, including for minor infractions. Research by the Child Rights Information Network indicates that children are at risk of inhuman sentencing, including whipping, flogging, caning or amputation, in at least 40 countries. In a small number of countries, the law still permits both capital punishment and life imprisonment without possibility of release for children.<sup>163</sup>

A worrying trend in regions around the world, including Latin America, sees governments seeking to reduce the minimum age of criminal responsibility while increasing the length of sentences served by young people. At the same time, conditions in which children are detained are deteriorating as overcrowding increases and, with it, the risk of violence.

Another source of serious concern is the routine practice in many countries of placing children in detention with adults, exposing them to yet another level of exploitation and abuse.

The growing number of girls and women in prison is a particular source of concern, as young women involved in the justice system

represent a particularly high-risk group. They tend to lack permanent and supportive families, have usually experienced considerable trauma, and often suffer from a range of physical, sexual and mental health problems.<sup>164</sup> At times, they are deprived of liberty with their own small children, aggravating the risk of stigmatization and harassment, and limiting opportunities for a genuine process of reintegration. Moreover, girls in detention facilities are at particular risk of physical and sexual abuse, especially when supervised by male staff.

The situation of children in detention is surrounded by stigma and is seldom identified as a policy priority. There is scarce information on their numbers or the reasons for their incarceration, and independent monitoring mechanisms are rarely available to safeguard their rights and address their complaints.

With this in mind, the SRSG has enhanced partnerships with a wide range of actors within the UN system and across regions to promote a steady focus on the safeguarding of children’s rights within the justice system.

The SRSG participated in the Council of Europe initiative to develop Guidelines on Child Friendly Justice, designed to safeguard children’s effective access to and adequate treatment in justice.<sup>165</sup> The Guidelines promote the principles of the best interests of the child, care and respect, participation, equal treatment and the rule of law. They apply to all the circumstances in which children are likely, on any ground and in any capacity, to be in contact with the criminal, civil or administrative justice system.

In cooperation with the Africa Child Policy Forum and Defence for Children International,

and with the support of the Government of Uganda, the SRSG joined the Kampala Conference on Child Justice in Africa in November 2011. The Conference produced Guidelines on Action for Children in the Justice System in Africa – a comprehensive framework for the development of safe and child-friendly justice systems and the prevention of violence against children.<sup>166</sup>

Also in 2011, the SRSG supported the development of the report issued by the Inter-American Commission on Human Rights *Juvenile Justice and Human Rights in the Americas*. This report raises concerns at the weaknesses of juvenile justice systems in the region, which are still too often characterized by discrimination, violence, and the abuse of measures involving deprivation of liberty. The report urges States to prevent prison sentences for children and adolescents, to safeguard the rights of children in detention and to strengthen the region's institutions, laws, policies, programmes and practices related to juvenile justice in conformity with international and regional human rights standards.<sup>167</sup>

In January 2012, the SRSG co-organized an expert consultation on the prevention of, and responses to, violence against children within the justice system, together with UNODC and OHCHR and in close cooperation with the Government of Austria.

With the participation of experts from governmental institutions, UN agencies, international and regional organizations and human rights bodies, academia and civil society, the consultation identified a set of practical recommendations to assist States and other actors in the development of a violence-free justice system for children.

These recommendations informed a joint report released before the Human Rights Council<sup>168</sup> and highlight the following areas:

- **Preventing the criminalization of children:** the prevention and reduction of situations leading to children's deprivation of liberty is a critical strategy to decrease the risk of violence in the criminal justice system. States should pursue this goal by: (a) decriminalizing 'status offences', such as begging, vagrancy, truancy or loitering; (b) preventing the detention of unaccompanied migrant children and asylum seekers on the basis of their status; (c) ensuring that children with mental health and substance abuse problems are appropriately cared for, rather than dealt with by the criminal justice system; (d) ensuring universal birth registration and raising the age of criminal responsibility to a minimum of at least 12 years, while continuing to further increase it, and ensuring non-custodial options for children below that age; and (e) supporting this process through a robust and well-resourced child protection system, with effective coordination between the child justice, social welfare and education sectors.
- **Protecting children from all forms of violence within the juvenile justice system:** national laws, policies and procedures on juvenile justice should be brought into full compliance with relevant international standards, and juvenile justice reforms should pursue a child- and gender-sensitive approach and be guided by child rights principles and safeguards, including (a) the recognition of children's deprivation of liberty as a measure of last resort and for the shortest appropriate period of time; (b) the separation of children from adults, and of



girls from boys; (c) the explicit legal prohibition and effective protection of children from any form of violence, including as a form of treatment, punishment or sentencing; (d) the legal provision of safe and child-sensitive counselling, reporting and complaints mechanisms to prevent and respond to incidents of violence; and (e) the establishment of independent oversight and monitoring mechanisms and accountability systems to inspect places of detention and investigate incidents of violence against children promptly.

- **Ensuring the use of diversion and alternative non-custodial measures:** effective alternative mechanisms to formal criminal proceedings and to deprivation of liberty should be developed and used, including restorative justice, mediation, probation, community service and community-based programmes, including treatment for children with substance abuse problems.
- **Ensuring qualified and trained personnel:** a sound system of selection, recruitment and retention of competent professionals should be put in place, supported by continued education and capacity building on children's rights and juvenile justice standards to prevent violence against children in the juvenile justice system.

Ensuring the protection of children from violence in the criminal justice system means building strong child protection systems in the community, preventing children's involvement in the criminal justice system, and accelerating the shift from a punitive to a child-sensitive approach guided by the best interests of the child. Promoting diversion measures, restorative justice and genuine reintegration into society is a key dimension of this process.

## Workplaces

*"When I started working, I didn't work just as a nanny, but instead I did all the chores around the house [...] she [the señora] wouldn't send me to school so that I could work more hours. Since I didn't have any experience in domestic work, and she wouldn't teach me, she mistreated me to the point of hitting me and insulting me for everything I'd done wrong. And because of all the things she'd do to me I'd start to cry and even that would bother her [...]. I would feel very trapped."*<sup>169</sup>

– E.P., Bolivia

Across the world, violence affects many millions of children who are working, both legally and illegally. Indeed, violence against children and child labour are closely related. Violence in the home, at school or in institutions, for example, can drive children to run away and start a new life elsewhere. For them, work becomes a way to survive, even if it is hazardous or exploitative. Most child labourers work in agriculture. Only one working child in five is in paid employment: the vast majority are unpaid family workers.



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Activities defined as ‘the worst forms of child labour’ inherently constitute violence against children. In other forms of child labour, or in legitimate forms of work for children old enough to work, violence is still often used to coerce children to work, to discipline them and to control them within the workplace. Additionally, children often face violence from their co-workers.

The 2006 UN Study noted that, “of all the settings where children are exposed to violence, the workplace is among the most difficult to address.”<sup>170</sup> Although information about the extent of the phenomenon is sketchy, the nature of child labour and its worst forms, as well as anecdotal data, indicate that violence is a key dimension of the many problems faced by child labourers and young workers. Noting the almost total lack of data about violence in the workplace, the Study recommended that, “Governments should ensure that all possible means of collecting such data are deployed within programmes and services and by specific studies and surveys. Especially vulnerable children should be targeted for research, notably those in home-based, street-based and illicit work.”<sup>171</sup>

ILO figures indicate that there were 168 million children around the world engaged in child labour in 2012, a decrease of 78 million (or one third) since 2000. Of these, over half – 85 million children – were exposed to hazardous work that posed a danger to their health and safety, down from 171 million in 2000. Despite the economic crisis, most of this progress was made between 2008 and 2012, when the global number of child labourers fell from 215 to 168 million.<sup>172</sup>

Child labour among girls fell by 40 per cent between 2000 and 2012, compared to a 25

per cent reduction for boys. Progress was also notable among younger children, with child labour for this group falling by over one-third between 2000 and 2012.<sup>173</sup>

The International Programme on the Elimination of Child labour (IPEC) of the ILO, through its Statistical Information and Monitoring Programme on Child Labour (SIMPOC), has started to measure violence against children in work settings and measurement methodologies are being developed. According to a study with preliminary evidence from Cambodia, Colombia, Ecuador and El Salvador, older child workers are more likely to be mistreated.<sup>174</sup> While abuse is more prevalent in urban areas, the greatest number of mistreated child workers is found in agriculture.

Child workers who encounter violence are more likely to be working outside the family; and even self-employed child workers are subject to violence. The study also shows the higher risk of mistreatment for children performing household chores, indicating a higher risk of corporal or verbal punishment in domestic settings. Moreover, a large share of children experience abuses both in the workplace and at school.

Child labour is complex and can only be eliminated through a multidimensional approach that recognizes the indivisibility of human rights and helps to break the cycle of exploitation endured by so many marginalized children. Decisive action is required at both the national and international levels to ensure the convergence of all relevant policy tools and mechanisms, from advocacy and policy dialogue to the promotion of development cooperation and technical assistance, research and ethical standards.



An important step was taken in May 2010, when governments met in The Hague, Netherlands, for the Global Child Labour Conference, organized jointly by the Government of the Netherlands and the ILO. The Conference pursued important goals: to promote the rapid universal ratification of ILO Conventions No. 138 on the minimum age for employment, and No. 182 on eliminating the worst forms of child labour; and intensify efforts to eliminate the worst forms of child labour by 2016. The Conference adopted a roadmap to accelerate progress. A follow-up conference in 2013, hosted by the Government of Brazil and the ILO, will consolidate actions to address both child labour and violence against children and will build on important synergies to meet the 2016 deadline.

Children engaged in domestic work, most of them girls, are at high risk of violence. Often isolated, with no formal structure for their protection, domestic workers are highly vulnerable to labour exploitation. They are often forced to work long hours without rest, denied holidays or deprived of wages, as well as exposed to serious manifestations of violence and abuse.

In June 2011, ILO's governments, trade unions, and employers' organizations voted overwhelmingly to adopt ILO Convention 189 concerning decent work for domestic workers. This ground-breaking treaty, which entered into force on September 2013, extends key labour protections to domestic workers, including rights to a contract, a minimum wage, adequate rest and access to complaint mechanisms.

Importantly, the new Convention requires States to protect domestic workers, "against

all forms of abuse, harassment and violence" (article 5), and to ensure that its measures are monitored and enforced. The Convention also calls upon governments to set a minimum age for domestic work and to ensure that work by child domestic workers does not interfere with their education (article 4).

In 2013, ILO released a significant report entitled *Ending Child Labour in Domestic Work*. According to this document, there may be as many as 100 million domestic workers worldwide, 15.5 million of whom are children.<sup>175</sup> Most work as housekeepers, nannies or caregivers. Many are also migrants who aim to send remittances home to support their families.

The ILO report expresses special concern at the largely hidden nature of domestic work and its strong association with physical, verbal and sexual abuse, which often goes unseen and unreported. The report cites name calling, threats, shouting and screaming, beating, kicking, whipping, scalding, overwork and denial of food, sexual harassment and abuse. In many cases, this sexual abuse has particularly serious consequences: if girls become pregnant, they may be thrown out of the house and forced to fend for themselves on the streets, since the shame of their situation makes it difficult for them to return home.

Promoting the swift ratification of ILO Convention 189 and its effective implementation, and consolidating data and research on child domestic workers' exposure to violence are crucial dimensions of the follow up to the UN Study that the SRSG will continue to pursue.

## The community

*"I really can't remember nothing good happening here. And my children shouldn't really be in the neighbourhood, because when they got to understand, around 10, 11, 12, what was going on, it was really destructive [...]. You can't close your eyes, you know, when they're tearing down the doors. You know, J took a lot from round here too. That put a lot of it on his heart, his mind, where he held a lot of anger. His friend getting killed, this really disturbed him the most."*<sup>176</sup>

– J.B., USA

Like the other settings discussed here, the community should be a source of protection and solidarity. For many children, however, the community is the setting where physical violence, gang violence and exploitation are parts of the daily scenario. The impact is clear: children exposed to community violence are reported to show decreased school attendance and lower academic performance; and a lack of safe places to play hampers their social and motor development.<sup>177</sup>

The community, like the other settings discussed in this chapter, cannot be considered in isolation. The attitudes and values that children internalize in the home and at school inform their behaviour in the community. In turn, what happens in the community has implications for their well-being elsewhere. When communities accept violence against children, and when they are plagued by gang violence, drug trafficking and social strife, children face the immediate risk of being caught up in this violence, and may then transmit this violence to different contexts.

In some countries, including the UK and the USA, children are two to three times more likely to be victims of violent crimes in the community

than adults.<sup>178</sup> In Mexico, a national study in 2009 found that 60 per cent of parents no longer allowed their children to play outside because of crime and violence.<sup>179</sup> Older children are at greatest risk, with girls particularly vulnerable to sexual and gender-based violence.

While sexual violence is perpetrated most commonly by someone known to the child, such as a family member or an adult in a position of trust (including sports coaches, clergy, police, teachers and employers), it is also perpetrated by people unknown to the child. Sexual and physical violence against children is, in addition, perpetrated by peers, singly or in groups. Inevitably, peer violence – including gang violence – is exacerbated by the use of drugs or alcohol and the availability of weapons in the community. Other community concerns include the exploitation of children in travel and tourism, and the significant levels of violence faced by asylum seeking and refugee children and other displaced children, as well as by child victims of abduction and trafficking.

With more than half of the world's population now living in cities, urban areas have become a particular focus of violence of all kinds. Box 7 outlines important initiatives to make cities safer through, in particular, the strengthening of urban governance, community mobilization and participation.

The community setting is, of course, not simply about urban areas or local neighbourhoods. It also refers to the contexts in which children play, socialise, receive health care, engage in sport and so on. With regard to sport, for example, the Flemish authorities in Belgium are promoting the incorporation of ethical principles and child rights into sport for youth, including a policy to prevent child abuse.

Elsewhere, researchers have found higher levels of intra-community and intra-family violence in communities affected by conflict, stimulating, in turn, more youth violence.

The links between the community and home settings are very clear in the case of certain manifestations of gender-based violence – violence that is rooted in expectations and norms about appropriate male and female roles, responsibilities and behaviour. These values are often cultivated and perpetuated in the community, while their most dangerous repercussions are found in the home.

There are, for example, some countries where the ratio of men to women is far higher than would be expected from the typical demographic sex ratio at birth – the result of son preference, female infanticide, and the systematic neglect of the health and nutritional needs of girls. As a result, an estimated 60 million to 100 million women, mostly from Asia, are ‘missing’. The Committee on the Rights of the Child warns of the high social costs of such a demographic imbalance and its implications for increased violence against girls, including abduction, early and forced marriage, trafficking for sexual purposes and sexual violence.<sup>180</sup>

There is a similar blurring of the boundaries between the home and the community in the case of dowry-related violence and so-called ‘honour’ killings. In India, an estimated 56 per cent of all cases of lethal violence against women and girls are ‘dowry-related’ – the result of young women murdered or driven to suicide by husbands and in-laws trying to extort an increased dowry.<sup>181</sup>

The United Nations Population Fund (UNFPA) has estimated that there are some 5,000

#### BOX 7

### Making cities safe

A number of promising initiatives from around the world aim to reduce violence in urban centres.

The ‘Child Friendly Cities’ movement advances the child rights agenda in both the developing and industrialized worlds, embodying the CRC at local level by mobilizing a wide range of partners from local authorities to central governments, civil society, the corporate sector, the media and, most importantly, children and young people. A Child Friendly City is committed to children’s rights, including the right to protection from violence, abuse and exploitation, and works to ensure that children can walk safely in the streets on their own, meet friends and play. Child rights reflected in policies, laws, programmes and budgets, together with the views of children, influence decision-making processes and monitoring of progress. The Child Friendly Cities Initiative (CFCI), hosted by UNICEF, unites partners to advocate for good governance and urban management that promote the rights of children.

The ‘Cities Without Violence against Women, Safe Cities for All’ regional programme was introduced in Latin America by UNIFEM (now UN Women) in 2006. It seeks to reduce the violence inflicted upon women in urban areas by strengthening their active citizenship and promoting an agenda for peaceful coexistence. The Programme builds on the broad experience of women’s networks in the region through coordination between civil society organizations and governments. Initiatives in Argentina, Brazil, Colombia, Chile, El Salvador, Guatemala and Peru have generated public debate on women’s safety in cities and its inclusion in social agendas and public policies. They have also resulted in participatory models for women’s security.

‘honour’ killings worldwide each year. Women and girls are killed for a variety of motives linked to perceptions of ‘inappropriate’ gender behaviour, ranging from talking to an unrelated male to refusing to marry men chosen by their families. While the crime may be perpetrated in the home, by family members, it is often condoned in the community. Law enforcement officials may turn a blind eye or fail to enforce the criminal code. Police and

community members may even help the killer's family hide the crime by refusing to register it or by delaying the process to allow the perpetrator to escape. The communal acceptance of such violence undermines any argument that it is a private matter in which law enforcement has no role.<sup>182</sup>

When, however, communities uphold values of mutual respect and peaceful conflict resolution, children readily internalize these values, and the continuum between home, school and community can become a conduit for positive change.

Similarly, if homes and schools can be established as violence-free environments, there is a chance to reduce the incidence of violence in the community and elsewhere. As the Committee on the Rights of the Child observes in its General Comment no. 8 from 2006,

*[a]ddressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools*

*and other settings, is not only an obligation of States Parties under the CRC. It is also a key strategy for reducing and preventing all forms of violence in societies.*<sup>183</sup>

This chapter has emphasized that the different settings of violence are far from discrete, and that adults' attitudes toward children and their well-being (and sometimes their markedly different attitudes to boys and girls) have an impact on levels of violence in all contexts. This does not challenge the validity of the settings approach employed in the UN Study, but refines it in the light of lessons learned since the Study was first presented. The five settings remain a crucial conceptual and analytical tool for understanding the many ways in which violence against children is manifested across society and the factors that lead to violence taking place. They also provide an important structure for governmental efforts to advance the realization of children's rights and ensure the implementation of the overarching recommendations identified in the UN Study and discussed in the next part of this report.

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# PART 3





# Addressing violence against children

This part of the report reviews the current state of play in relation to the 12 overarching recommendations set out in the 2006 UN Study, namely:

1. Strengthen national and local commitment and action
2. Prohibit all violence against children
3. Prioritize prevention
4. Promote non-violent values and awareness-raising
5. Enhance the capacity of all who work with and for children
6. Provide recovery and social reintegration services
7. Ensure participation of children
8. Create accessible and child-friendly reporting systems and services
9. Ensure accountability and end impunity
10. Address the gender dimension of violence against children
11. Develop and implement systematic national data collection and research
12. Strengthen international commitment.

This section also draws on responses to the Global Questionnaire received from the governments of 104 countries, from regional mappings conducted in the framework of the process of follow-up promoted by the SRS, and a wealth of additional information from other sources. This information is grouped into two chapters:

**Chapter 4:** Strengthening the foundation to protect children from violence (recommendations 1, 2, 8, 9 and 11);

**Chapter 5:** Preventing and addressing violence against children (recommendations 3, 4, 5, 6, 7, 10 and 12).

◀ Janet, 4, reaches for the hand of her 6-year-old brother, Jesus, at the transition centre where they now live in El Alto, a suburb of La Paz, the capital of Bolivia. The siblings, who were abused by their parents, were found living on the streets. The centre is intended to provide shelter for only 24 hours, but many children stay for weeks or even months until space is available for them at a more permanent facility.

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## CHAPTER 4

# Strengthening the foundation

This chapter examines progress on strengthening the foundation of effective and responsive national systems to protect children from violence. It assesses the extent to which governments have:

- strengthened policy frameworks to prevent and respond to violence against children (recommendation 1 of the UN Study);
- established legal frameworks to ban violence against children, safeguard children's freedom from violence (including through the development of

an effective child-friendly reporting system or mechanism), ensure accountability and end impunity, (recommendations 2, 8 and 9);

- created and consolidated a national data system and research on violence against children (recommendation 11).

Together, these mutually reinforcing measures are critical to prevent violence against children, secure the protection of child victims, and provide an effective response to such violence when it is reported.

- ◀ Borivoje Vrcin plays with his two-year-old foster son, Petar, outside their home in the Avala area of Belgrade, the capital of Serbia. Petar and his brothers, were placed in alternative care because of their mother's addiction to heroin. Mr. Vrcin is the boys' primary caretaker.

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## A strong policy framework to prevent and address violence against children

### BOX 8

#### UN STUDY RECOMMENDATION 1:

#### Strengthen national and local commitment and action

All States should develop a multi-faceted and systematic framework to respond to violence against children, which is integrated into national planning processes. A national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with the capacity to involve multiple sectors in a broad-based implementation strategy, should be formulated. National laws, policies, plans and programmes should fully comply with international human rights and current scientific knowledge. The implementation of the national strategy, policy or plan should be systematically evaluated according to established targets and timetables, and provided with adequate human and financial resources to support its implementation.

To address violence against children effectively, States must have a robust policy framework consistent with international human rights standards – a framework that ensures that child protection issues are integral to the national policy and development agenda, rather than an ‘afterthought’. Such a framework also helps to secure adequate human and financial resources for effective implementation, the mobilization of public support, the monitoring of results and the evaluation of impact.

A well-publicised, well-coordinated and well-resourced strategy or agenda on violence against children, informed by a clear vision,

should lie at the very heart of such a policy framework. This is not simply a document: it is a chart to guide a process of time-bound implementation and to inform legal and policy reform, ensure the judicious use of resources, and encourage necessary social and behavioural change to prevent violence and protect child victims. This process should be pursued under the authority of a high-level coordinating body, with clear roles and responsibilities set out for relevant departments and institutions to avoid overlap and promote synergies, and to ensure the appropriate training for relevant professionals on child-sensitive violence prevention and response mechanisms.

Experience shows, and data confirm, that violence against children can only be addressed through the systematic and effective engagement of all relevant ministries and at every level of public administration. At their most effective, national strategies are catalysts for change in the work of institutions through, for example, the establishment of inter-ministerial commissions or task forces to coordinate policies and activities. Otherwise, efforts to address violence against children run the risk

### BOX 9

#### Children and young people talk about policies to address violence

At the regional consultations promoted by the SRSG as part of the process of follow-up to the UN Study, children and young people called upon governments to work together to implement plans and strategies to eradicate violence against children, and to increase funding for child-friendly services and materials.



of being fragmented, with a wasteful overlap of resources and serious gaps in delivery.

The establishment of a national strategy or agenda is also an important way to engage the support of civil society for the prevention of, and response to, all forms of violence against children.

### *National policy frameworks*

Countries in every region have taken steps to develop national integrated strategies to prevent and eliminate all forms of violence against children. This has been achieved through national plans of action on children (NPAs), the inclusion of children's protection from violence in broad child protection initiatives, and the development of specific national agendas on violence against children.

Ghana, for example, has completed its NPA on Violence Against Children 2008-2012; Jamaica has adopted a NPA for an Integrated Response to Children and Violence, 2011-2016; Lebanon has finalized a National Strategy to Prevent and Protect Children from Violence; and Belgium is developing an Action Plan on Child Abuse, Violence and Mistreatment. Viet Nam provides a good example of a policy to reinforce national capacity to protect its children, based on a holistic and systematic approach (Box 10).<sup>184</sup>

Malawi's Child Protection Strategy 2012-2016 – part of the country's Growth and Development Strategy for the same period – focuses on vulnerable children, particularly children affected by HIV and AIDS. It aims to establish a fully functional national child protection system through six strategies to enhance coordination, implement a legal and regulatory framework, strengthen the child protection sector, improve the quality and expand the scope and

#### **BOX 10**

### **Viet Nam's National Child Protection Programme 2011-2015<sup>185</sup>**

There are an estimated 4.28 million vulnerable children living in Viet Nam, equivalent to 18.2 per cent of the country's total child population. They include those living in poor families, victims of trafficking, abuse, violence and neglect, and over 1.6 million children living in 'special circumstances' as defined by the country's Law on Child Protection, Care and Education. To address their needs, in February 2011 the country's Prime Minister approved Viet Nam's first National Programme on Child Protection (2011 to 2015).

The National Programme targets all children, but prioritizes those at greatest risk of violence, exploitation and abuse. It has clear objectives: reduce the proportion of children in special circumstances to less than 5.5 per cent of the total child population; provide care, recovery and reintegration support to 80 per cent of children in special circumstances; identify and provide early interventions to 70 per cent of at-risk children; and establish child protection service systems in 50 per cent of the country's provinces and cities by 2015. These goals are to be achieved through: communication, education and social mobilization; building the capacity of child care and protection staff and volunteers at all levels; developing a child protection service system; developing and scaling up community-based models for the care and support of children in special circumstances; and improving the effectiveness of state management of child care and protection.

The Programme is implemented nationwide, with a focus on areas with high numbers of children at risk, economically disadvantaged areas and areas with a high proportion of ethnic minorities. Crucially, the Programme's ambition is matched by resources: a total of 85 billion Dong, or US\$90 million.

coverage of protection services, scale up case management, promote early identification and referral, and build accountability mechanisms and information management systems. Malawi has established concrete, quantitative goals for this Strategy using baseline data, including a 10 per cent reduction in violence against children.

Findings from the Global Survey suggest some progress on national strategies or agendas to prevent and address violence against children. However, according to the replies received (and as Figure 2 demonstrates) only 16 per cent of countries were found to have a fully functioning comprehensive agenda to prevent and respond to all forms of violence. Several governments acknowledge that existing policy frameworks are fragmented, and a significant proportion (22 per cent) indicated that no form of comprehensive agenda on violence against children is in place, while a

further 8 per cent failed to provide any form of response to this question.

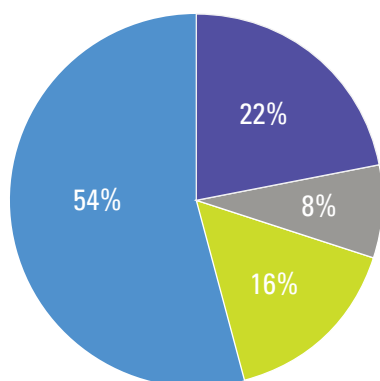
A similar pattern of responses was seen on the protection of children from violence through plans that address the five specific settings where violence against children takes place. As Figure 3 shows, only 8 per cent of countries have sectoral policies or plans to address violence against children in all five settings, although 61 per cent of respondents indicated that such policies or plans were in place for one or more of these settings. One quarter of respondents failed to respond to this question.

Regarding violence in the home and family, FYR Macedonia has implemented a National Strategy for Protection against Domestic Violence that includes violence against children in the home and family, establishing a national coordinating body to oversee this strategy in 2010.

**FIGURE 2**

**GOVERNMENT RESPONSES:  
Existence of a comprehensive  
policy on violence against children  
(percentage)**

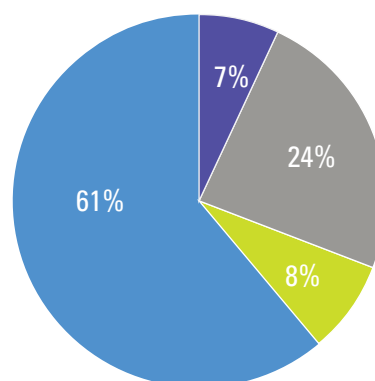
- Yes
- Partial
- No
- Not indicated



**FIGURE 3**

**GOVERNMENT RESPONSES:  
Sectoral policies/plans addressing  
violence in all five settings  
(percentage)**

- Yes
- Partial
- No
- Not indicated





In 2013, informed by a comprehensive white paper, Norway adopted a new policy on violence against children in close relationships (see Box 11).

Some countries have also introduced specific policies and programmes to address violence in schools and educational institutions, including Cambodia, Estonia, Japan, and Palestine, which has rolled out a policy to prevent and respond to all forms of violence in schools. On care and justice institutions, Guinea Bissau, Moldova (see Box 6), Mongolia and Serbia, among others, have adopted policies or undertaken similar initiatives in this field. In India, the Right of Children to Free Education Act of 2009 states that, “[n]o child shall be subjected to physical punishment or mental harassment” and indicates that, “[w]hoever contravenes the provision [...] shall be liable to disciplinary action under the service rules applicable to such person.”<sup>186</sup>

To address violence against children in care and in the juvenile justice system, Mongolia has, for example, adopted a Residential Care Standard and Juvenile Justice Procedure to raise the standards of residential care facilities and make them free of violence, exploitation and abuse, while also providing for child-friendly justice procedures.

In response to violence against children in the workplace, a number of countries address this issue under labour legislation and have initiated a range of interventions. Jamaica, Jordan and Viet Nam, for example, have all adopted national plans to tackle child labour and violence against children in the workplace. Many countries have collaborated with international technical cooperation initiatives, and IPEC in particular.

On violence in the community, a number of countries, including Tanzania and the Dominican Republic, address the protection of street children in their national child protection frameworks. Ethiopia, Kenya, Senegal and others have programmes in place to address FGM/C, while Burkina Faso has a well-regarded programme that addresses not only FGM/C, but also other harmful practices, including forced begging and violence directed at children accused of witchcraft.

Policy interventions to address child protection in the online environment remain limited and few countries reported measures to address

#### BOX 11

### **Norway’s white paper on violence against children in close relationships**

This white paper, developed by Norway’s Ministry of Justice in cooperation with the Ministries of Children, Equality and Integration and of Health, gathered comprehensive evidence to inform policy action for preventing and addressing children’s exposure to different and cumulative manifestations of violence: physical and emotional violence, sexual abuse, and material and economic violence, as well as situations where children live in a violent environment.

The recommendations of the white paper, unanimously adopted by the Norwegian Parliament, include: better cooperation and coordination between governmental departments and levels of administration; the consolidation of data and research on children’s exposure to violence, including nationwide surveys every five years and studies on the cost of violence and social return of investment in prevention; enhancement of expertise on violence among support services, such as schools and health centres; strengthening Norway’s network of Children’s Houses and enhancing their capacity to address incidents of violence; and the development of a national strategy on violence and sexual abuse against children to cover the period 2014-17.

violence against children in this sphere. Many more countries reported national action to combat the sexual violence and exploitation of children, and trafficking in children is recognised as a serious problem by governments worldwide, with many countries reporting the introduction of policies and programmes structures to address this issue.

Any national strategy or plan should be coordinated by a high-level, authoritative and influential focal point with lead responsibilities for children's issues. Morocco's national action plan for children – 'Morocco Worthy of its Children, 2006-2015' – for example, has created a ministerial commission for children headed by the Prime Minister and supported by a technical commission made up of government departments involved in children's issues.

Another response is demonstrated by Senegal's creation of an entire government ministry in 2011 – in this case the *Ministère de la Petite Enfance et de l'Enfance* – dedicated to the protection and promotion of child rights.

While such initiatives are encouraging, as Figure 4 illustrates, only 67 per cent of governments responding to the Global Survey confirmed that a lead institution was in place to coordinate national responses to violence against children. In some cases, multiple coordinating bodies have been established and their collaboration is uneven. Enhanced efforts are still required to secure an institutionalized process of coordination across central departments, and between national and decentralized authorities.

Government structures to address violence against children should be complemented by some form of independent national institution

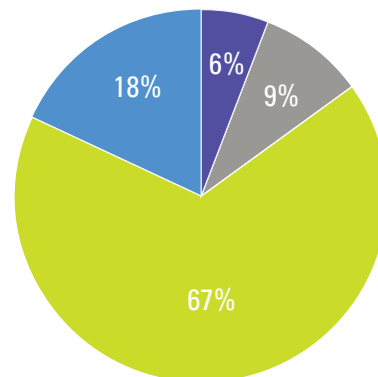
on children's rights that works on violence against children, informs policies and monitors government activity. Only 48 per cent of government responses confirmed the existence of such an institution, while 25 per cent stated that no such structure was in place.

Two other areas require further attention. First, all policy structures should be evaluated periodically to assess progress and results, and allow for any adjustments necessary to ensure effective implementation. This is, for example, the case with the national monitoring and evaluation system associated with Peru's National Plan of Action on Childhood and Adolescence. In general, however, most countries still lack monitoring mechanisms to assess progress, and evaluation of implementation efforts remains the exception. Government responses to the

FIGURE 4

**GOVERNMENT RESPONSES:  
Lead government institution coordinating  
action on violence against children**  
(percentage)

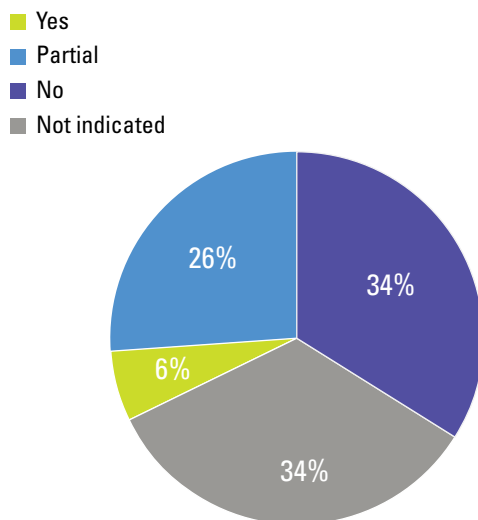
- Yes
- Partial
- No
- Not indicated



Global Survey, shown in Figure 5, indicate that only 32 per cent of countries have conducted any form of evaluation of their policies or programmes, while 34 per cent of responses indicate that no evaluation whatsoever has been carried out.

**FIGURE 5**

**GOVERNMENT RESPONSES:  
Evaluation of impact of policies and programmes and mechanisms to assess progress**  
(percentage)



The second area of concern relates to the human and financial resources allocated to policies and programmes to address violence against children. Few governments set aside specific funding for violence-related interventions, and most acknowledge a lack of resources for this area. As Figure 6 illustrates, only 4 per cent of governments indicated that they provide full resources for policies and programmes to address violence against children, while 10 per cent said that resources were not allocated. Up to two thirds of governments failed to respond to this question.

**BOX 12**

**Regional policy frameworks**

It is encouraging to note the priority given by regional organizations and political groupings to the development of national frameworks to address violence against children. For instance, the Committee of Ministers of the Council of Europe adopted, in November 2009, Policy Guidelines on Integrated National Strategies for the Protection of Children from Violence. As outlined in Chapter 1, regional political declarations and studies that have been promoted in collaboration with the SRSB mandate have highlighted the development of national strategies in the framework of agreed regional agendas. In turn this has facilitated the cross-fertilization of national experiences and advanced progress on this issue.

Each region has specific concerns and priorities, but common imperatives have emerged around the development and promotion of national integrated strategies to prevent and eliminate all forms of violence against children. It is encouraging to note the extent to which these goals, listed below, overlap with Recommendation 1 of the UN Study, specifically:

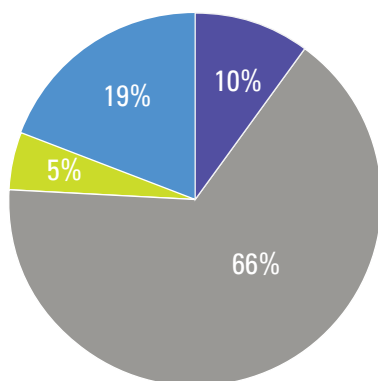
- the development of a national child-centred, integrated, multidisciplinary and time-bound strategy on violence against children;
- the identification of a high-level entity with authority, influence and capacity to oversee the design and implementation of the national agenda;
- the clear definition of the roles and responsibilities of all relevant central and decentralized departments and institutions dealing with violence against children, and training for all relevant professionals;
- the allocation of adequate budgets for implementation, including at decentralized levels to secure children's effective protection throughout each country;
- the active involvement of strategic stakeholders to advance effective implementation, including academia, civil society and child-led organizations.

These strategies should be integrated as a key component of the national policy agenda and mainstreamed across all relevant departments and national and decentralized authorities.

FIGURE 6

**GOVERNMENT RESPONSES:  
Financial and/or human resources allocated  
to address violence against children  
(percentage)**

- Yes
- Partial
- No
- Not indicated



**A sound legal framework to ban violence against children, secure effective protection and end impunity**

The CRC requires States Parties to adopt, “all appropriate legislative, administrative, social and educational measures” to safeguard every child’s fundamental rights, including their protection from all forms of violence.<sup>187</sup>

Legislation is a key component of any comprehensive strategy to prevent and address all forms of violence against children. It sends a clear message to society about acceptable behaviour towards children and it legitimizes actions required to safeguard children’s safety and protection at all times. Appropriate legislation encourages positive discipline and the

**BOX 13 UN STUDY RECOMMENDATIONS 2, 8 AND 9**

**Prohibit all violence against children (recommendation 2)**

States should ensure that no person below 18 years of age should be subjected to the death penalty and sentences of life imprisonment without possibility of release. States should take all necessary measures to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, and take the appropriate legal measures to convert them into penalties in conformity with international human rights standards. Death penalty as a sentence imposed on persons for crimes committed before the age of 18 should be abolished as a matter of highest priority.

States should also prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices, such as early and forced marriages, female genital mutilation and so-called honour crimes, sexual violence, torture and other cruel, inhuman or degrading punishment and treatment, as required by international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child.

**Ensure accountability and end impunity (recommendation 8)**

States should build community confidence in the justice system by, *inter alia*, bringing all perpetrators of violence against children to justice and ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and sanctions. Persons convicted of violent offences and sexual abuse of children should be prevented from working with children.

**Create accessible and child-friendly reporting systems and services (recommendation 9)**

States should establish safe, well-publicised, confidential and accessible mechanisms for children, their representatives and others to report violence against children. All children, including those in care and justice institutions, should be aware of the existence of mechanisms of complaint. Mechanisms such as telephone helplines through which children can report violence, speak to a trained counsellor in confidence and ask for support and advice should be established and the creation of other ways of reporting violence through new technologies should be considered.

education of children by non-violent means, underlining the need to safeguard their dignity and integrity at all times. It is an important reference for capacity-building initiatives for professionals working with and for children, and supports public information, social mobilization and behavioural change. Where social conventions or deeply entrenched traditions fuel harmful practices, legal reform can mobilize key actors and institutions, including parliamentarians, local authorities and religious leaders, and support efforts to end these practices.

Legislation is crucial to guarantee the protection of victims and witnesses, ensure appropriate redress, and provide recovery and reintegration services. It is also critical for ensuring the accountability of perpetrators of violence against children and ending impunity. This includes appropriate legal penalties for those found guilty of such violence, and banning those convicted from working with children.

Finally, the possibility of protecting children or offering them effective recovery, reintegration and redress is compromised if incidents of violence are not reported. Child victims need to have access to both information and institutions in order to be able to seek help and advice and report their situation. These mechanisms must have legal backing to ensure that children have recourse to effective remedies when caregivers and others fail to protect them.

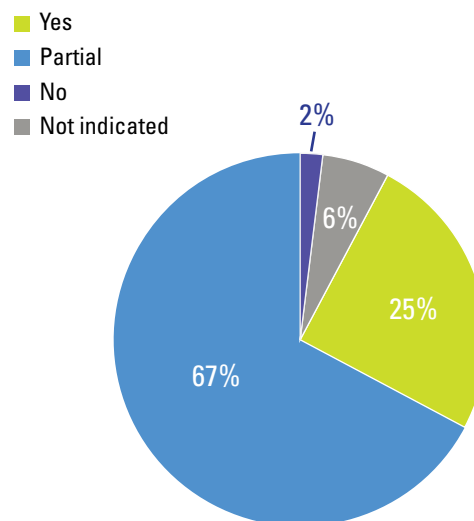
The introduction of legislation to protect children from all forms of violence is gaining momentum worldwide. Government responses to the Global Survey Questionnaire indicate that 92 per cent of countries have some sort of legal prohibition on violence against children or some of its manifestations (see Figure 7). There is, however, no room for complacency.

Legislative protection remains piecemeal, and few children benefit from legal protection from all forms of violence in all settings. And where legislation is in place, there is a pressing need for periodic reviews to address any emerging concerns and ensure its effective enforcement.

The first part of this section examines legislative progress on the protection children from violence at three different levels: explicit legal prohibitions of violence against children under national constitutions; comprehensive legal instruments that offer a broad prohibition of violence against children; and legislation on specific forms of violence. The section goes on to consider legislative developments in the juvenile justice system, the establishment of child-friendly complaint and

**FIGURE 7**

**GOVERNMENT RESPONSES:  
Legal prohibition on all forms of  
violence against children**  
(percentage)



reporting systems and child-sensitive proceedings, and concludes by considering legal measures to end impunity for those who perpetrate violence against children.

### *Addressing violence against children under national constitutions*

Since the release of the UN Study in 2006, Angola, Bolivia, the Dominican Republic, Ecuador, Kenya, Montenegro, Serbia and South Sudan have adopted or amended their constitutions to include a prohibition on violence against children, bringing to at least 24 the number of States with such constitutional provisions.<sup>188</sup>

These provisions range from the simple to the elaborate. For example, in Montenegro, the 2007 Constitution recognizes the right of the child to special protection from psychological, physical, economic and any other

exploitation or abuse.<sup>189</sup> According to the Constitution of Timor Leste, adopted in 2002, “Children are entitled to special protection by the family, the community and the State, particularly against all forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.”<sup>190</sup> The relevant provisions of Ecuador’s 2008 Constitution are outlined in Box 15.

Kenya’s new Constitution, adopted in 2010, contains a number of provisions relevant to the prevention of violence against children. Article 2(4), for instance, explicitly provides that the constitution prevail over any customary law that is incompatible with it.<sup>191</sup> The same article incorporates international and regional treaties, including the CRC and the African Charter on Child Rights and Welfare, directly into national law.<sup>192</sup> Article 29 prohibits all forms of violence by public officials

#### **BOX 14**

### **Children and young people talk about legal reform**

Children who participated in the regional consultations promoted in the framework of the SRSG mandate recommended that all governments seek to implement policies and mechanisms and enact legal reforms to prohibit violence against children, including corporal punishment. States should also legally guarantee the rights of all children and adolescents, without regard to ethnicity, gender, religion or culture, and sanction those who fail to respect those rights. Children also called for the establishment of support systems to promote the realization of their rights effectively. They saw a need for legal frameworks to safeguard the specific rights of girls. They called on governments to implement more effective preventive measures and stronger corrective and punitive measures related to violence against children.

#### **BOX 15**

### **Violence against children addressed under the Ecuadorian Constitution**

The 2008 Constitution of Ecuador addresses violence against children in several of its provisions. According to article 46, the State shall adopt measures to safeguard children and adolescents, including for their care and protection from all forms of violence, maltreatment, sexual exploitation or exploitation of any other kind and from neglect leading to these situations. The State shall equally adopt the measures needed to prevent, eliminate and punish all forms of violence against children and adolescents,<sup>193</sup> and shall establish special and expeditious procedures for bringing to trial and punishing the crimes of domestic violence, sexual offenses, crimes of hate and crimes perpetrated against children and adolescents. Specialized prosecutors and defence attorneys shall be appointed for dealing with these cases in accordance with the law<sup>194</sup>



or private individuals, a ban that is binding for all State organs and all persons, while article 53 states that every child has the right to protection from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, and hazardous or exploitative labour.<sup>195</sup>

Constitutional provisions prohibiting violence against children can benefit children in countries where courts have the authority to enforce constitutional rights and invalidate incompatible legislation. This was the case in South Africa, where constitutional provisions on the rights of the child, especially on the right to human dignity and to freedom and security of the person,<sup>196</sup> led the Constitutional Court to declare as unconstitutional sentences of corporal punishment by whipping (see Box 16).<sup>197</sup> Before the Court took this decision, tens of thousands

of juvenile offenders were sentenced to whipping every year.

The explicit constitutional prohibition of all forms of violence against children is a valuable tool to change social values, but it does not negate the need to introduce or review ordinary legislation and regulations to ensure their effective enforcement and compatibility with the right of every child to protection from violence.

### *Comprehensive legislation*

Clear, unambiguous legislation that bans all forms of violence against children is central to any effective legal strategy to address such violence. It is also vital to create the conditions for successful local initiatives, and sends out a strong message that violence against children is unacceptable to both the State and society.

#### **BOX 16**

### **South Africa's Constitutional Court rules corporal punishment by whipping unconstitutional**

In 1995, the Constitutional Court of South Africa considered inconsistent with the Constitution the provisions on whipping foreseen by the Criminal Procedure Act no. 51 of 1977. The Court's judgement recognized that,

*there is unmistakably a growing consensus in the international community that judicial whipping, involving as it does the deliberate infliction of physical pain on the person of the accused, offends society's notions of decency and is a direct invasion of the right which every person has to human dignity. This consensus has found expression through the courts and legislatures of various countries and through international instruments. [...]*

*Whipping is a punishment of a particularly severe kind. It is brutal in its nature and constitutes a severe assault upon not only the person of the recipient but upon his dignity as a human being. [...]*

*The enactment of the Constitution has created a framework within which significant changes can be brought about in the criminal justice system. [...] The Constitution clearly places a very high premium on human dignity and the protection against punishments that are cruel, inhuman or degrading [...]. The Constitution has allocated to the State and its organs a role as the protectors and guarantors of those rights to ensure that they are available to all.*

In light of this, the Court declared that, "Section 294 in its entirety; and the words "or a whipping" in section 290 (2) of the Criminal Procedure Act n. 51 of 1977" were, "invalid and with no force and effect."<sup>198</sup>

In addition to national constitutions, comprehensive legal prohibitions can be found under children's codes, laws on the rights of the child, and legislation on child protection. Many States have adopted laws promoting and protecting the rights of children to bring their legal systems into compliance with the CRC. Such laws can be found the world over. Most broad prohibitions address both psychological and physical violence explicitly, and some contain separate provisions on violence in the family or home, violence by public officials and specific manifestations of violence such as sexual abuse and exploitation, trafficking or harmful practices. Many contain provisions that prohibit corporal punishment and psychological abuse in schools.<sup>199</sup>

At the regional level, since 2010, the goal of a comprehensive legal ban on all forms of violence has been embraced by the Caribbean Community (CARICOM), the Council of Europe, the League of Arab States, the Southern Common Market (MERCOSUR), the Organization of Islamic Cooperation and the South Asia Initiative to End Violence against Children (SAIEVAC). The African Committee of Experts on the Rights and Welfare of the Child, the Committee on the Rights of the Child and the Inter-American Commission on Human Rights also actively support the full prohibition of violence against children, as do Ombuds for children, parliamentarians, religious leaders and countless NGOs and professional groups around the world.

The SRSG has identified the introduction of an explicit and comprehensive prohibition of all forms of violence against children as a priority goal for her mandate. In addition to continuous advocacy initiatives and policy dialogue with national governments

and parliaments to promote needed legal reforms, in July 2011, the SRSG, together with OHCHR, the Inter-Parliamentary Union (IPU) and the International NGO Council on Violence against Children, organized an expert consultation on law reform in Geneva, Switzerland. The key conclusions and recommendations arising from the meeting (Box 17) were submitted to the UN General Assembly in 2011.

### *Legislation on specific types of violence*

To be effective, a comprehensive legal ban on violence against children must be complemented by detailed legislation addressing distinct manifestations of violence that occur in specific contexts. Equally, legal measures to address specific types of violence are not enough, on their own, to provide the broad protection children need and ensure the effective prevention of their exposure to any incidence of violence. Both are, therefore, necessary and mutually supportive. Without such a two-tiered legal framework, there is a serious risk that certain instances of violence against children will not be addressed. Domestic violence may still be seen as a 'private' issue, for example, or corporal punishment in schools as a valid form of discipline.

This section reviews progress on legislation to address particular types of violence against children: sexual violence, child trafficking, corporal punishment, harmful practices, psychological abuse and cyber-bullying.

### *Addressing sexual violence*

Significant progress has been made in recent years on legislation against sexual abuse and exploitation of children. A total of 96 per cent of government responses to the Global Survey indicated that a prohibition on

the sexual exploitation of children, including prostitution, is in place (4 per cent failed to respond to this question). A number of constitutions and most children's codes and child rights or protection laws prohibit the sexual abuse or exploitation of children in the home, in alternative care and in schools, or recognise their right to protection. In some cases, the criminal code has included specific provisions on the involvement of children in prostitution and/or pornography.

Despite these significant developments, the concluding observations on the implementation of the CRC indicate that, in at least one third of countries, legislative provisions on sexual violence are inadequate, as they fail to criminalize the sale of children or define various forms of sexual exploitation. Legislation on domestic or intra-family violence invariably covers sexual violence, but legislation in some countries applies only to women and girls. Some codes and laws focus

#### BOX 17

### Key conclusions and recommendations from the 2011 Expert Consultation on Law Reform<sup>200</sup>

- Law reform on violence against children is an essential component of a robust national child protection system. It must be supported by well-coordinated and well-resourced services and institutions. It must, in addition, reflect a holistic approach that: addresses the root causes of violence; prohibits and deters incidents of violence; safeguards the rights of all children, including those at greatest risk; provides redress and reintegration; and fights impunity. It is crucial to establish, by law, accessible, safe and child-sensitive counselling, reporting and complaint mechanisms to address incidents of violence.
- Law reform cannot be reduced to isolated or fragmented actions. It requires consistent efforts to: ensure harmonization with international standards and to implement political commitments in this area; fill gaps in implementation; and address emerging concerns. Where social conventions condone the use of violence as part of child-rearing or discipline, a sustained process of advocacy, education, law enactment and enforcement, and evaluation is vital.
- Legislation to protect children from violence is complex and wide-ranging, requiring a comprehensive and explicit legal ban to send a clear message: children's right to freedom from violence must be safeguarded everywhere and at all times.
- A comprehensive legal prohibition must be supported by detailed provisions in specific pieces of legislation to address concrete forms of violence, and to tackle violence in specific settings. Enabling laws and regulations must be developed in all relevant legal fields to give full meaning to the prohibition, deter violence, protect the children concerned, and ensure support for enforcement and fight impunity.
- Law reform initiatives have succeeded when promoted through inclusive and participatory processes, with the involvement of key stakeholders including government departments, parliamentarians, independent national institutions for children's rights and key actors in civil society, including professional groups, local authorities, religious leaders and, importantly, young people themselves.
- Law enforcement has been most effective when initiatives have been reinforced by social mobilization initiatives and awareness-raising campaigns and supported by ethical standards, capacity-building activities and guidance for professionals and institutions working for and with children. Law reform initiatives should, therefore, include a clear plan of implementation, setting out cost estimates and the planned allocation of resources.

too narrowly on exploitation in the sense of prostitution and pornography. The concluding observations of the CRC on the implementation of the Optional Protocol on the sale of children, child prostitution and child pornography indicates the need to amend legislation on child prostitution in more than half of the countries reviewed, including to ensure the protection of boys.

The law must criminalize any sexual conduct that could cause harm or that exploits a relationship of power, and must ensure equal protection for both boys and girls against perpetrators of either gender. The most pressing challenge, however, is to enforce existing legislation against sexual abuse and exploitation. This requires a critical examination of the use of mediation in cases of sexual abuse, which can contribute to high levels of impunity and leave children vulnerable to revictimization.

### *Addressing child trafficking*

Of the governments replying to the Global Survey, 90 per cent indicated that legal measures are now in place to prohibit the trafficking of children, while only 1 per cent indicated that no such measures are in place (the remainder failed to provide a response). This is a positive development, however not all new legislation protects children effectively from all forms of trafficking, and some new laws apply only to trafficking for purposes of sexual exploitation and may not include provisions on the protection of victims.<sup>201</sup>

Many national constitutions prohibit the exploitation of children, but only a few expressly prohibit their trafficking.<sup>202</sup> A number of children's laws, however, do prohibit trafficking or related violations of children's rights and are often based on the Palermo Protocol.

Since the adoption of the Palermo Protocol in 2000, important developments have taken place in this area and more than 130 States now have laws specifically addressing trafficking in persons.<sup>203</sup> Many others have amended their penal codes to bring them into compliance with this Protocol, including Algeria, Brazil, Costa Rica, Israel, Lebanon, Madagascar, Nicaragua, Poland, South Africa, Spain and Switzerland. South Africa's Children's Act incorporates the Palermo Protocol directly into national law.<sup>204</sup> In a small number of cases, children's laws address the trafficking and sale of children under provisions on the worst forms of child labour.

All countries must adapt their legislation on trafficking and sexual violence to international standards and address the areas covered in the CRC and its Optional Protocols. In this regard, the law on trafficking in persons and assistance to victims adopted by Argentina in 2008 has a broad scope as it prohibits trafficking for purposes of forced labour or servitude; applies to both national and international trafficking; establishes prison sentences of 2-20 years for perpetrators; and recognizes the rights of victims of trafficking, including their right to free legal, medical and psychological assistance.<sup>205</sup>

### *Addressing corporal punishment*

Only 5 per cent of the world's children live in countries where a legal prohibition of all corporal punishment is in place. In 1979, Sweden became the first nation to enact a law to this effect (see Box 18). In 28 countries – home to one third of the world's children – corporal punishment is still allowed in all settings.<sup>206</sup> To date, two-thirds of the countries that have adopted legislation

banning corporal punishment are in Europe. Yet even here, only half of all Member States of the Council of Europe have done so.<sup>207</sup> Four of these Member States have adopted legislation since the Council of Europe initiated its campaign to eliminate corporal punishment in 2008.<sup>208</sup>

There are promising signs of progress in this area: when the UN Study was finalized in 2006, only 16 countries had legislation prohibiting corporal punishment in all settings. Today, 35 have a comprehensive legal ban on corporal punishment against children, in some cases – as noted above – incorporated in the constitution. In September 2013, Honduras became the most recent country to enact a legal prohibition. The new decree recognizes that parents, in the exercise of their parental responsibilities, have the right to provide appropriate guidance and orientation for the development of their children. The decree prohibits the use of physical punishment or any type of humiliating, degrading, cruel or inhuman treatment as a form of correction or discipline by parents and persons responsible for the care, upbringing, education or treatment of children and adolescents. To support this, the Honduran legislation requires State institutions to guarantee the development of awareness and education programmes for parents and persons responsible for the care, treatment and education of children and adolescents, and to promote positive, participative and non-violent forms of discipline as alternatives to physical punishment and other forms of humiliating treatment.

According to the Global Initiative to End All Corporal Punishment of Children, advocacy for the abolition of corporal punishment is

#### BOX 18

### Groundbreaking legislation: Sweden's ban on physical punishment for children<sup>209</sup>

In March 1979, the Swedish Parliament voted in favour of an amendment to the Children and Parents Code, recognizing children's right to care, security and good upbringing, and explicitly banning all forms of physical punishment or other emotionally abusive treatment of children.

The Swedish Government launched an extensive information campaign around this issue and issued a brochure entitled "Can you bring up children successfully without smacking and spanking?" which was distributed to all households. Parents were offered advice and support, and children's and antenatal clinics joined the campaign to provide information and support to parents. Information about the issue was also printed on milk cartons to raise awareness amongst families.

Two years after the introduction of the law, more than 90 per cent of Swedish families were found to be aware of its adoption. In addition, there has been a change in attitudes and behaviour: according to national studies conducted in 1980, 2000, 2006 and 2011, there has been a visible decrease in parents' acceptance of the use of corporal punishment. At the same time, there has been a greater tendency for social services to report cases to the police.

underway in at least 40 countries. Corporal punishment in schools and in the justice system is illegal in most countries, but generally remains legal in the home and in the alternative care system.<sup>210</sup> Such partial provisions perpetuate violence against children, and should be amended to prohibit all forms of violence, including corporal punishment in all settings.

Bhutan's 2011 Child Care and Protection Act represents a wide-ranging approach : it includes articles on specific types of violence and makes explicit reference to "harsh or

degrading correction or punishment measures at home, in schools or in any other institutions.” It also sets out clear penalties for different forms of violence against children. Similarly, Costa Rica’s 2008 prohibition of corporal punishment covers all settings and is linked to national policy work (Box 19).

### Addressing harmful practices

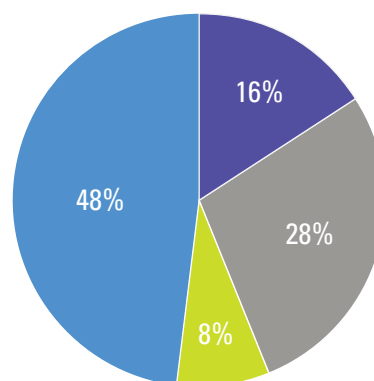
Countless numbers of girls and boys worldwide fall victim to harmful practices, including FGM/C, child marriage, so-called ‘honour’ killings, breast ironing, forced begging, food taboos, acid attacks and less-documented practices such as those affecting children accused of witchcraft. Figure 8 illustrates that only 8 per cent of governments responding to the Global Survey have a comprehensive prohibition of all harmful practices, while 48 per cent have a partial or incomplete prohibition. Some 44 per cent of governments either indicated that no prohibition was in place, or failed to respond to this question. In a

number of responses, child marriage was not identified as a harmful practice, and virtually no mention was made of harmful practices carried out among migrant communities.

FIGURE 8

### GOVERNMENT RESPONSES: Prohibition on harmful practices (percentage)

- Yes
- Partial
- No
- Not indicated



### BOX 19

#### Law 8654 – Costa Rica’s prohibition on corporal punishment

In Costa Rica, the ‘*Educa Sin Pegar*’ (Educating without Hitting) campaign promoted the education of parents in non-violent discipline and paved the way for the 2008 passage of Law 8654 on the right of children and adolescents to an upbringing free from physical punishment or humiliating treatment, which prohibits the use of corporal punishment in all settings. The campaign was launched in 2002 in partnership with the Ministries of Education and Health, and in collaboration with civil society organisations.

By 2008, the campaign had reached 100 per cent of the national child care system, under the aegis of the Ministry of Health, and 65 per cent of the country’s public pre-school system, overseen by the Ministry of Education. That year, the Ministry of Health introduced a pilot programme addressing children directly. In 2009, five training guides were published to support the campaign and reinforce the implementation of Law 8654, each one tailored to a particular group: pre-school children; families in the agricultural sector; grassroots organizations; churches and religious communities; and indigenous communities (the guide was made available in the Cabécar language). The content of the campaign is now part of the curriculum for parental education programmes on early childhood.<sup>211</sup>



In October 2012, the SRSG on Violence against Children launched *Protecting Children from Harmful Practices in Plural Legal Systems*.<sup>212</sup> Prepared jointly by the Office of the SRSG and Plan International, the report reviews positive legislative developments to strengthen children's legal protection from harmful practices. It underlines that human rights standards must prevail in cases of conflict between statutory law and customary or religious law, and also emphasizes the importance of awareness raising and community involvement and of creating a context in which legal reform and implementation can succeed.

FGM/C has received particular legal attention, having been recognized as a rights violation for more than 20 years.<sup>213</sup> By 2006, 17 countries in which the practice is endemic had adopted national legislation for its prohibition,<sup>214</sup> or had identified FGM/C as a violation of their criminal code. Since 2006, Egypt (Box 20), Eritrea, Guinea-Bissau, Kenya and Uganda have all criminalised FGM/C.<sup>215</sup> Despite this progress, at least seven countries where FGM/C remains endemic and affects 30 to 98 per cent of women have not yet adopted legislation to prohibit the practice.<sup>216</sup>

States where FGM/C occurs within immigrant communities have also introduced specific legislation, including Belgium, Canada, Cyprus, Denmark, Italy, the Netherlands, Norway, Spain, Sweden, the UK and the USA. While laws to prohibit FGM/C are essential, questions remain on their enforcement. In the UK, for example, the 1985 Prohibition of Female Circumcision Act, coupled with the 2003 Female Genital Mutilation Act, makes it an offence to carry out or aid FGM/C or inflict it on a UK resident of any age, anywhere in

the world, and carries a maximum prison sentence of 14 years. Yet, the number of prosecutions arising from this legislation remains low.

On child marriage, general comment no. 4 of the Committee on the Rights of the Child recalls that national legislation should set the minimum age of marriage at 18 for boys and girls alike. The effectiveness of legal measures to set the minimum age of marriage depends on an effective process of implementation and on a country possessing a fully-functioning civil registration system. Legislation that sets different minimum ages of marriage for girls and boys is a particular concern, as it institutionalizes gender discrimination under the law.

Most countries responding to the Global Survey questionnaire indicated that 18 is the minimum age of marriage for both boys and girls, or 16 with parental consent or in exceptional

#### BOX 20

### Grassroots support for the legal prohibition of FGM/C in Egypt

Egypt's 2008 law prohibiting FGM/C is the result of a five-year campaign to eradicate this harmful practice in a country with one of the highest prevalence rates. To become a broad social movement, the campaign focused on the community. Its strategy included: inviting Islamic scholars, health-care workers, lawyers and others to address entrenched fears and myths around FGM/C; promoting a positive image of families that renounce FGM/C; involving the media; and encouraging the active participation of young people.<sup>217</sup> Data indicate that the prevalence of FGM/C in Egypt fell by some 6 per cent during the campaign for its criminalization – the result of decision-making at the national level guided by breakthroughs at the grassroots level. The 2008 law includes provision for sentences of imprisonment of 3 to 24 months, plus a pecuniary penalty for anyone found to be involved in the practice.



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circumstances.<sup>218</sup> Azerbaijan indicated that its Parliament is discussing increasing the minimum legal age for girls from 17 to 18 years of age. In 2009, Eritrea revised its Civil and Penal Code to increase the minimum age of marriage to 18 for both boys and girls, ensure that marriage is consensual and equal, and limit bride price and dowry.<sup>219</sup>

Despite positive developments, there are still countries that either have no legal minimum age for marriage or fail to provide information on this issue. According to data compiled by the UN Statistics Division, some 144 countries have a general legal minimum age set at 18 or above, although in many cases the age threshold is different for boys and girls. Among the countries that specify a legal minimum age of 18 or above, some 100

have exceptions in the legislation allowing children to get married below this age with parental consent or approval of the pertinent authority, or on the basis of other reasons.<sup>220</sup>

In countries with pluralistic legal systems, where statutory legislation co-exists with customary and/or religious laws, the protection of children from early and forced marriage may be compromised if the supremacy of human rights is not enshrined in the legislation and in its implementation process.

#### *Addressing psychological violence*

Legislation that prohibits certain forms of psychological violence or that prohibits psychological violence in specific contexts is a step in the right direction, but much remains to be done to achieve a comprehensive prohibition against this type of violence. Most children's codes, child rights legislation and child protection laws prohibit mental or psychological violence, and a number of national constitutions prohibit psychological violence explicitly. In most countries the family law or equivalent recognises psychological violence as grounds for taking measures to protect children, but few criminal codes recognise psychological violence against children as a crime.<sup>221</sup>

#### *Addressing bullying and cyber-bullying*

A handful of countries – Belize, Norway, Peru, Portugal, Republic of Korea, Sri Lanka, the UK and the USA – have introduced specific legislation to protect children against bullying.<sup>222</sup> Legislation is also beginning to address the phenomenon of cyber-bullying. For example, in the USA, in July 2011, the State of California passed a bill allowing schools to suspend pupils who engage in such bullying, following similar legislation in

the State of Rhode Island. In France, following a significant survey conducted in 2011, the Ministry of Education launched an important public campaign to prevent bullying and cyber-bullying.<sup>223</sup>

### *Addressing violence in the juvenile justice system*

Preventing and addressing violence against children in the juvenile justice system is a priority for the SRSB mandate, and an area where progress has been sorely lacking. It is vital to safeguard children's rights to access justice and to build child-friendly and non-intimidating justice systems that protect children from violence at all times, including in cases of deprivation of liberty.<sup>224</sup>

International human rights and justice-administration instruments provide an important set of standards for the protection of children in justice systems. Around the world, however, these standards are insufficiently known, overlooked or poorly implemented. As a result, children involved with the justice system, especially those in detention, are among those most vulnerable to violence and abuse.

Figure 9 shows that only 54 per cent of government responses to the Global Survey indicated the existence of specific legal provisions providing even partial protection to children in detention centres and other justice institutions. Some 22 per cent of governments responded that no provision of any kind was in place, and a further 24 per cent provided no reply to this question.

Judicial systems in many countries need reform to reflect more dignifying models of justice for children. The Committee on the

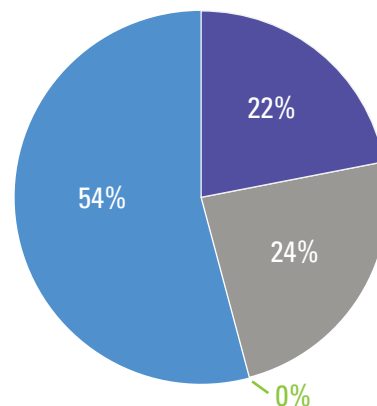
Rights of the Child has set 12 years as the absolute minimum age of criminal responsibility for countries that do not have a minimum age stipulated under the law, or that have a lower age; but the Committee has further stressed that 12 is an absolute minimum and that governments are required to continue to increase this minimum age threshold. Yet the trend in a number of countries is moving in the opposite direction, with proposals that seek to lower the minimum age of criminal responsibility and impose longer sentences of deprivation of liberty.

This is symptomatic of a common perception, often fuelled by the media, that children are responsible for a large percentage of crimes.<sup>225</sup> This assumption is unsupported by solid evidence: in the UK, for example, the cross-Government report on gangs and gang-violence in the wake of the serious urban riots of August 2011 concluded that,

**FIGURE 9**

### **GOVERNMENT RESPONSES: Legal provisions regarding juvenile justice institutions and other detention centres (percentage)**

- Yes
- Partial
- No
- Not indicated



“the vast majority of young people are not involved in violence or gangs and want nothing to do with it”.<sup>226</sup>

Paradoxically, the trend toward hard line policing tends to contribute to a more violent environment, where children who have been victims of violence perpetrated by State actors come to see violence as an acceptable response.

Although prohibited under the CRC, life imprisonment and capital punishment, as well as other forms of violent sentencing, continue to be used as sentences for children and adolescents in a small number of countries (see Figure 10 for government responses to the Global Survey on this issue). Research by the Global Initiative to End all Corporal Punishment indicates that at least 41 countries still permit corporal punishment as a court-ordered sentence against children. In certain cases, such as flogging, amputation or stoning, sentences may amount to torture or other cruel, inhuman or degrading punishment under international law.

On life imprisonment without parole, the UN Study indicated that at least 15 countries had laws allowing this, although only a handful imposed the sentence in practice.<sup>227</sup> The Committee on the Rights of the Child strongly recommends that States parties abolish all forms of life imprisonment for offences committed by those under the age of 18.<sup>228</sup> In June 2012, the United States Supreme Court ruled it unconstitutional for states in the USA to require a life sentence without the possibility of parole for juveniles convicted of murder.

Despite its explicit prohibition under the CRC, the death penalty remains a lawful sentence

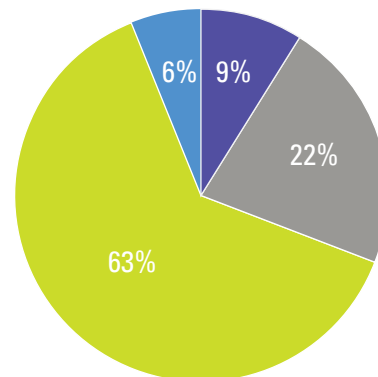
for those under the age of 18 in a small number of countries.<sup>229</sup> According to Amnesty International reports, 37 prisoners were executed worldwide between 2006 and 2011 for crimes committed when they were under the age of 18 – a significant increase over the preceding five year period, when 21 juvenile offenders were executed.<sup>230</sup>

Violence is also used to discipline children in detention. Although 119 countries have abolished corporal punishment in penal institutions, it remains lawful in at least 79 countries in both North and South. Violence is also used to extract information from children or secure confessions, despite constitutions that prohibit torture, and often “other cruel, inhuman or degrading treatment or punishment”. While few constitutional provisions on torture mention children specifically, it is evident that they apply to children

**FIGURE 10**

**GOVERNMENT RESPONSES:  
Penal code prohibits corporal punishment,  
life imprisonment and/or capital  
punishment for children**  
(percentage)

- Yes
- Partial
- No
- Not indicated



as well as adults. Many children's codes and child rights or child protection laws proscribe torture, and some criminalize the torture and ill-treatment of children. Even in countries with no specific legal provision against torture, the illegality of the practice is a peremptory norm under international law.

Despite these protections, the Committee on the Rights of the Child has expressed concern at reports of torture of young people at the hands of law enforcement agents, particularly in relation to gang involvement. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has also expressed concern at the extrajudicial execution of young people suspected of gang activity by certain police forces.<sup>231</sup>

Children in detention are vulnerable to sexual violence, particularly where they are detained with adults. Article 37 of the CRC states that, "every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so [...]." <sup>232</sup>, a principle reiterated in General Comment no. 10 from the Committee on the Rights of the Child.<sup>233</sup> The situation of girls in detention is especially serious and, as a particularly vulnerable minority in the juvenile justice system, they require special protection. Because their numbers are low (although increasing), few countries make special arrangements for girls, and they are often detained with adult women. Custodial violence against women and girls often involves sexual violence.<sup>234</sup>

Children from ethnic and minority groups are also vulnerable to violence in detention. They are often over-represented in the juvenile justice system<sup>235</sup> and may be targets of direct discrimination at the hands of police officers,

prison officials and other detainees. Child migrants and asylum seekers often face similar risks.

There are two positive trends in this area: the incremental use of restorative justice mechanisms and a growing body of legislation to protect children from violence in justice proceedings. The UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters,<sup>236</sup> together with the UN Handbook on Restorative Justice Programmes,<sup>237</sup> provide an international framework for this approach.

UNICEF programmes in the area of legal reform have adopted a broad 'justice for children' perspective to include legal protection for child victims and witnesses. This shift is also reflected in the Guidance Note of the Secretary General on the UN Approach to Justice for Children, issued in 2008.<sup>238</sup> In 2010, some 45 countries from all regions took concrete steps to implement the new UN Guidelines on Justice in matters involving child victims and witnesses of crime.<sup>239</sup> To help States adapt their national legislation to the Guidelines and other relevant international instruments, UNODC, in cooperation with UNICEF and the International Bureau for Children's Rights, developed a model law as a tool for drafting legal provisions on child victims and witnesses, particularly within the justice process.<sup>240</sup>

It is essential to ensure that legal proceedings respect and protect the rights of children. Some States, including Ecuador and Thailand, have adopted constitutional provisions on child-sensitive proceedings. A growing number of jurisdictions are enacting legislation to protect the rights of child





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victims of violence during legal proceedings and investigations – this is the case, for example, in Argentina, as discussed in Box 21. Most children’s laws now contain provisions on the child-friendly treatment of child victims. Some, like Peru’s children’s code, recognize the right to special treatment in general terms.<sup>241</sup> Others contain more detailed guarantees, as is the case of Bolivia’s children’s code, which requires the presence of interdisciplinary teams of social workers and psychologists in children’s courts.<sup>242</sup>

#### BOX 21

### Argentina’s Office of Domestic Violence

Argentina’s Office of Domestic Violence, established in 2008 by the country’s Supreme Court, recognizes the invisibility of violence against children and the difficulties faced by its victims in accessing justice. In this Office, which operates 24 hours a day and 365 days a year, children are received in a child-friendly room, and videotaped interviews are conducted by a multidisciplinary team. Cases are then referred to criminal or civil authorities and/or to public health services as appropriate. Available figures indicate that 28 per cent of cases brought to the Office are reported by children and that the Office has drastically reduced delays in the consideration of their cases.<sup>243</sup>

Several countries are changing the legal proceedings faced by child victims of violence. Some are adopting child-friendly techniques to prevent their re-victimization, such as Gesell domes (one-way mirrors shaped as domes) and other innovations to stop children feeling vulnerable or exposed to harm during interviews. Others do not require the child to testify in court at all. Some are reviewing the overall protection framework to establish appropriate structures and procedures for each stage of the process. Swaziland, for example, has introduced the concept of ‘child-friendly corners’ in courts, and there is a child-friendly unit in the public prosecution office in the capital, Mbabane.

UNICEF supports the establishment of child-friendly courts and police procedures, victim support units, toll-free lines, legal support and counselling. In 2010, 24 countries used child-friendly and gender-appropriate investigation and court procedures. Programmes to promote diversion<sup>244</sup> and alternatives to detention for children and adolescents now operate in over 20 countries. In Africa, joint efforts by UNDP, UNICEF and UNODC have strengthened collaboration around the provision of child-friendly legal aid. The 2010 joint UNDP/UNICEF Practitioners Meeting on Legal Assistance in Africa sought to address an over-reliance on pre-trial detention for children and to promote access to legal services. To support this general process, UNICEF has launched an online toolkit that provides clear, user-friendly guidance and practical tools for professionals in the field of juvenile justice.<sup>245</sup>

In 2010, the Council of Europe’s Committee of Ministers adopted the Council of Europe guidelines on child-friendly justice to recognize the rights and needs of children involved in judicial proceedings (Box 22).



**BOX 22****Council of Europe Guidelines on Child-Friendly Justice<sup>246</sup>**

The Council of Europe Guidelines on Child-Friendly Justice apply to everyone under 18 years of age involved with the justice system. The Guidelines state that:

- Children who understand their rights should be able to go to court to have those rights protected. They should have their own lawyer and a say in cases that affect them. Decisions should be taken as quickly as possible and be explained to children in a way they understand. Before they go to court, children should know what it will be like. Special rules should apply to those who have been hurt.
- Governments must promote child-friendly justice and should keep trying to make things better for children.
- Decisions made about children should respect their rights.
- Children's age and needs must be taken into account, and their privacy respected.
- Children should know about their rights and who can help them.
- Children have the right to be heard in decisions that affect them, and adults must take children's views seriously.
- Children and their parents should be given information about the child's right to be treated fairly and properly, which should be explained in a way that can be understood by everyone under the age of 18.
- Everyone working with children should receive training on children's rights, how to talk to children and on the needs of children.
- Special rules should apply when children break the law – rules that must be respected by the police.

***Child-Friendly counselling, complaint and reporting mechanisms***

Little can be done to protect children from violence or to hold perpetrators to account if violence is not reported. Confidential, child-friendly counselling, complaint and reporting mechanisms or systems are an integral part of a comprehensive legal framework to address violence against children. They are crucial to address breaches of children's rights under national and international law, empower children, prevent their victimization, and ensure that child victims of violence receive appropriate support and counselling. Unfortunately, across regions, these initiatives remain piecemeal and are not always developed specifically for children.<sup>247</sup>

**BOX 23****UN STUDY RECOMMENDATION 8:  
Create accessible and child-friendly reporting systems and services**

States should establish safe, well-publicised, confidential and accessible mechanisms for children, their representatives and others to report violence against children. All children, including those in care and justice institutions, should be aware of the existence of mechanisms of complaint. Mechanisms such as telephone helplines through which children can report violence, speak to a trained counsellor in confidence and ask for support and advice should be established and the creation of other ways of reporting violence through new technologies should be considered.

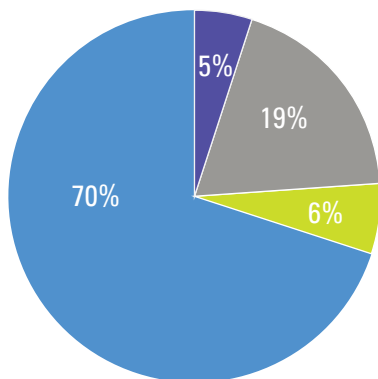
Safe, child-sensitive complaint, reporting and counselling mechanisms should be grounded in solid legal frameworks that are guided by international standards.<sup>248</sup> Every report of abuse should be followed up by the appropriate authorities, who should conduct appropriate investigations and ensure the protection and reintegration of child victims.

An analysis of the responses to the Global Survey reveals that 76 per cent of governments indicated that some form of arrangement is in place to facilitate child-friendly reporting, though very few stated that these were legally established (see Figure 11). More often than not, governments mentioned telephone help-lines, police stations, and other mechanisms. Some responses also mentioned mechanisms that were not developed specifically for children, while 5 per cent of governments stated they did not have child-friendly arrangements in place, often as a result of lack of resources. All data on this issue should be treated with

**FIGURE 11**

**GOVERNMENT RESPONSES:  
Legal, policy and institutional arrangements  
for child-friendly reporting mechanisms**  
(percentage)

- Yes
- Partial
- No
- Not indicated



caution, as they provide no indication of the geographical reach of child-friendly services in any given country: in many cases, such services are available only in urban centres.

Given the importance of child-sensitive reporting mechanisms, the Third World Congress against Sexual Exploitation of Children and Adolescents, held in Rio de Janeiro in 2008, called for the establishment of such mechanisms in all countries by 2013. Progress, however, has been slow.

At the request of the Human Rights Council, in 2011 the SRSG joined the Special Rapporteur on the sale of children, child prostitution and child pornography to develop a report on effective and child-sensitive counselling, complaint and reporting mechanisms to address incidence of violence, including sexual violence.<sup>249</sup> This joint report acknowledges the efforts made in many countries to promote counselling and facilitate the reporting of incidence of violence, including sexual abuse and exploitation, but it also recognizes that these initiatives remain dispersed, are often inadequate to address children’s specific concerns, and are rarely seen as core components of a robust child protection system.

The report found that, even where counselling, reporting and complaint mechanisms exist, children are often unaware of them or mistrust them, fearing that they will be subjected to public exposure, stigmatization, harassment and reprisals if they report violence. In cases of sexual exploitation and abuse committed by people children know and trust, parents, caregivers or others may choose to conceal such incidents to ‘protect’ the child and safeguard family unity. Professionals may lack the training to identify the early signals or address incidence of violence in an ethical and gender- and

child-sensitive manner, and may have no guidance on whether and how they should report such cases. Moreover, reported incidents of violence are often addressed in a fragmented manner, by different professionals working in disconnected disciplines. This compromises the holistic approach to the protection of the individual child and, by offering only partial solutions, increases the risk of revictimization.

The report also found that especially vulnerable children, including children with

disabilities, face particular difficulties in accessing counselling, reporting and complaint mechanisms, difficulties that become all but insurmountable when their only point of reference is their own abuser. Even when these children do report an incident, their testimony is often dismissed as unfounded or unreliable.

Given these concerns, the report to the Human Rights Council presents a set of guiding principles based on human rights standards (Box 24).

#### BOX 24

### Key recommendations from the joint report on child-sensitive counselling, complaint and reporting mechanisms<sup>250</sup>

1. Where mechanisms do not exist, States should establish by law, and promote and implement safe, child-sensitive counselling, complaint and reporting mechanisms as a core dimension of a well-functioning and well-resourced national child protection system, which is universally available to and accessible by all children without discrimination of any kind.
2. Where mechanisms already exist, these must be made available and accessible to all children, without discrimination, and must operate in an ethical, effective and child-sensitive manner and pursue the best interests of the child at all times. To this end:
  - (a) Laws, policies and guidelines should be developed in conformity with international human rights standards, and clearly define the roles and responsibilities of relevant bodies, institutions and professionals involved in counselling, reporting and complaint services for children affected by violence. Mandatory reporting by professionals who work with child victims of sexual abuse and other acts of violence causing physical injury and psychological violence should be given due consideration by all countries.
  - (b) An institutional, coordinated and integrated response should be pursued across relevant sectors, including justice, law enforcement, social welfare, education and health.
  - (c) National human rights institutions should be established in all countries by 2013 to safeguard children's freedom from violence; they should provide for, *inter alia*, child-sensitive counselling, reporting and complaint mechanisms; independent monitoring of measures to address violence; and effective remedies and redress, including the possibility of seeking advice and filing complaints before these institutions.
  - (d) Capacity-building and training initiatives should be developed to ensure that those working with and for children have the necessary knowledge and skills, and abide by child rights principles and ethical standards.
  - (e) Awareness-raising efforts should be promoted to inform children and their families about children's rights. Information on effective remedies to address incidence of violence and on available services for assistance and support should be well publicized. Information and services that are age- and language-appropriate and gender- and disability-sensitive should be put in place to enable access and ensure support to all children without discrimination of any kind.
  - (f) Safety and confidentiality should be safeguarded to protect children and their representatives from any risk of reprisal when complaints are lodged or incidents of violence reported.
  - (g) Access by children and those acting on their behalf to international and regional mechanisms should be supported when domestic legal remedies fail to protect children.
  - (h) Data and research should be strengthened to overcome the invisibility of violence and the persistent lack of information on the outcome of violence-related cases and to evaluate the impact of relevant initiatives on the children concerned.
  - (i) Monitoring and evaluation should be strengthened, including for ensuring respect for high professional and ethical standards, and enhancing the effectiveness and positive impact of those mechanisms.

While overall progress in this area has been insufficient, child helplines are a notable development. They are operating in some 140 countries, and continuing to expand (see Box 25 on Australia's 1800RESPECT mechanism). Over an eleven-year period up to 2013, telephone services run by Child Helpline International registered more than 126 million calls.

Helplines are often the first point of contact for children who want help, and play a crucial role in the referral of children to relevant services, such as law enforcement,

#### BOX 25

### **1800RESPECT: Australia's National Counselling Service on Sexual Assault and Domestic Violence**

1800RESPECT is Australia's free and confidential telephone and interactive online service providing information, counselling and referral services 24 hours a day, seven days a week, to children and adults affected by domestic or sexual violence as victims, potential victims or as witnesses. It is a direct outcome of the first three-year action plan developed under Australia's National Plan to Reduce Violence Against Women and their Children 2010-2022.

The initiative provides a crisis and trauma counselling service and supports recovery. Victims can speak to counsellors by phone or online. Qualified and experienced staff provide immediate and on-going assistance tailored to the often complex situations of victims of violence and their families. The service provides information on appropriate services and advice on further steps. The 1800RESPECT website provides information about safe accommodation, financial aid, legal aid and medical services for victims of violence, as well as advice on how to ensure personal privacy and safety while using the service. When dealing with children, 1800RESPECT brings in the police if a child has been subjected to violence or is considered to be at risk.

safe houses, rehabilitation or legal help, all of which should be part of national child protection systems. However, where these systems are weak, helplines have had to provide the necessary services themselves via specialist staff. In other situations, helplines lack the capacity to provide adequate follow-up services, and where such services exist, they may lack the resources and skills to address the child's needs.

Given their reach, helplines should be recognized as inherent elements of integrated national systems of protection for children and receive the necessary funding to provide the maximum assistance to children. Their success depends on their availability, reach, follow-up and cost, as well as their confidentiality and their links to law enforcement and other support services.

The numbers of calls to helplines represent only a small proportion of the estimated incidences of violence, indicating the enormous need for other child-friendly counselling, complaint and reporting mechanisms and follow-up services.

The full potential of information and communication technology in this area has yet to be explored. In West Africa, for example, UNICEF cites relevant mobile applications for reporting violence against children, including Frontline SMS and Ushahidi, RapidFTR (for family reunification in emergencies); RapidSMS for data collection, awareness raising and reporting; and the Mobile Vital Record System and Nokia data gathering for mobile birth registration.<sup>251</sup>

In Benin, Plan International has been developing the use of text messaging and the

internet to report violence against children and improve both immediate and longer term responses. This project builds the capacity of young people to report their experiences of violence, and the response of social services and social workers, training them to create and upload multimedia content about their local situation.<sup>252</sup>

The mere establishment of child-sensitive counselling, complaint or reporting mechanisms is not enough to prevent and effectively address violence. Appropriate publicity is essential to raise awareness of these services among children. Furthermore, if children see these services as cumbersome or lack confidence in their confidentiality or efficacy, they are unlikely to use them. According to a European Commission survey, 80 per cent of young people in the EU member States indicated that neither they, nor anyone they knew, had sought help when they thought that their rights had been violated or knew where to find it. Most indicated that procedures were too complicated and lengthy, impeding their ability to understand and use them.<sup>253</sup>

#### BOX 26

### Children and young people talk about child-friendly reporting

Children and young people who participated in the regional consultations promoted under the SRSG mandate argued that children who have been victimized must have access to child-friendly reporting mechanisms staffed by qualified people who know how to work with children. Girls, in particular, need to know how to report gender-based violence and where they should go to do so.

## Ending impunity

#### BOX 27

### UN STUDY RECOMMENDATION 9: Ensure accountability and end impunity

States should build community confidence in the justice system by, *inter alia*, bringing all perpetrators of violence against children to justice and ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and sanctions. Persons convicted of violent offences and sexual abuse of children should be prevented from working with children.

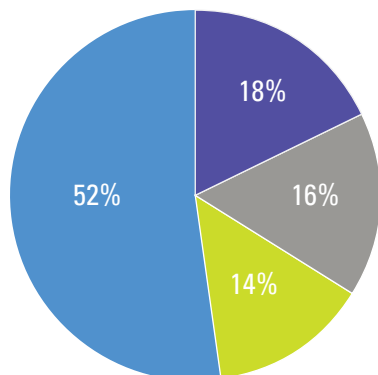
Impunity is widely recognized as a significant obstacle to ensuring the protection of children.<sup>254</sup> Any benefit in terms of public awareness derived from the express prohibition of violence against children is quickly undone if legal remedies are not available and the State does not investigate incidents of violence or fails to bring perpetrators to justice. The absence of such remedies and follow-up contributes to the impunity of perpetrators and encourages the perception that the rights of children can be violated without any likelihood of establishing accountability.

According to responses to the Global Survey, penalties of one form or another for committing violent acts against children are foreseen in 93 per cent of cases, while only 1 per cent of government responses indicated that penalties were not in place (the remaining 6 per cent provided no answer). The question put to governments was, however, whether penalties are contemplated under the law. Responses do not, therefore, indicate the extent of impunity as a result of

**FIGURE 12**

**GOVERNMENT RESPONSES:  
Legal legal redress, including  
compensation for child victims**  
(percentage)

- Yes
- Partial
- No
- Not indicated



inadequate implementation and enforcement of the law.

Legal redress for child victims of violence must also be ensured under the law. According to government responses (see Figure 12), legal redress, including compensation, is far from guaranteed: only 13 per cent of responses indicated that redress is adequately foreseen under the law. A further 52 per cent of governments suggested that legal redress for child victims of violence was available, but that the measures in place were inadequate, while 18 per cent stated that legal redress was simply not foreseen by the legislation.

The principle of ending impunity is gaining recognition. The 2008 Constitution of Ecuador, for example, provides that

legislation establish “special and expeditious procedures” for prosecuting crimes against children and adolescents.<sup>255</sup> Many countries have adopted special legislation on issues such as domestic violence, trafficking or harmful practices that include criminal provisions. Still others have amended their criminal codes to recognise new offences, or broadened the scope of pre-existing offences. Many have legislation prohibiting, in one form or another, anyone who has been found guilty of violence against children from working with children. These include Austria, Chile, Croatia, Dominican Republic, El Salvador, Finland, Gambia, Georgia, Germany, Israel, Italy, Jamaica, Latvia, Lithuania, the Former Yugoslav Republic of Macedonia, Nicaragua, Norway, St. Kitts and Nevis, Swaziland, Sweden, Tanzania, Uruguay, and Viet Nam.

As noted by the Committee on the Rights of the Child, “[c]hildren’s dependent status and the unique intimacy of family relations demand that decisions to prosecute parents, or to formally intervene in the family in other ways, should be taken with very great care. Prosecuting parents is in most cases unlikely to be in their children’s best interests”.<sup>256</sup> In many circumstances, warnings, education and psycho-social assistance may be the most appropriate response: the children’s code of the Dominican Republic, for example, makes psychotherapy obligatory for parents or guardians who abuse children; and the law on child protection from the Philippines provides that any adult who treats a child violently shall receive counselling to prevent further maltreatment.<sup>257</sup>

Some types of violence might merit administrative or civil sanctions and interventions



such as fines, mandatory counselling for parents or suspension, dismissal or transfer of civil servants. International law, however, expressly requires States to impose criminal sanctions for serious acts of violence, including torture, human trafficking, and child pornography and child prostitution.<sup>258</sup>

In some countries, legislation allows for ‘reconciliation’ between victim and perpetrator, with some cases never reaching a court of law. While this may be appropriate in minor cases where a court feels that prosecuting the perpetrator may not be in the best interests of the child victim, extreme care is needed to ensure that this approach does not become a safe haven for abusers, or put the child at risk of re-victimization. Similarly, careful consideration must be given to legal frameworks that allow perpetrators of violence to be ‘forgiven’ by their victims.

### **Developing and consolidating national data systems and research on violence against children**

Adequate data and research are crucial to end the invisibility of violence against children, challenge its social acceptance, understand its causes and enhance protection for those at risk. Specific groups of children are particularly vulnerable to certain forms of violence, and their situation can only be captured via data disaggregated by gender, age, socio-economic status, ethnicity, disability and other key indicators. This information is, in turn, vital to support government advocacy and policy, planning and budgeting for universal and effective child protection services, and to inform the development of evidence-based legislation, policies and actions for violence prevention and response.

Research based on comprehensive and accurate data analysis can help the assessment of the economic cost of violence and identify the social returns of steady investment in prevention. Sound evidence also enables governments to make the right decisions at the right time and avoid causing the unintended harm to children that can result from decisions based on assumptions and misconceptions.

Unfortunately, there are significant challenges to research, data collection, analysis and dissemination in most countries. Lack of data hampers advocacy efforts and the mobilization of public support to overcome attitudes and traditions that condone violence against children. It also compromises the judicious

#### **BOX 28**

#### **UN STUDY RECOMMENDATION 11: Develop and implement systematic national data collection and research efforts**

States should improve data collection and information systems in order to identify vulnerable sub-groups, inform policy and programming at all levels, and track progress towards the goal of preventing violence against children. States should use national indicators based on internationally agreed standards, and ensure that data are compiled, analysed and disseminated to monitor progress over time. Where not currently in place, birth, death and marriage data registries with full national coverage should be created and maintained. States should also create and maintain data on children without parental care, and on children in the criminal justice system. Data should be disaggregated by sex, age, urban/rural, household and family characteristics, education and ethnicity. States should also develop a national research agenda on violence against children across settings where violence occurs, including through interview studies with children and parents, with particular attention to vulnerable groups of girls and boys.

## BOX 29

### Children and young people talk about data and research

Children and young people participating in the regional consultations promoted under the SRSG mandate called upon governments and other key actors to ensure that data from mechanisms designed to report violence against children are collected and analyzed. They believe that all relevant research and information should be available to children in a child-friendly form, using language children can understand. They also called for systematic programmes among communities to support awareness-raising and information-sharing. They urged stakeholders to ensure on-going studies on child protection issues to inform the laws and policies needed to eradicate violence against children.

use of resources, and the resultant cost can be enormous, for children, their families and communities, and for society as a whole. Even when data are available, they are often difficult to access and overlooked in planning, the formulation of policies and programmes, the development of legislation and the allocation of resources.

Across regions, information on violence against children is both scarce and fragmented. Indeed, responses to the Global Survey indicate that where data on violence against children are collected, this collection is often scattered and piecemeal, and there are few mechanisms to consolidate the data into one centralized system.

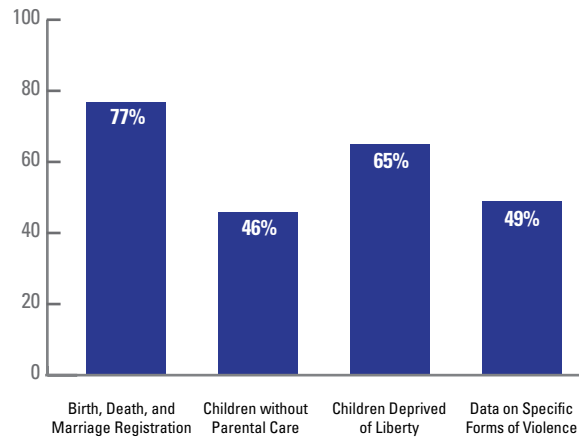
There are, however, some promising developments. Recently a number of national surveys have been conducted, including in Africa and Asia, and – as responses to the Global Survey indicate – a number of countries collect some form of data on violence against children. In

FIGURE 13

### GOVERNMENT RESPONSES:

#### Types of data collected

(percentage)



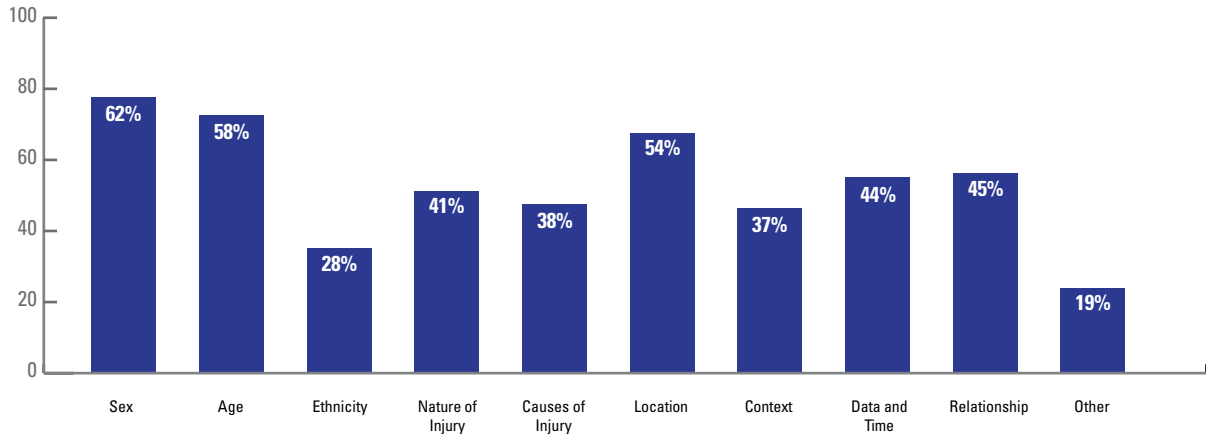
a few cases, these data are used to inform strategic interventions.

Over 45 per cent of governments reported collecting some types of data, while almost 15 per cent indicated that they collect basic data, often general in nature, rather than data specific to the situation of children. Almost 10 per cent of governments reported that they did not collect data of any kind, while as many as 30 per cent did not respond to the questions on data.

Most countries indicated that they had no consistent definition of violence against children or clear indicators, making effective data collection, monitoring and evaluation virtually impossible. Of those countries reporting that they collect some form of data on children, 77 per cent indicated that they hold data on births, deaths and marriages (see Figure 13). Only 65 per cent of countries hold data on children deprived of liberty and as few as 46 per cent on children without

**FIGURE 14**

**GOVERNMENT RESPONSES:  
Types of data disaggregation**  
(percentage)



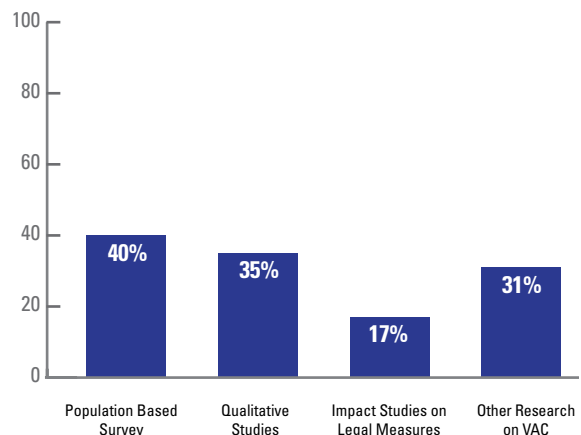
parental care. Less than half of governments (49 per cent) indicated that they hold data on specific forms of violence.

Data must be disaggregated by relevant categories to compile a meaningful picture of violence against children in a given country. As Figure 14 indicates, data disaggregation for incidents of violence is not a common practice and many governments fail to address this question. Even in relation to basic categories – the gender and age of child victims of violence – only 62 and 58 per cent respectively of all governments that reported collecting data of some kind indicated that they held this information, and only just over half (54 per cent) indicated that they collect data on the location of incidents. Data on the ethnicity of child victims, an important category for the assessment of the impact of violence on the most vulnerable children, is held by only 28 per cent of countries that collect data.

The situation of research on violence against children is also far from encouraging, with less than 40 per cent of governments reporting some form of research into violence against children since 2009. Of those – as Figure 15 illustrates – 40 per cent indicate that they have carried out some form of population-based

**FIGURE 15**

**GOVERNMENT RESPONSES:  
Types of research conducted since 2009**  
(percentage)





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survey, 35 per cent have engaged in qualitative studies and only 17 per cent have engaged in research into the impact of legal measures on violence against children.

Most governments that fail to collect data cited insufficient resources. However, lack of investment in this area risks creating a vicious circle, with inadequate data undermining the development of evidence based

laws and policies and the mobilization and allocation of resources. This in turn hampers knowledge building and sharing – essential to shape effective, evidence-based policies and programmes for children. Ultimately, the cost of poorly conceived and inefficient policies and programmes to prevent violence will be far greater than the investment needed to build a well-functioning system of data collection and analysis.

Despite the gloomy overall picture, there are encouraging signs: a small but growing number of initiatives offer new opportunities to end the invisibility of violence. Mexico, for example, has '*Infoniñez*', a comprehensive data system on children's issues that provides information on the rights to life, development, participation and protection. *Infoniñez* includes 279 indicators disaggregated by gender, age, municipality, health, nutrition, education and protection, among others. Under protection, indicators measure exploitation and child labour, homicides and suicides, access to justice and migration. The database can be consulted online, together with Mexico's national policies for children.<sup>259</sup>

In recent years, national surveys on violence against children have been conducted in Kenya, Swaziland, Tanzania and Zimbabwe. Others are under way in Cambodia, Haiti, Indonesia, Malawi, Nigeria and the Philippines. UNICEF country offices also conduct surveys, studies and analyses, and have begun to map indicators to better understand trends related to violence against children. In 2010, ten surveys were produced on abuse and sexual exploitation, domestic violence, gender-based violence, commercial sexual exploitation, emotional abuse, the economic cost of violence against children and general issues associated

with violence against children. In many cases, these initiatives supported reporting, registration and referral systems, enhanced coordination between stakeholders, and served as advocacy tools for state and civil authorities as well as media outlets.

Recent national surveys of violence against children provide important points of reference, particularly when – as, for instance, in the United Republic of Tanzania<sup>260</sup> and the USA<sup>261</sup> – they are based on large-scale interviews with children and young people (see Box 30). As a result of the Tanzanian survey, the Government has launched a comprehensive coordinated policy response, as well as an implementation and evaluation plan to address the concerns identified and monitor progress over time.

Other actors have carried out groundbreaking work on specific settings, such as homes, schools or the internet, including the 2010 European Union Kids Online survey of young internet users in 25 European countries.<sup>262</sup> Research in Croatian schools on computer use found that 34 per cent of pupils had experienced some form of cyber-bullying, and has led the Croatian Government to work with parents, teachers and children to improve the protection of children in cyberspace.

UNICEF assists countries in efforts to compile evidence on child protection through the Multiple Indicator Cluster Survey (MICS), Demographic and Health Survey (DHS) and other household surveys. This robust information is crucial to inform programming and policy interventions on social norms and strengthen child protection systems.

MICS and DHS were also used to produce the UNICEF report on *Child Disciplinary Practices at Home*, providing the first comparable, cross-national data from 35 low- and middle-income countries on a topic for which empirical evidence has been hard to find. These countries comprise around 10 per cent

### BOX 30

#### **Learning from studies on violence against children in Tanzania and the USA**

Recent surveys from Tanzania and the USA illustrate the importance of research for understanding the various dimensions of violence against children. Both surveys focus on children's exposure to violence, and the serious and long-lasting trauma and distress that all too often result.

Developed by a multi-sector task force, the Tanzanian study captures the multidimensional nature of violence and the importance of well-coordinated and mutually supportive roles of governmental departments and civil society organizations in prevention and response. It also assesses the extent to which children affected by violence use social, health and justice services.

The US survey addresses a wide range of types of violence, and considers violence in specific settings. It also considers the cumulative effects of children's exposure over time to various forms of violence, as well as across different age groups.

With their far-reaching scope and their promotion of a comprehensive approach, these surveys have generated findings that better equip actors to prevent violence and support child victims to overcome its impact. One common outcome has been the identification of knowledge gaps, generating a commitment to further research. In Tanzania research is envisaged on the situation of particularly vulnerable children, who were not included in the initial survey, while in the USA, research will focus on the long-term effects of violence on children's and adults' health and well-being.

of the child population in the developing world. The report indicates that while violent discipline is widespread, the majority of caregivers in most countries do not think that it is needed to raise a child, highlighting the gap between attitudes and behaviour, and the importance of establishing programmes to support parents in their child-rearing role.

Information from UNICEF suggests a steady growth in the number of countries using data to improve their understanding of child protection. In 2010, with UNICEF support, 53 countries are reported to have conducted gender analyses of key child protection issues; 44 countries reported having institutional or administrative sources of data on child protection issues; and 26 countries included disaggregated data on child protection indicators in their National Development Plan or equivalent.

#### *Data and research on violence against children: a priority for the SRSB mandate*

Data and research on violence against children help to counter the invisibility of children's exposure to different forms of violence and provide the evidence that is needed to prevent and address this child-rights violation. To draw on the growing body of knowledge and experience, in June 2012 the SRSB joined the Swedish Government in the organization of an expert consultation on strengthening data and research to protect children from violence. The consultation, held in Stockholm, provided a strategic platform to learn from and build upon initiatives promoted by a wide range of partners, including governments, UN agencies, international organizations, academia, independent children's rights institutions and civil society organizations.

The consultation highlighted the importance of sound research and reliable, objective and disaggregated child-related data to understand the environment within which children grow and develop; to assess the risk or impact of violence on their development, and to prevent its occurrence.

There are many gaps in this area: while there is recognition of the need to build upon a broad definition of violence, including its different manifestations (physical, psychological and sexual), there is no standard categorization of its different forms. In the absence of internationally-agreed methodologies on data collection, different standards and practices have been followed to ensure the protection of respondents and interviewers, and to provide follow-up support to victims.

There is limited evidence on the extent, impact and risks of violence, as well as the underlying social norms and attitudes that perpetuate its existence. At the same time, this is an area where there have also been some promising developments. The release of the UN Study in 2006 paved the way to the development of significant national surveys addressing the nature, magnitude and consequences of violence, as well as perceptions, attitudes and behaviour towards this phenomenon. With this in mind, the expert consultation in Stockholm highlighted five conclusions and recommendations.

- Although data and research on violence against children remain scarce and fragmented, significant initiatives promoted in recent years provide a sound foundation to inform evidence-based advocacy, policies and decisions to prevent and address this phenomenon.



- Urgent efforts are needed in areas where data gaps have been identified, including: a) the incidence of violence in different age groups and situations of risk, such as children in care and justice institutions, living and/or working on the street, with disabilities, indigenous children and those belonging to minorities; b) children’s exposure to violence in periods of economic crisis, social instability and natural disasters; c) cost-effective interventions for violence prevention, early detection and intervention, and for the recovery and reintegration of child victims and witnesses; d) the human and social cost of violence and the high returns on investment in prevention.
- Together with initiatives to develop robust, credible and accurate data and research, it is vital to integrate information across sectors, disciplines and data sources, keeping the human dignity and best interests of the child as a central concern in the assessment of the cumulative impact of different manifestations of violence over the child’s life-cycle.
- As advocates for change, children’s perceptions, views and experience are crucial to understand the hidden face of violence and to help address its root causes and potential risks. The importance of the role of children in data gathering, analysis, writing and dissemination is undeniable, but their meaningful involvement continues to face significant challenges. These including the importance of avoiding patronizing or manipulative approaches, and situations that may place children at risk; and of promoting solutions that genuinely balance the imperative of children’s protection from harm against their rights

to express their views and influence decisions. This is an area where further research is needed to explore the complexities, potential tensions and opportunities, and to reflect on core ethical dimensions that should guide national initiatives and capacity-building efforts.

- It is crucial to eliminate the translation deficit between knowledge and action and invest in the presentation and communication of data-derived evidence to better assist decision-makers, promote evidence-based programmes adapted to local contexts, and widen the ownership of implementation efforts to include the public at large.
- Data and research bring transparency to policy-making and enable public scrutiny of States’ actions and achievements as regards protection of children from violence. This is an area where the leadership and commitment of governments may be most meaningfully expressed by placing the best interests of the child above the temptation to preserve a positive political image.

### *Children’s involvement in research initiatives*

The role of children in research initiatives extends from adult-led research where children are the ‘subjects’ of examination (research on children), to participatory research methodologies (research with children) and more progressive child-led research (research by children). In every case, it is essential to ensure that research is carried out ethically, that children’s protection is not compromised and that they are never harmed as a result of research initiatives.

This important dimension, which was addressed by the 2012 expert consultation, is receiving increasing attention from national governments, research institutions and civil society organizations. Examples include an initiative from six Eastern European countries that saw 60 adolescents gather baseline data on the extent of sexual abuse and awareness

of support services. The young people developed a survey, determined the methodology to be used, conducted research, analysed the data and produced recommendations for action. More than 5,700 survey responses were returned, producing a wealth of information to inform strategies to address sexual abuse.<sup>263</sup>

### BOX 31

#### **Core ethical principles for child-related research<sup>264</sup>**

Three core ethical concepts arise in all research:

1. minimising risk of harm;
2. informed consent and assent; and
3. confidentiality and anonymity.

In relation to children's research, three additional concerns must to be addressed, namely:

1. child protection principles;
2. legal obligations and policy commitments in relation to children; and
3. a child-centred, inclusive approach to research.

The application of these core ethical concepts to practical research led Ireland's Department of Children and Youth Affairs to draw the following conclusions:

- Research with, and for, children is necessary and beneficial, but particular ethical concerns arise in relation to their involvement that must be addressed.
- Basic ethical principles apply to all research, including a commitment to the well-being, protection and safety of participants; a duty to respect their rights and wishes; a responsibility to conduct high-quality scientific research; and a commitment to disseminate and communicate the results to stakeholders.
- In addition to core ethical principles, research with children requires adherence to legal and policy commitments in relation to children, and the adoption of a child-centred, inclusive approach to research.
- Parental/guardian consent is required for a child to participate in research, but good practice also requires the child's agreement or assent.
- Confidentiality is key to research practice, but a limitation exists in child-related research if a child protection issue arises and this must be explained when obtaining consent.
- To ensure child protection, research with children should be carried out in accordance with national child protection guidance principles,<sup>265</sup> and research organisations should have a child protection policy in place, as well as a designated focal point responsible for the implementation of this policy.
- Every effort should be made to involve children as active participants in the research process and care must be taken to protect the rights of all children, and specific groups of children, in research activity.

In addition, the Irish Government's Department of Children and Youth Affairs has issued guidelines for developing ethical research projects involving children, summarized in Box 31.

The Childwatch International Research Network has also placed this topic high on its agenda and has promoted a comprehensive review of academic literature on the ethical issues surrounding research with children and young people.<sup>266</sup> This literature covers a range of topics on the nature and underlying principles of ethical research and the mechanisms in place to facilitate such research.

Mechanisms are also emerging to support the development of children's involvement in research. The Caribbean Child Research Conference, held annually in Jamaica since 2006, is a regional inter-disciplinary conference that covers a range of child-related themes and shares research findings, strengthens the network of researchers engaged in children's issues and encourages research on priority themes and other important but neglected areas. The Conference is not simply *about* children: it facilitates their meaningful participation: each year, hundreds of high school students play an active role in the conference, among them several candidates for the *Outstanding Child Researcher* award, who present their work in the children's sessions.<sup>267</sup>

ECPAT Netherlands has mobilized young people to conduct peer research on child trafficking. These young people are survivors of trafficking themselves, who understand the issue and can relate to other victims of trafficking and sexual exploitation. The resulting set of first-hand information provides valuable insights into the nature and extent of trafficking, suggestions to improve services for victims, and concrete recommendations for effective prevention and protection systems.<sup>268</sup>

To support child-led data collection and research, Save the Children has developed a research guide for young people under the project 'A Civil Society for Children's Rights in the Middle East and North Africa Region'. Using a 12-step process, the guide helps young people and adults to implement child-led data collection and to appreciate their own role in collecting and sharing information about their lives. The child-friendly methodology produces qualitative and quantitative evidence that can be used in policies, programmes and advocacy strategies to inform change.<sup>269</sup>

Penal Reform International (PRI) emphasizes that interviewing children who are deprived of their liberty is vital for a full understanding of the situation and for juvenile justice reforms. PRI has developed a toolkit on interviewing children in detention facilities that sets out minimum standards for ethical participation.<sup>270</sup>

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## CHAPTER 5

# Preventing and addressing violence

This chapter examines seven recommendations from the UN Study that are critical for the development of national systems capable of an effective response to violence against children, supported by a culture of non-violence. It assesses the extent to which governments have:

- prioritized the prevention of violence against children by influencing the broader socio-economic context in which such violence occurs and addressing immediate risk factors (recommendation 3 of the UN Study);
- raised awareness of child rights in general, and promoted knowledge of the harmful effects of violence against children in particular (recommendation 4);
- built the professional capacities of those who work for and with children (recommendation 5).
- provided effective child-sensitive recovery and reintegration services (recommendation 6);
- fostered child participation in efforts to address violence against children (recommendation 7);
- ensured a gender perspective in anti-violence policies and programmes (recommendation 10);
- strengthened international commitments to end violence against children (recommendation 12).

In practice, many of these areas overlap: for example, raising awareness of violence against children is not simply an end in itself, it is also essential for a comprehensive prevention strategy and for building professional capacity. When professionals are aware of violence and can identify and respond to early

◀ Ayesha Akhter, 26, takes a break from her work of making pressure garments for burn victims by playing with daughter Jannatul Ferdous Neki, 4 at the Acid Survivors Foundation, ASF in Dhaka, Bangladesh.

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signals, this contributes, in turn, to prevention. Likewise, campaigns to prevent violence against children tend to have a strong awareness raising and mobilization dimension, and their impact is heightened if they are sensitive to the gender dimension of violence and promoted through the engagement of children and young people themselves. Where preventive measures fail, and children are exposed to violence, recovery and reintegration services become indispensable. All of these areas are, therefore, mutually reinforcing.

### Prioritizing prevention

Preventive action not only reduces violence against children, but also contributes to respect for human rights and a more peaceful, tolerant and harmonious society. Prevention is, necessarily, a far-reaching issue that touches upon many of the topics already addressed

in this report, including policy development and legal reform.

According to government responses to the Global Survey, over three quarters of countries contemplate prevention associated with the law. Only 2 per cent, however, provided sufficient information to confirm the existence of a comprehensive legal provision on the prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect and exploitation, and 6 per cent of responses indicated that no legislative measures were in place (see Figure 16).

Preventive actions can take place at a number of levels. In the *World Report on Violence and Health*,<sup>271</sup> for example, WHO identifies four levels of action and suggests that the most effective prevention initiatives cut across all four of them. First: programmes that focus on

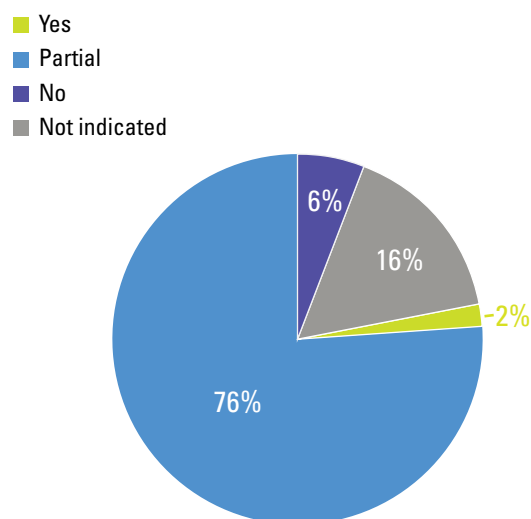
#### BOX 32

### UN STUDY RECOMMENDATION 3: Prioritize prevention

States should prioritize preventing violence against children by addressing its underlying causes. Just as resources devoted to intervening after violence has occurred are essential, States should allocate adequate resources to address risk factors and prevent violence before it occurs. Policies and programmes should address immediate risk factors, such as a lack of parent-child attachment, family breakdown, abuse of alcohol or drugs, and access to firearms. In line with the Millennium Development Goals, attention should be focused on economic and social policies that address poverty, gender and other forms of inequality, income gaps, unemployment, urban overcrowding, and other factors that undermine society.

FIGURE 16

### GOVERNMENT RESPONSES: Legal measures for the prevention of violence against children (percentage)



individuals and encourage positive attitudes and behaviour in children and young people. Second: relationship approaches to influence interactions inside families and among peers. Third: community-based efforts to stimulate community action or focus on the care and support of victims. Finally: societal approaches that focus on economic conditions, cultural norms, and broad social influences such as the mass media.<sup>272</sup>

Given the links between poverty, inequality and violence, strategies developed to promote social inclusion, address material deprivation, invest in vulnerable children, facilitate access to education, accelerate poverty reduction, and attain economic growth and macro-economic stability can all contribute to reducing levels of violence against children, even where this is not their explicit goal. In Bangladesh, for example, 46 per cent of children live in absolute poverty, with urban working children, street children and orphans in the poorest wealth quintiles among the most vulnerable children of all. To address these concerns, the Government of Bangladesh has launched three key interventions: Basic Education for Hard to Reach Urban Working Children, Protection of Children at Risk, and Amader Shishu (Our Children) to improve the well-being of those without parental care. It has been estimated that if these three interventions were scaled-up nationwide, it would take ten years, and only 0.37 per cent of the national budget, to reach the 3.71 million children thought to be most vulnerable – a reasonable timeframe and an affordable amount, given the importance of sustainable poverty reduction.<sup>273</sup>

A commitment of this kind would, inevitably, reduce the vulnerability of these children to

violence. Prevention on such a scale, however, is still more effective when addressing violence against children is not simply a by-product of investing in children, but an explicit element of the national development and planning process.

Other prevention efforts focus on specific measures to prevent violence against children. The Council of Europe's campaign One in Five to Stop Sexual Violence against Children, launched in November 2010, promotes the further signature, ratification and implementation of the Council's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention). The campaign also aims to empower governments, parliamentarians, professional networks, civil society, parents and children to take steps to stop sexual violence against children. The campaign includes 'The Underwear Rule', a tool to help parents and carers talk to children in a positive and child-friendly manner about their right to define personal boundaries and to say "no" and seek help when they feel threatened or uncomfortable. As well as promoting 'The Underwear Rule', media professionals have been invited to support the campaign by defining and fulfilling their own role in protecting children against sexual violence – for example, by working with experts on children's rights and protection, organizing seminars on the ethical aspects of interviewing children who have been traumatized by sexual abuse, and promoting a code of conduct on reporting cases of sexual violence against children.

Public-private partnerships are also being asked to support the campaign by raising awareness, and the tourism industry, airlines, hotel chains, and railway and taxi companies

are now all involved in this initiative.<sup>274</sup> The Council of Europe is also encouraging its member states to create national campaign teams spanning ministries, parliamentarians, local and regional authorities, children's ombudspersons, civil society organizations, parents' associations and professional networks in relevant sectors.

There is growing recognition that communication messages alone are not enough to prevent and promote the abandonment of certain forms of violence based on deep-rooted social norms. Sustainable change requires community members themselves to address norms that, for example, justify various forms of harmful practices. This calls for community activities to discuss and reaffirm positive cultural values, provide information from trusted sources, identify alternative rituals and actions, and create a solemn community commitment to abandon harmful practices and eliminate violence. Evidence of the effectiveness of this approach comes from the 15

countries included in the UNICEF-UNFPA Joint Programme on Accelerating the Abandonment of FGM/C.<sup>275</sup>

General initiatives to prevent violence should be complemented by focused prevention strategies for specific settings. Several governments that responded to the Global Survey indicated that such initiatives are in place. Georgia, for example, has a legal programme to prevent gambling and substance abuse among high school students, and Serbia promotes an anti-drug campaign for a similar target group. Box 34 discusses the Olweus Bullying Prevention Programme, a particularly successful initiative to tackle bullying in schools.

A number of countries have also introduced measures to prevent the exposure of children to harmful or injurious materials. For instance, Cambodia has introduced regulations to control the sale and rental of detrimental films and video, and Germany has set up a commission for the protection of children in the media, including through the internet.

An interesting regional initiative comes from MERCOSUR, where a methodology developed in Brazil is now used to prevent and respond to sexual violence and child trafficking in 15 cities in the border regions between Argentina, Brazil, Paraguay and Uruguay. Another positive example related to the risk of trafficking comes from Belgium, where the Federal Agency for Asylum Seekers (FEDASIL) takes careful steps to ensure the maximum protection for unaccompanied minors seeking asylum. FEDASIL monitors these vulnerable children and adolescents to protect them from anyone who seeks to abuse or exploit them, provides interpreters

### BOX 33

#### **Children and young people talk about prevention of violence**

Children and young people participating in the regional consultations held under the auspices of the SRSG's mandate, agreed that stakeholders involved in child development should be made aware of alternative forms of discipline that do not carry the physical and psychological effects of violence against children. They shared a conviction that governments should commit to developing better schools and health centres, as well as public parks and recreational areas where children and adolescents can promote peaceful co-existence and prevent and reduce violence against children. They called on institutions dealing with children to treat children and adolescents with respect.

and information in a range of languages to ensure that children understand what is happening, and works closely with the police and specialized agencies to respond immediately to any concerns about a child's safety.

At the community level, Togo reports having put in place protection commissions that take local action to prevent and detect violence and support victims of violence, while in the

#### BOX 34

### The Olweus Bullying Prevention Programme

First developed in Norway in the mid-1980s, and now implemented in many countries worldwide, the Olweus Bullying Prevention Programme aims to reduce bullying among students, prevent new episodes of bullying and achieve better peer relations at school. This long-term, system-wide initiative operates at four levels. At the school level, interventions include the establishment of bullying-prevention coordinating committees, development of questionnaires on bullying, training for all staff, the launch of rules against bullying, refinement of supervisory systems and the active involvement of parents. At the individual level, staff are trained to intervene the moment bullying occurs, hold meetings with the students concerned and their parents, and develop individual intervention plans for these students. At the classroom level the Programme posts and enforces rules against bullying and holds regular meetings with classes and parents. Finally, at the community level, the initiative involves community members in bullying-prevention coordinating committees, develops partnerships to support school programmes, and spreads anti-bullying messages and principles of best practices.<sup>276</sup>

An evaluation of the impact of the Programme in three elementary schools in Chula Vista, California, USA, found a 21 per cent decrease in reports of exposure to bullying after one year. Students were also more likely to perceive that adults at school were trying to prevent bullying, and parents felt that administrators were doing more to stop it.<sup>277</sup>

Colombian city of Cali, the Municipality has developed complementary policies to address violence at home, in schools and in the community.<sup>278</sup>

The efficacy of violence prevention initiatives is determined, in part, by the extent to which these initiatives recognize and adapt to the different stages of a child's development. Violence experienced by a young child, for example, may be very different in its nature and impact to that experienced by a teenager. Moreover, a growing body of evidence shows that violence in early childhood is one of the best predictors of long lasting health consequences, as well as future exposure to violence, as a victim, an aggressor or both.

Two approaches that show particular promise in preventing violence in a child's early years are home visitation and good parenting programmes. Home visitation by trained personnel, such as nurses or social workers, for disadvantaged first-time mothers has proved highly effective in preventing child abuse and neglect and is one of the few rigorously evaluated interventions that has been shown to improve the health and well-being of children.<sup>279</sup> A review of home visitation in the USA, for example, found that it produced a median relative reduction in child maltreatment of at least 39 per cent.<sup>280</sup> Home visits have not, however, been shown to prevent recurrence when violence has already taken place. This finding underlines the importance of investing in early prevention programmes. Given the difficulty of breaking an established pattern of violence against children, the priority must be to prevent it in the first place.<sup>281</sup>

Around the world, few parents or caregivers receive any help or training to deal with the challenges of raising a child. Yet evaluations

of existing parenting programmes reveal an increase in positive child discipline, with parents continually reporting a decrease in violent disciplining practices.<sup>282</sup> For example, the 'Triple-P' Positive Parenting Programme,<sup>283</sup> developed in Australia, links violence prevention strategies on several levels to shape information, advice and professional support to the needs of individual families, recognizing that every family is different. Independent outcome evaluations of Triple-P have shown its efficacy in improving family-management techniques and parental confidence in effective child rearing.

It is also important to tailor programmes to other phases of child development, including adolescence – a time when children are at higher risk of violence outside the home. In this regard, a number of significant initiatives are found in Jamaica, where youth are vastly over-represented in official statistics as both victims and perpetrators of violence (Box 35).

Evidence from youth initiatives in Jamaica points to six mutually reinforcing features that help ensure success in violence prevention:<sup>286</sup>

#### BOX 35

### Preventing youth violence in Jamaica<sup>284</sup>

There is a growing recognition in Jamaica that young people are not simply overexposed to violence, but that they are being actively socialized into criminality and violence – particularly young males.<sup>285</sup> Three types of response aim to address community violence involving young people: individual-level programmes, group-based programmes and community-based interventions.

The Young Men's Christian Association (YMCA) runs a programme in Kingston to help low-income boys aged 14 to 17 who are not in school as a result of academic and behavioural issues that are often linked to aggression. They are provided with intensive remedial education and social skills training for three to four years, backed by counselling and mentorship. Analysis has found a markedly reduced propensity to engage in aggressive behaviour among those who have graduated from the programme.

On a group level, the Child Resiliency Programme of the Hope United Church identifies and supports children aged 8 to 12 who demonstrate high risk characteristics, including exposure to neglect or abuse, and excessive fighting and violence. The programme has four key elements: academic support, life skills training, nutrition, and family support. The 2010-2011 annual evaluation of the programme revealed that both parents and children reported considerable improvements in children's life outlook and parent-child communication, as well as a reduction in aggressive behaviour and fighting.

Finally, the Peace Management Initiative is a community-based intervention to prevent or defuse community violence through dialogue. Established by the Ministry of National Security in 2002, it comprises personnel from faith-based groups, academia and the two largest political parties and operates in 60 communities. It works directly with young people involved in violence, collects local data – principally on homicides – and organizes therapy for both victims and perpetrators of violence. The Initiative is credited with reducing community violence or sustaining peace in a number of communities. It became a co-signatory of a peace agreement signed by gang leaders in Jamaica's August Town in June 2008, which prohibited the carrying of guns, required community leaders to steer local residents away from violence, and encouraged tolerance for different political beliefs.



1. a holistic approach that is connected to broad community and individual concerns;
2. strong beneficiary responsiveness, with initiatives shaped and influenced by those beneficiaries;
3. beneficiary participation, including the participation of children and youth;
4. Effective leadership to crystallize community concerns and vision;
5. Trust and respect – earned by addressing the issues that concern the community;
6. Productive partnerships that leverage external expertise and a holistic approach to violence.

## Raising awareness and promoting non-violence

### BOX 36

#### UN STUDY RECOMMENDATION 4: Promote non-violent values and awareness-raising

States and civil society should strive to transform attitudes that condone or normalize violence against children, including stereotypical gender roles and discrimination, acceptance of corporal punishment and harmful traditional practices. States should ensure that children's rights are disseminated and understood, including by children. Public information campaigns should be used to sensitize the public about the harmful effects that violence has on children. States should encourage the media to promote non-violent values and implement guidelines to ensure full respect for the rights of the child in all media coverage.

Even where violent acts against children are legally prohibited, their cultural acceptability in societies where violence is a norm often encourages weak enforcement of the law. If children exposed to violence come to see it as a legitimate way to resolve conflicts or establish their dominance or status, it is more than likely that they too will internalize these values. Efforts to end violence against children must, therefore, promote a change in attitudes and behaviour of parents, families and wider communities.

Campaigns around the world confirm that we can all engage in meaningful action to prevent violence against children. Guinea

### BOX 37

#### Children and young people talk about awareness raising

*"The lack of dissemination of the Convention of the Rights of the Child is a form of violence present in all Latin American countries. Even so, children and adolescents have come together to make known, evaluate, propose and put into practice their rights."*

– Manifesto of children and adolescents from Latin American countries

Children and youth participating in the regional consultations organized in the framework of the mandate of the SRSG indicated that young people still need to be made aware of their rights, and that knowledge of these rights should be integrated into school curricula. They argued that ultimately, violence against children is everybody's business. All stakeholders, including teachers, parents and other caregivers and social agents, should be aware of children's rights; religious leaders should be involved in sensitization initiatives; social networking should be used to provide information and generate interest in violence related issues; the media should portray children and adolescents in a positive manner; and laws addressing children's rights and protection should continue to be disseminated through the media and organizations working on behalf of children.

Bissau, Japan, Kiribati, Portugal, the Russian Federation, Tanzania and Viet Nam are among the many countries that report having conducted awareness-raising campaigns on child rights. Swaziland's first child-to-child radio programme *Ses'khona* (We have Arrived) has raised awareness of children's issues, including violence and abuse. Since 2010, Senegal's media plan, developed with State radio and television (RTS), the *Le Soleil* newspaper and the Senegalese Press Agency has developed radio and television reports on violence against children, as well as media packs on this issue.

The Terre des Hommes Italy initiative outlined in Box 38 is just one example of an ambitious, multi-faceted and influential awareness raising campaign.

A number of countries have also committed to raising awareness on specific manifestations of violence and its prevention in specific contexts. Estonia reports a national campaign in 2012 on violence in personal relationships ('dating violence') among upper secondary school students. Other countries are engaged in awareness raising initiatives on violence in schools that involve parents, teachers and students themselves. To ensure protection of very young children, Hungary reports having published a handbook on 'How to Look After Your Child', and has implemented a 'Never Shake Your Baby' awareness raising campaign.

### *The role of faith-based organizations*

Faith-based organizations play a crucial role in violence prevention initiatives. Religion is central to many people's lives, and all of the major

#### **BOX 38**

### **Italy's 'I protect children' initiative**

In Italy, the campaign 'IO proteggo i bambini' ('I protect children') was initiated in 2009 by Terre des Hommes to build a culture of prevention with regards to all forms of violence and abuse against children. The campaign translates international standards into concrete undertakings at local level through a range of media, including internet, television, radio and newspapers and magazines. In the first year of the campaign, Terre des Hommes convinced more than 300 websites and blogs to post a yellow ribbon symbol to show solidarity for the prevention of child abuse on 19 November: the World Day for Prevention of Abuse and Violence against Children. A total of 24 TV shows – as well as their hosts and a number of celebrities – also displayed the yellow ribbon for two weeks and spoke about violence against children, promoting a fundraising appeal to finance projects addressing this phenomenon. Several news shows covered the Yellow Ribbon Campaign. In addition, more than 30 radio stations broadcast free advertisements, as well as news features and interviews. Italian newspapers and news agencies featured this topic. The Municipalities of Milan and Genoa and the Republic of San Marino also joined the Yellow Ribbon Campaign.

Collaboration with local authorities was strengthened in 2010 when the councils of 15 *comuni* officially adopted Terre des Hommes' manifesto for the prevention of child abuse, and another 52 engaged in week-long information and awareness-raising campaigns around the World Day on 19 November.

In addition to this annual engagement, the website of the 'I protect children' initiative contains information for parents, teachers and local authorities on how to prevent violence against children, as well as information for children on how to avoid violence in school, in the media, on the internet and in the community.<sup>287</sup>

world religions value and respect the human dignity of children.

In 2006, representatives of various religious communities at the Religions for Peace VIII World Assembly in Kyoto, Japan, made a joint commitment to confront violence against children and offered their support in mobilizing the international community through the UN Study on Violence against Children. The Kyoto Declaration, adopted at the meeting, is a significant reference for work in this area. The Declaration recommends that religious communities and leaders raise awareness of children's rights and the impact of all forms of violence against children, and calls on them to work actively to change attitudes and practices that perpetuate violence in homes, institutions and communities. The Declaration also calls on religious communities to teach non-violent forms of discipline and education; advocate for the adoption of legislation to prohibit violence against children; and raise public and media attention on violence against children.<sup>288</sup>

The Churches' Network for Non-Violence, in cooperation with the Global Initiative to End All Corporal Punishment of Children and Save the Children Sweden, has produced a handbook on how religious communities can use their inherent strengths to prevent violence against children in schools and elsewhere.<sup>289</sup>

Another important example of the positive influence of faith-based organizations comes from the Islamic Republic of Mauritania, where corporal punishment is still widely used in schools. At the invitation of UNICEF, Mauritania's Imams and Religious Leaders Network for Child Rights carried out a study

to determine whether corporal punishment of children is permitted in the Quran, and thus in Islam. The conclusion was clear: it is not. The results formed the basis of a fatwa, or religious edict, prohibiting physical and verbal violence against children. The fatwa states:

*"[...] it is necessary to desist immediately and finally from beating children, regardless of the pretext given. This is not only required by law and piety, or in accordance with the principles and purposes of the glorious shariah, but it is also essential for the good of the child, the educator, the family and society. It is also necessary to adopt scientific educational methods in the upbringing of children following the example provided by the first educator and teacher, Mohammad, may God be merciful to him, whose teachings are all kindness, love and goodness."*<sup>290</sup>

### *New technologies: the potential and risks*

As noted, children are growing up in a world where technology is increasingly present and accessible, and where the internet, mobile and smart phones, and virtual social networks are part of daily life. Raising awareness of the potential risks associated with the use of new technologies is becoming a significant dimension of information and mobilization efforts among young people. With this in mind, the International Telecommunications Union (ITU) has issued important tools for children, parents and teachers on child online protection.<sup>291</sup>

Box 39 discusses 'make-IT-safe', a global campaign promoted by ECPAT International that engages both the private

## BOX 39

### The make-IT-safe campaign in 67 countries

The 'make-IT-safe' campaign aims to make new online technology safe for children and young people everywhere by lobbying the information technology industry and governments. It also empowers young people to promote internet safety and encourages cyber-cafes around the world to sign a code of conduct. The campaign, led by ECPAT International and the Children's Charities Coalition for Internet Safety, was initiated in 2005, and brings together children's groups in 67 countries.

In Gambia, the Child Protection Alliance, in collaboration with the Department of Social Welfare, is using the make-IT-safe campaign to sensitize schools, internet cafe owners and internet service providers about the dangers that children face online. In Kenya, the campaign has raised awareness about the dangers of violence in cyberspace among children and adults, addressing local attitudes that perceive this simply to be a concern in other countries. Young people are carrying the campaign to all parts of Kenya, working with internet cafe owners to set up monitoring systems, and raising awareness about the safe use of the internet in schools and universities.<sup>292</sup> The campaign provides mobilization and campaign materials, including stickers, flyers and t-shirts, as well as postcards for display in internet cafes with information on the care and protection of their younger visitors. Resources are available from the make-IT-safe website: <[www.make-IT-safe.net](http://www.make-IT-safe.net)>.

and government information technology sectors to ensure the safety of children and young people online.

Given the particular challenges faced by children at special risk, it is imperative that awareness-raising initiatives – including those on internet safety – reach the most vulnerable groups. In 2008, for example, UNICEF published 'It's About Ability', a child-friendly version of the Convention on the Rights of Persons with Disabilities, and an associated learning guide<sup>293</sup> to empower children with disabilities aged 12 to 18 to speak out on the Convention and advocate for inclusion in their communities. Both publications have been disseminated widely and translated into an additional 11 languages, including two Braille and four audio versions. They have been used for advocacy, national campaigns and trainings in over 30 countries.

### Building professional capacities

## BOX 40

### UN STUDY RECOMMENDATION 5: Enhance the capacity of all who work with and for children

The capacity of all those who work with and for children to contribute to eliminate all violence against them must be developed. Initial and in-service training that imparts knowledge and respect for children's rights should be provided. States should invest in systematic education and training programmes both for professionals and non-professionals who work with or for children and families to prevent, detect and respond to violence against children. Codes of conduct and clear standards of practice, incorporating the prohibition and rejection of all forms of violence, should be formulated and implemented.

Staff whose work brings them into contact with children should be trained to recognize and act upon early signs of violence or abuse and follow appropriate procedures if they are concerned about a child’s well-being. According to the responses received to the Global Survey questionnaire, building the capacity of those who work with and for children is a priority for many countries in their policy and programmatic frameworks.

Capacity building for relevant professional categories is, for example, one of 12 national priority areas under the first three-year action plan of the National Framework for Protecting Australia’s Children (2009-2020). Cameroon’s Ministry of Social Affairs, has developed a guide for social workers that focuses on psychosocial care for vulnerable children. In 2012, Poland’s National Training Centre for Courts organized trainings for judges and prosecutors on domestic violence, sexual offences and human trafficking.

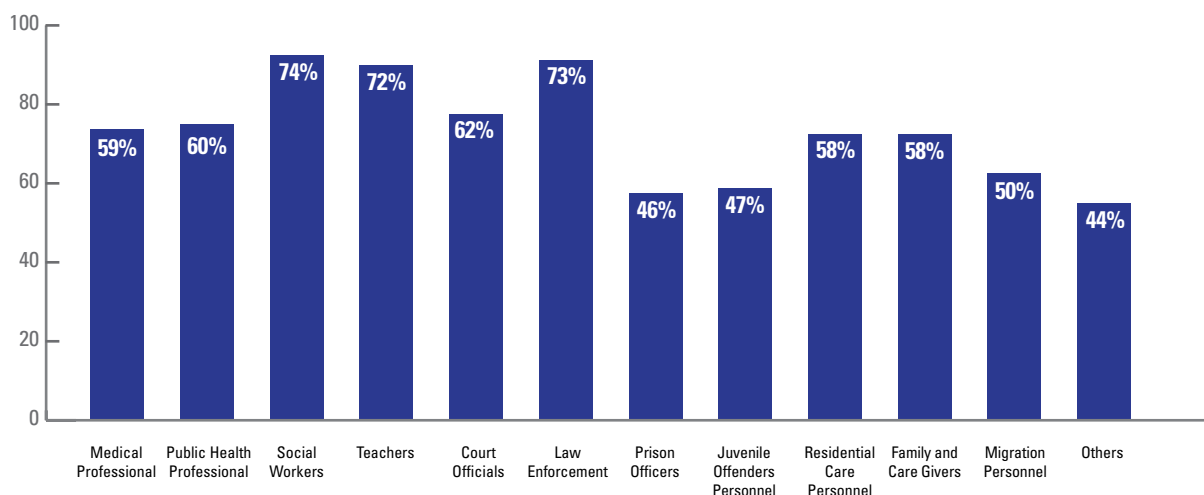
As well as training professionals, a number of countries have set up institutions or issued memoranda of understanding with existing institutions to ensure continuous capacity-building. In Austria, for example, the Austrian Medical Association’s ‘Medpol’ project defines standards and checklists to help health professionals recognize the signs of child abuse at an early stage. The Israeli Government works closely with two independent institutions – the Haruv Institute and ELEM – to enhance the professional knowledge base on violence against children and to develop advanced educational programmes for professionals.

Figure 17 illustrates the percentage of governments that responded to the Global Survey questionnaire indicating that they provided training for professional sectors. Training of social workers, law enforcement officials and teachers proved to be the most popular initiatives (respectively 74, 73 and 72 per cent of countries engaged in training in these

**FIGURE 17**

**GOVERNMENT RESPONSES:**

**Percentage of countries offering training for professionals, by sector (percentage)**



## BOX 41

### Children and young people talk about capacity building

Children and young people participating in the regional consultations promoted by the SRSG indicated that all agencies dealing with children should establish clear child protection policies and codes of conduct, and recommended that public employees working with children and adolescents receive proper training. They believe that more qualified personnel in the fields of social work and regional development are required and suggested scholarships and internships to encourage interest in these careers. They also believe that more specialized workers are needed in psychosocial support to assist children affected by violence. In addition, children and young people suggested that governments promote violence-prevention initiatives for families and children in foster care. They also indicated that, to make good choices, children need good counselling from qualified caregivers.

areas), while a maximum of 50 per cent of the responses indicated that training was undertaken for migration personnel, personnel working with juvenile offenders and prison officers (50, 47 and 46 per cent respectively).

Positive responses do not necessarily mean, however, that these initiatives include ongoing capacity building. Sustained training and advanced or refresher courses help to keep violence prevention, detection and response high on professional agendas, while isolated or one-off capacity-building initiatives may not have a sustainable, long-term impact.

In Morocco, the Government indicates that there is a project to introduce basic training modules on responding to violence against children in the curricula of faculties of medicine, arts and social sciences, as well as

training institutes for health workers. In Togo, it is reported that the government makes training sessions on child rights available for magistrates, religious and customary leaders, staff in the justice system, customs officials, social workers, teachers, and military and security staff, with support from financial and technical partners. Training focuses on the protection of children against all forms of violence, exploitation and abuse. Child rights are also part of the training curriculum for Togo's military personnel, and training modules are included in the curriculum of the police training school and the national school for administration.

Professional training and capacity building must address social norms and power structures in society. In some countries in Africa, for example, caning as a form of school punishment often persists in the name of tradition, and is considered an appropriate measure to help a child learn and mature. As one teacher explained, "[t]he African child is brought up in a culture that uses canes as a form of punishment for children to learn and follow instructions. If we do not enforce the same practices, our schools will experience reduced academic standards."<sup>294</sup>

It has been observed that teachers who have received training in positive discipline are more likely to favour the prevention of violence and abolition of corporal punishment than teachers who have not received such training.<sup>295</sup> Indeed, teachers can serve as models for positive, non-violent interaction, even in situations where children are at risk in their homes or communities. They cannot, however, carry the whole burden, and need support to create inclusive classrooms where all children can enjoy their right to education



in a safe environment. This may mean working with education authorities, involving teachers' unions, engaging with school heads, mobilizing school governors and galvanizing student bodies such as school councils.

Teachers – like other professional categories – may also need support to understand and influence gender relations, not only in schools, but also in the wider community. A safer environment for children can also be achieved by employing more female teachers and school-based social workers,<sup>296</sup> and ensuring that they receive adequate training to prevent and respond to gender-based violence.<sup>297</sup>

In Guinea and Sierra Leone, the International Rescue Committee has recruited and trained female classroom assistants to work alongside male teachers in some refugee school classrooms, where most teachers are men. An evaluation of the pilot project found that the presence of female classroom assistance led to a reduction in pregnancies and drop-out, and increased girls' attendance and academic achievement. Both girls and boys reported feeling more comfortable in the classroom. Where necessary, classrooms assistants reached out beyond school and followed-up with student in their homes.<sup>298</sup>

Where resources are scarce, strategies to train trainers can build professional capacities. In Yemen, a regional initiative trained 23 national staff from the Ministry of Education on peace building and alternatives to corporal punishment in school. In turn, the national trainers developed a training manual on these alternatives and trained some 340 teachers in Aden, Lahaj, Sana'a and Taiz on how to use this manual. As of 2010, the manual is part

of the Ministry of Education training package for teachers, and UNICEF and Save the Children have printed and distributed 5,000 copies to primary schools in the targeted governorates.<sup>299</sup>

UNICEF emphasizes capacity-building for professionals in its child protection work: Box 42 discusses some of UNICEF's initiatives to enhance professional capacity in the welfare sector.

UNICEF also works to build professional capacity in the area of justice for children,

#### BOX 42

### **Building capacity in national social welfare sectors**

In 2010, UNICEF worked with 71 countries to improve their human resources capacity in the social welfare sector through such measures as the development of programmes and standards for social work. The impact of this work was evident, for example, in Afghanistan, where the role of social workers was formalized; in Malaysia, where National Competency Standards for Social Workers were adopted; and in Viet Nam, where a National Programme on the Development of Social Work as a Profession was approved. Support for the in-service training of social workers was provided in Cambodia, Indonesia, Mongolia, the Solomon Islands and Timor-Leste.

Other examples have included two-tiered child-centred professional social work instruction and practical training for government and NGO social workers in Bangladesh, supervisory skills training for managers and caseworkers from Family and Children's Service Centres in Maldives, and the training of government staff for child protection diplomas in Sri Lanka. In-service training has also taken place in Zambia, where 325 members of district childcare and protection committees were trained on minimum standards of care, basic qualifications in childcare, and psychological counselling.



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which, in 2010, included support on capacity building for judges in some 25 countries, as well as for police forces – with a focus on child-friendly procedures and interviewing skills – in more than 30 countries.

Indeed, one encouraging trend to emerge from the Global Survey is the growing number of countries that have introduced police facilities where women and children who have suffered violence can meet safely and confidentially with specially-trained police staff, many of whom are women. Countries that have introduced such facilities include Brazil, Gambia, Ghana, Israel, Japan, Kiribati, FYR Macedonia, Malawi, Mozambique, Nepal, Nicaragua, Norway, Sri Lanka, Swaziland and Tanzania.

In some cases, enhancing the capacity of the police to address violence against children and women has been combined with access to counselling and therapy for victims. In

South Africa, for example, Trauma Victim Support Centres, providing psychological and social support for child victims of violence, have been established in Community Safety Service Centres located in police stations.

In Jamaica, the Centre for the Investigation of Sexual Offences and Child Abuse (CISOCA), a branch of the Jamaica Constabulary Police Force, aims to provide confidential, speedy and effective investigation of reports of sexual offences and child abuse. CISOCA officers receive special training in gender-based violence and, in turn, provide training in the investigation of sexual offences at the Jamaica Police Academy and other designated organizations. To reduce children's fear of giving evidence, officers have been trained in the use of video evidence.

### *Codes of conduct for professionals working with and for children*

In addition to training, all those working with children – including medical staff, teachers, professional carers and staff in juvenile detention facilities – need clear codes of conduct. Given the increasing mobility of children, migration and border patrol staff also need to receive adequate training and strict codes of conduct when dealing with children. Appropriate sanctions should be brought against anyone found to have breached these codes.

In Bangladesh, although the illegality of corporal punishment has not yet been confirmed in legislation, it is unlawful under a Supreme Court ruling of 2011. Moreover, since April 2011, teachers in Bangladesh have had clear guidelines produced by the Ministry of Education on 'the prohibition of corporal and mental punishment of students in educational institutions'. The guidelines reinforce the

Government’s commitment to a child’s right to a healthy environment in school, forbidding teachers to inflict corporal punishment and stating that any breach of the guidelines, “[...]. shall also be considered to be a punishable offence. [...] If necessary, action may also be taken under criminal law against such a person.”<sup>300</sup>

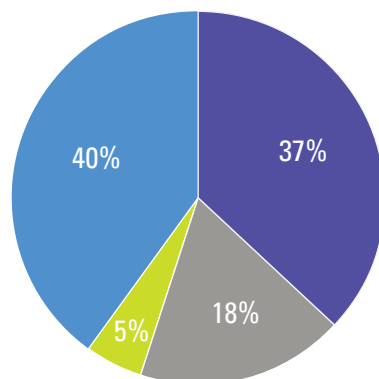
### *Referral and reporting of incidents of violence*

It is essential to encourage and train professionals to identify, refer and report incidents of violence against children and to engage with children appropriately. They must also receive guidance on when, how and to whom to report such incidents. Responses to the Global Survey indicate, however, that only 45 per cent of countries issue guidance on reporting to professionals. In 55 per cent of cases there is no such guidance or governments failed to respond to this question (Figure 18).

**FIGURE 18**

### **GOVERNMENT RESPONSES: Guidance on reporting mechanisms issued to professionals** (percentage)

- Yes
- Partial
- No
- Not indicated



The Committee on the Rights of the Child, in its General Comment No. 13, stresses that the reporting of actual, suspicion, or risk of violence should, at a minimum, be required of all professionals working directly with children.<sup>301</sup> The joint 2011 report of the Special Rapporteur on the sale of children, child prostitution and child pornography and the SRSG on effective and child-sensitive counselling, complaint and reporting mechanisms recognizes that reporting of sexual abuse and acts of violence causing physical injury and psychological violence by professionals who work with children is an appropriate measure in all societies. The report recommends that all States consider establishing an obligation on professionals who work with children to report violence, and the adoption of norms to protect the confidentiality of professionals and private individuals who do so.<sup>302</sup> Sanctions should extend to any staff member who deliberately fails to report cases of violence.

Some progress has been made in recognizing a legal obligation to report violence and in protecting the confidentiality of those who do so. Some national legislation, such as Argentina’s child protection law and South Korea’s Juvenile Protection Act, recognize the duty of all persons with knowledge or reason to suspect violence to report this to the competent authorities. Others – including the children’s codes of Paraguay and Venezuela – recognize a broader obligation: to report any violation of the rights of a child. Still others – including Guatemala’s law on child protection and the Peruvian children’s code – recognize this obligation only for those who have knowledge of violence against children in the context of their professional activities.

Figure 19 illustrates that one quarter of government responses to the Global Survey indicated that the reporting of violence against children is mandatory under the law. A larger share (43 per cent) indicated that reporting is mandatory only for certain professional categories – such as health workers in Brazil. Under many laws and codes, the obligation to report exempts professionals from any duty of confidentiality, and exempts any person who reports child abuse from legal responsibility for reports made in good faith. Children’s laws in a number of countries go further, to incorporate provisions that require the authorities to respond effectively to such reports and some, including those of Finland, Georgia, Latvia and Nicaragua, have sanctions for those who fail to report violence.<sup>303</sup> The number of jurisdictions that have adopted measures of this kind is growing, demonstrating that many countries are recognizing the importance of

obligatory, confidential reporting of serious acts of violence against children.

*Providing effective, child-sensitive recovery and reintegration services*

**BOX 43**

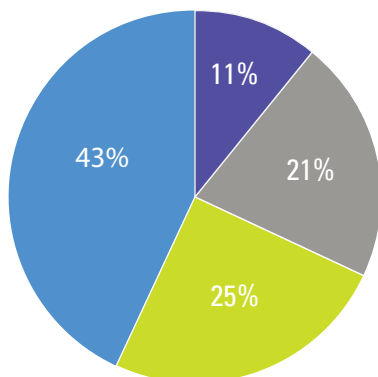
**UN STUDY RECOMMENDATION 6:  
Provide recovery and social reintegration services**

States should provide accessible, child-sensitive and universal health and social services, including pre-hospital and emergency care, legal assistance to children and, where appropriate, their families when violence is detected or disclosed. Health, criminal justice and social service systems should be designed to meet the special needs of children.

**FIGURE 19**

**GOVERNMENT RESPONSES:  
Mandatory reporting of violence against children** (percentage), where ‘yes’ indicates ‘mandatory for all’ and ‘partial’ indicates mandatory for specific categories

- Yes
- Partial
- No
- Not indicated



Providing remedies to child victims of violence through appropriate services and legal action is essential for any fully functioning national child protection system. Not only do these remedies enable child victims to overcome the trauma of violence, they also reduce the risk of re-victimization.

Government responses to the Global Survey indicate that some form of recovery and reintegration for child victims of violence is foreseen under the law in 69 per cent of countries, while 31 per cent of countries either fail to make any legal provision for recovery and reintegration or did not respond to this question (see Figure 20).

Recovery and reintegration services can range from early to post-violence interventions and

include psychosocial counselling and care, medical support, referrals, witness protection, paralegal and legal support, child-friendly court procedures, interim care, life skills training and reintegration services. A well-organized referral system can contribute to the effective coordination of such services. 'Entry points' such as schools or medical centres, where staff are trained to identify signs of violence or abuse, can alert and advise other elements of the child protection system, thereby ensuring that the child receives the necessary services without having to undergo new interviews and assessments at every step.

Costa Rica's children's code is noteworthy here in that it requires every hospital and health clinic in the country to establish a specialized team to evaluate suspected cases of child abuse.<sup>304</sup>

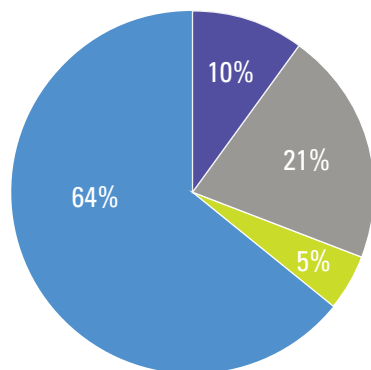
While the importance of recovery and reintegration services is clear, as Figure 21 illustrates, only a minority of countries (49 per cent) consider access to counselling a legal right for child victims of violence.

Responses to the Global Survey questionnaire indicate that countries providing recovery and reintegration services do so through a range of facilities, including rehabilitation centres, victim assistance centres, social welfare centres, child protection units, family support centres and interim shelters. Recovery and reintegration services for physical or sexual violence are most common (over half of governments indicated that such services exist), while support for psychological violence, neglect, harmful practices and other forms of violence is less widespread.

**FIGURE 20**

**GOVERNMENT RESPONSES:  
Recovery and reintegration  
foreseen under the law**  
(percentage)

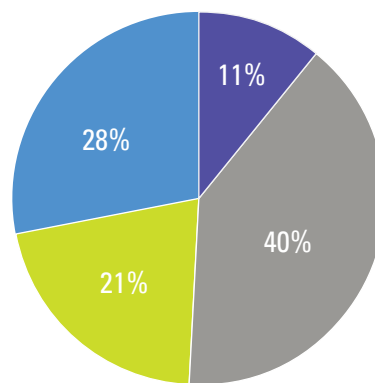
- Yes
- Partial
- No
- Not indicated



**FIGURE 21**

**GOVERNMENT RESPONSES:  
Legal rights to counselling for child victims  
of violence**  
(percentage)

- Yes
- Partial
- No
- Not indicated



Where recovery and reintegration services exist, they are often small-scale and fragmented. Some work independently, while others are established within institutions such as hospitals, municipal offices, social welfare offices or police stations. One notable exception to this piecemeal approach is Malawi, where, as of December 2011, the Government, in collaboration with UNICEF, had established 300 Community Victim Support Units covering all of the country's traditional authorities. These are managed by the district branch of the Ministry of Gender, Children and Community Development and are linked to the nearest police stations. In addition, all police structures are reported to be able to provide victim support services, following the establishment of 101 victim support units and 400 child protection desks.

Morocco indicates that it has established 76 specialized units for child victims of violence in provincial, regional and university public hospitals, while Latvia reports that it provides state-financed rehabilitation services to child victims of violence in their place of residence, be this at home or in detention centres, educational institutions or child care institutions. A small number of countries also provide subsistence allowances. Bosnia and Herzegovina, for example, indicates that it provides a financial grant to all victims of violence. In Japan, under articles 28 and 33 of the child welfare law, all child victims of violence are guaranteed basic services and counselling or therapy: they may also receive sickness, injury or disability benefits. Other countries responding to the questionnaire recognized that their national recovery and reintegration services are weak and fail to reach a significant number of children.

### *Counselling for children*

Around the world, children express concern at the lack of information on where and how to seek advice and help to overcome trauma and reshape their lives.

Counselling is crucial to prevent violence and support child victims. It is particularly effective when it is provided to both the child and her or his family, as other family members may also be victims or suffer fear, anxiety or guilt. Ideally, counselling should include medical care, social assistance, legal services and educational and financial support, and should be offered by qualified professionals. Professionals trained to offer specialized services for children are, however, scarce in many parts of the world.

Rehabilitation facilities, where they exist, are often of a modest nature and confined to capital cities or major urban centres. In Azerbaijan, for example, there is one rehabilitation centre for children and youth in the capital, Baku, although the Government reports that the Ministry of Labour and Social Protection is working to establish centres in eight other regions.

Although there is some way to go in this area, there are a number of encouraging initiatives. In Mali, a national manual for the care of child victims of violence, abuse, exploitation and neglect has been developed, bringing together childcare mechanisms from across all sectors of Government. In Israel, the Government reports that there is a 'Compassion Programme' for the treatment and rehabilitation of violent parents, and there are 12 centres that provide services specifically for sexually abused children, with another 11 such centres planned.



### *'One stop centres' for victims of violence*

The idea of 'one stop centres' for victims of violence is gaining ground in a number of countries. One well-known example comes from South Africa, with its 44 Thuthuzela Care Centres (see Box 44). In the Philippines, the General Hospital in Manila established a Child Protection Unit (CPU) in 1997 – the first of its kind in the country – to offer comprehensive services for child victims of abuse and exploitation. The initiative has since been expanded to 25 provinces, and there are now 38 CPUs across the country, providing a continuum of care for abused and exploited children. These one-stop support centres offer forensic services; medical services; mental health

screening; social services; social programmes; legal services; police services; support during legal proceedings; and offender case management. According to the 2009 Annual Report from the Philippines Child Protection Network, more than 7,500 children were admitted to the CPUs, most of whom had been sexually abused by someone close to them. Drawing on this experience, Pakistan has now established CPUs in Lahore and Peshawar.

The provision of rehabilitation and reintegration is also vital for children and adolescents who have perpetrated violence. Young people who receive custodial measures often carry with them the experience of multiple

#### **BOX 44**

### **South Africa's one-stop Thuthuzela Care Centres<sup>305</sup>**

The Thuthuzela Care Centres in South Africa are a key element of South Africa's anti-rape strategy and fight against HIV and AIDS. The Thuthuzela project ('thuthuzela' meaning 'comfort' in Xhosa) is a response to the urgent need for an integrated strategy for prevention, response and support for rape victims and is led by the National Prosecuting Authority's Sexual Offences and Community Affairs Unit (SOCA), in partnership with donors.

One-stop Thuthuzela Care Centres aim to reduce secondary trauma for victims of sexual violence, improve conviction rates and reduce the timeframe for finalizing cases. Rape survivors who come to the centres have access to all relevant service providers in a single location, which helps to ensure their comfort, restore their dignity and offer them justice. Given the growing number of child victims coming to the centres, the presence of specially trained child-friendly nurses or caregivers to receive and comfort children before they are taken for examination is essential. Various donors have supported measures to make the centres child-friendly by offering technical expertise on special equipment, including two way-mirrors, posters, drawings, and anatomically correct dolls to help children prepare, should they have to appear in court.

The centres operate in public hospitals located in communities where rape levels are particularly high, and are linked to sexual offences courts staffed by prosecutors, social workers, investigating officers, magistrates, health professionals, NGOs and police. The centres themselves are managed by inter-departmental teams comprising Justice, Health, Education, Treasury, Correctional Services, Safety and Security, Local Government, Home Affairs and Social Development departments, together with designated civil society organisations.

There is clear evidence that these facilities have improved the process of reporting and prosecuting rape and other sexual offences, and contributed to reducing secondary trauma among survivors. So important are they to the country's fight against sexual violence and HIV and AIDS that the Government of South Africa is establishing more centres to strengthen implementation of its Domestic Violence Act and Sexual Offences Bill.

forms of exclusion, and custody may weaken their social and family networks still further.<sup>306</sup> Reintegration services offer a way to break the cycle of violence in which they might otherwise be trapped.

The International Juvenile Justice Observatory (IJJO) identifies four key components of the most promising reintegration approaches. First, approaches should involve a range of services rather than focus on one aspect of rehabilitation (such as vocational training). Second, steps should be taken to prevent the development of institutional dependency among young offenders and to cultivate skills that will foster their independence in non-custodial settings, such as networking, initiative-taking and making independent choices. Third, it is crucial to address the offending behaviour and promote resilience. Finally, it is important to provide realistic and fair socio-professional perspectives. This involves planning educational and training opportunities with young people, and might also include non-traditional forms of learning such as e-learning, motivational training or learning-by-doing.<sup>307</sup>

## Fostering child participation

### BOX 45

#### UN STUDY RECOMMENDATION 7: Ensure the participation of children

States should actively engage with children and respect their views in all aspects of prevention, response and monitoring of violence against them, taking into account article 12 of the Convention on the Rights of the Child. Children's organizations and child-led initiatives to address violence guided by the best interests of the child should be supported and encouraged.

The process of preparing the UN Study on Violence against Children was an important catalyst for strengthening child participation processes, with new approaches and methodologies developed and new partnerships forged among children, parents, adults, researchers, service providers and governments.<sup>308</sup> In 2006, the Committee on the Rights of the Child held a Day of Discussion on the child's right to be heard, which led to the Committee's adoption of General Comment No. 12, The Right of the Child to Be Heard, in June 2009. The General Comment provides guidance to governments on the scope and provisions of article 12 of the CRC and the actions expected of them to achieve its full implementation.<sup>309</sup>

As documented in the publication *Progress or Progression*, seven key lessons can be drawn from both the successes and challenges encountered in relation to child participation during the original UN Study process.<sup>310</sup> These, together with General Comment No. 12, provide important advice for advancing children's meaningful participation (Box 46).

#### *Legislation in support of child participation*

A number of countries have introduced policy and legal provisions in support of children's meaningful and sustained participation. Legislation in Finland, Latvia, FYR Macedonia, Moldova, Myanmar, Slovenia, Tanzania and Viet Nam includes provisions to consider the views of children. Norway's education law ensures participation through pupils' councils and school committees: established in 2009, a yearly forum is held to promote dialogue between the country's young people and the Minister for Children.

### Child participation: seven key lessons from the UN Study<sup>311</sup>

1. A common and agreed commitment to meaningful and ethical participation must be established from the beginning as an essential feature of the process.
2. Care should be taken when assuming responsibility for organizing children's participation or 'taking a lead': participation should maximize the strengths, mandate and capacities of the various partners.
3. Better preparation leads to better results. Adequate time and resources should be invested to ensure the quality of children's participation and good child protection practice.
4. Good and sustainable community and national processes are crucial to the meaningful involvement of children at other levels.
5. Other ways of involving children need to be explored and implemented. Involving children in regional and international processes is a costly exercise. More needs to be done to involve children from diverse backgrounds, including younger children, and to help them initiate their own dialogues to which decision-makers are invited, rather than expecting children to join adult-led consultation processes.
6. Child protection needs to be better understood. It is crucial to ensure a common understanding of what child protection means among all partners at all levels, and how it applies to good practice in children's participation. This means understanding the synergies between the two concepts.
7. A long term vision with realistic goals is essential and must be conveyed to all stakeholders. If children are to be central to follow up, each project or process requires a long-term vision of what it is trying to achieve through their participation, including realistic and achievable goals.

#### *Child participation in governance, policy development and evaluation*

Legal provisions do not, on their own, guarantee children's meaningful participation.<sup>312</sup>

The framework provided by these provisions is, however, crucial, as is the extent to which children are engaged in the process of governance.

In recent years, there have been efforts by governments to establish children and youth councils and parliaments and to support children's participation in policy development. In Lithuania, the Pupils' Parliament, which represents 600 schools, has been promoting

children's participation since 2000. This Parliament has organized at least 10 round tables on the theme of 'Children against Violence', and participates in the work of Lithuania's Child Welfare Council. A national children's parliament is organized every year in Slovenia by the Slovenian Organization of Friends of Youth in cooperation with the National Assembly to discuss a range of children's issues including violence, exploitation and abuse.

A number of countries have involved children in designing and implementing laws, programmes and policies to address violence.

**BOX 47****Children and young people talk about children's participation**

*"After sharing with other children, I realized I wasn't the only one facing problems. Many children in my country are going through common problems related to violence."*

– Child Participant from South Asia

Children and young people participating in the regional consultations promoted by the SRSG underlined the importance of child participation and expressed their belief that governments should ensure suitable platforms for children's voices to be heard in all matters affecting them. For them, the involvement of children in preventing and remedying incidents of violence is fundamental. They believe that initiatives like the formation of child clubs and child-led workshops can promote and encourage child participation. They also saw the benefit of child-to-child or peer-to-peer support to break the silence often associated with incidents of violence. With this in mind, they called for peer educators to be encouraged and supported.

Seminars were organized with children and young people in Estonia in 2010 and 2011 to discuss their involvement in community crime prevention, and two consultative seminars were conducted with children and young people in 2011 during the preparation process for the Development Plan for Children and Families 2012-2020. The participation of children was also a key aspect of Germany's National Action Plan 'Germany Fit for Children 2005-2010', with children given meaningful roles in the organization of a National Conference on Violence against Children in 2010 and the publication of a set of 'Quality Standards for the Participation of Children and Young Persons'.<sup>313</sup>

Myanmar reports having organized forums on victims of trafficking in 2010 and 2011 and also sent child participants to the Mekong Youth Forum, held in Thailand in 2008 and 2009, and in Brunei in 2010. In 2008, Swaziland's annual 'month of the child', held every June, focused on violence against children and involved over 10,000 schoolchildren defining such violence from their own perspective.

Children are also involved in initiatives to raise awareness, increase understanding and promote action concerning violence against children. In Latin America, for example, children and adolescents have engaged in community-level social and political advocacy in defense of their rights. Their advocacy has influenced laws and policies to prevent sexual exploitation and helped to develop mechanisms for the participation of younger children. Children are working with adults to explore ways to prevent abuse and exploitation and to help children communicate their views, including their fears and problems. Girls are also helping to create safe neighbourhoods and to change sexist attitudes among adolescent boys.<sup>314</sup>

Neighbourhood mapping projects can provide an important insight into the risks children face in their communities. In Mexico, a project implemented between 2008 and 2010 in the city of Juarez, with the support of the Bernard Van Leer Foundation, saw children aged 4 to 8 compiling information on violence in their community. They made drawings, took photographs and assigned one word for each letter of the alphabet to describe their community. The resulting material, 'From A to Z', conveys their perceptions of their surroundings and the negative impact of community violence on young children.

Likewise, the 'Map Kibera' project in the informal settlement of the same name in Nairobi, Kenya, engages young people, particularly young women and girls, in the participatory digital mapping of risks and vulnerabilities related to their health and protection in their community. The project is identifying safe and unsafe physical spaces in Kibera, while raising awareness and offering advocacy opportunities around a number of issues, including HIV and AIDS. The map is Kibera's most detailed spatial depiction of child protection, public safety and girls' vulnerability to date and the results will be used to identify risks, vulnerabilities and patterns of risk perception. Because this information is publicly available and owned, the project increases the accountability of policy planners and grassroots advocates to young people.<sup>315</sup>

### *Empowering children*

As well as building the capacity of adults to support children's participation, there is a growing focus on enhancing the skills of children themselves so that they can engage effectively with decision makers and create change within their communities and countries. As part of Plan's follow-up activities to the UN Study in West Africa (see Box 48), children have been encouraged to define their own priorities and select various training opportunities, including budget advocacy, understanding violence against children, advocacy methods, information and communication technology, gender-based violence and training for trainers.<sup>316</sup> As a result, child participants have developed thematic knowledge about violence against children as well as skills in project management, advocacy, leadership and assertiveness.<sup>317</sup>

#### **BOX 48**

### **West Africa's Violence against Children project**

The Violence against Children project in West Africa (2008-2011) supported action by young people to raise awareness about the violence they face. The project, coordinated by Plan West Africa and supported by Save the Children and other community partners works in seven countries: Benin, Côte d'Ivoire, Gambia, Ghana, Guinea, Mali and Togo.<sup>318</sup> The overall goal is to make the content and follow-up mechanisms of the UN Study widely known among children, youth and their caregivers in West Africa and mobilize the representation of children and youth in actions to prevent and respond to violence against children.<sup>319</sup> The project has trained children and young people to:

- identify, record, discuss and remedy violence in their communities; work with radio and television stations to create local and national programmes where children and young people can share their views on violence;
- tell stories through pictures and cartoons and address violence through publications and magazines; and
- raise awareness about violence against children in communities through information-sharing meetings and art, particularly on the 'Day of the African Child' (16 June) and to celebrate the '20th Anniversary of the Convention on the Rights of the Child' (20 November 2009).<sup>320</sup>

The 2012 Plan West Africa evaluation of this three-year project<sup>321</sup> listed some notable achievements, including the training of more than 360 children and youth from five countries to work together as advocates to end violent practices against children in their communities; radio segments on violence against children; the distribution of booklets and posters throughout West Africa in partnership with Africa's largest children and youth magazines, *Planète Enfants* and *Planète Jeunes*; and the development of child-led action plans. Children have also taken part in community-based activities to highlight issues of violence against children, including sporting events, community meetings, theatre performances and discussions with community leaders.<sup>322</sup>





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West Africa has also hosted two important forums for young people on violence against children. In 2010, in cooperation with the SRSG, Plan and Save the Children in West Africa organized in Accra, Ghana, a forum for more than 200 children to discuss follow up to the UN Study. In 2013, Accra again hosted a forum that brought children from West and Central Africa together to discuss with the SRSG harmful practices that violate the rights of children and young people in the region.

UNICEF, in the Islamic Republic of Iran, uses the recommendations from the UN Study, together with the children-friendly version of the Study *Our Right to be Protected from Violence* to familiarize Iranian and Afghan children deprived of their liberty and their trainers or social workers with different aspects of violence against children. The goal is to instill values and generate actions to eliminate abuse and violence against this vulnerable group of children. The initiative provides opportunities

for at-risk groups of children to plan and implement peer-to-peer training programmes, enabling them to identify different aspects of violence against children and, with their peers, take action to prevent it.

Children's participation goes beyond their involvement in conceiving and implementing initiatives. Increasingly, stakeholders are working with them to understand the effectiveness of these initiatives. Children now support monitoring and evaluation through focus group discussions, consultations, surveys, questionnaires and child-friendly review processes that are part of their ongoing engagement in initiatives. They have also contributed to the Global Survey through a review of progress made since the UN Study, having helped to determine ongoing and future priorities for action.

The growing involvement of young people in the protection of children's rights is seen clearly in the work of the Committee on the Rights of the Child. For many years (and prior to the UN Study) children have helped to prepare reports for the Committee and have reviewed their countries' implementation of the CRC, including State party efforts to protect children from violence. In 2012, for example, the Mousedeer Group, an online community that promotes communication and interaction among Malaysian children, supported the development of a children's report to the Committee on the Rights of the Child that included an instructional video for participating children.<sup>323</sup>

### *Building knowledge about child participation*

As support for children's participation grows, resources and tools are needed to help document outcomes for children, improve practice and build capacity to encourage future



participation. Supported by Oak Foundation, a pilot study was launched in 2012 by Plan International, Save the Children, UNICEF and World Vision, in partnership with a number of national NGOs, to test a conceptual framework, supported by a toolkit, to monitor and evaluate children's participation. This framework, which can be used for a variety of participatory processes for children, including child protection, provides detailed guidance on how to involve children and young people in monitoring and evaluation, and on how to develop strategies and activities to collect and analyze data with children and adults.

Pilot projects are planned in nine countries: Burundi, Ghana, Guatemala, India, Nepal, Nicaragua, Nigeria, Viet Nam and Zambia, to test the framework and toolkit and provide feedback on their value and on any adaptations required.

Chapter 2 of this report discusses how natural disasters and other emergencies heighten the vulnerability of children to all forms of violence. It is encouraging, therefore, to identify growing recognition and support for children's involvement in emergency preparedness, relief and rehabilitation. Indeed, recent emergency efforts, including the 2004 Asian tsunami, the 2010 earthquake in Haiti and the 2011 earthquake and tsunami in Japan, have enhanced understanding of children's participation in such efforts and confirmed the role they can play in any humanitarian programme.

To date, most documentation on children in emergencies has focused on survival and protection rather than participation, and has emphasized their vulnerability rather than their strengths and resilience. Nevertheless,

children's efforts have helped to protect lives, provide health care, distribute relief supplies, support health and hygiene education, evaluate relief efforts and provide psychosocial and other support to both children and adults. Their support evolves as they themselves grow older. Children aged 5-10, for example, have been observed making toys for younger children, while those aged 12-17 rescue others, treat wounds and help to trace families.<sup>324</sup>

### *Promoting children's participation at the regional level*

Children's participation is supported at the community, national, regional and international levels. Studies and evaluations indicate, however, that participatory efforts are generally most effective at the community and national levels, in that they relate directly to the places where children live, grow, learn and develop. The review of children's participation during the preparation of the UN Study (see Box 46) concluded that good and sustainable community and national processes are crucial to the meaningful involvement of children at other levels. The ongoing challenge is to sustain children's participation at the local and national levels and then, where appropriate, feed this into regional and global processes.<sup>325</sup>

A number of regional opportunities have emerged since the UN Study (including that from West Africa, discussed in Box 48) to demonstrate that regional child participation initiatives can provide a valuable platform for sharing good practice, enhancing learning, building joint plans of action and creating partnerships to prevent and end violence against children.

In South Asia, SAIEVAC incorporates child participation on a continuous basis, with children

sitting on its board alongside representatives from government, international organizations and civil society. Children are selected for the board by their peers and represent national networks to which they report back following a SAIEVAC event. Their continuous involvement enables them to influence decisions at both national and regional levels.<sup>326</sup>

In Europe, the Council of Europe launched its programme 'Building a Europe for and with children' in 2006 to support member states in implementing existing legal instruments and developing new standards, and to address issues of violence. Children's participation is supported through the development of tools to promote their right to be heard, capacity building and training initiatives, research with children, children's involvement in policy development and the production of child-friendly resources, including an expanded website and an information campaign entitled, 'I have rights'. Campaign materials have been translated into 17 languages. In 2012, the Committee of Ministers of the Council of Europe adopted an important Recommendation on the participation of children and young people under the age of 18 which provides guidance to Member States on the realization of children's right to be heard, including in situations when their protection from violence is at stake.<sup>327</sup>

The coordination of efforts to address violence against children and adolescents across States in Latin America and the Caribbean has been supported by the Global Movement for Children in Latin America and the Caribbean (MMI-LAC) regional alliance. It has also benefitted from the active participation of national NGO networks for children and adolescents supported by the regional networks REDLAMYC<sup>328</sup> and REDNNYAS.<sup>329</sup> The MMI-LAC alliance of

governmental and civil society groups prioritizes a holistic approach to violence against children and adolescents, based on the recommendations of the UN Study.

The REDNNYAS regional network of children and adolescents from national networks in ten countries provides a space for groups of children and adolescents to share experiences and mobilize action at local, national and regional levels to promote and defend their rights. The network's priorities include action related to the UN Study. Children have developed their own declarations during sub-regional meetings on violence against children that were integrated into the sub-regional road map approved by the States. They have also contributed to congresses and national, regional and international events on violence against children, and have participated in the formal follow up mechanisms that are being instituted at the State level.

## Ensuring a gender perspective

### BOX 49

#### **UN STUDY RECOMMENDATION 10: Address the gender dimension of violence against children**

States should ensure that anti-violence policies and programmes are designed and implemented from a gender perspective, taking into account the different risks facing girls and boys in respect of violence; States should promote and protect the human rights of women and girls and address all forms of gender discrimination as part of a comprehensive violence-prevention strategy.

*“Sir teaches us. If we do something wrong, for instance, if we talk to a boy and Sir sees, he hits us.”*

– Rural girls, 10 to 14 years old, Bangladesh<sup>330</sup>

Addressing violence against children calls for responses that explicitly take into account gender-based differences. Gender influences the way in which violence is perpetrated and the way it is experienced. In the specific case of gender-based violence, harmful acts are carried out on the basis of socially-ascribed differences between males and females.<sup>331</sup>

The term ‘gender-based violence’ is used to highlight the vulnerabilities of women and girls to various forms of violence in settings where they experience discrimination because they are female or because – as the quote above illustrates – they do not meet the social expectations of how a girl should behave. Gender-based violence against women and girls includes, but is not limited to: son preference, differential access to food and services, sexual exploitation and abuse, child marriage, FGM/C, dowry and bride price abuse, acid attacks, honour killing, domestic or intimate partner violence, and deprivation of inheritance or property. This violence is used to maintain the subordinate status of women.

Global UN estimates suggest that as many as 30 per cent of the world’s women will experience violence from a male partner over their lifetime.<sup>332</sup> And a study on violence against girls in five Western and Central African countries found the experience of sexual violence to be prevalent among the 3,025 young women who participated in the survey. Forced sexual intercourse or rape had been experienced by 40 per cent of girls in Burkina Faso and Nigeria, 30 per cent in Cameroon, 27

per cent in DRC and 17 per cent in Senegal. At the same time, up to 80 per cent of girls in Nigeria and 74 per cent in Senegal chose not to report incidence of sexual violence to anyone.<sup>333</sup> The vulnerability of young women and girls to coerced sex means that this group accounts for a growing share of new HIV infections.

Violence against women and girls is also increasingly acknowledged as a development concern, since it keeps girls out of school and impoverishes women, their families, communities and nations. This is evident in the case of child marriage, which is perpetuated by a range of factors including poverty, family honour, the desire to protect girls, and collective stress during periods of social instability. Around the world, 22 per cent of girls aged 15 to 19 years are currently married or in union, with the largest regional share found in South Asia, at 30 per cent, followed by 28 per cent in West and Central Africa.<sup>334</sup> In developing countries more than one third of women marry during childhood: 35 per cent of those aged 20 to 24 were first married or in union by the age of 18, and 12 per cent before the age of 15. Again, South Asia has the highest prevalence, with 46 per cent of women aged 20 to 24 years first married or in union by the age of 18, and 18 per cent before the age of 15. In comparison, only 5 per cent of boys aged 15 to 19 are currently married or in union in South Asia.<sup>335</sup> Marriage is linked closely to childbirth, and in 2010, 12 per cent of newborns were born to women between the ages of 15 and 19, who are twice as likely to die during pregnancy or childbirth as those aged 20 to 24.<sup>336</sup>

Reinforcing civil registry systems and introducing legislation to protect children, and especially girls, from child marriage are important

measures to address this phenomenon, but they must be complemented by other initiatives. Evidence shows that the more education a girl receives, the less likely she is to marry as a child. Improving access to education for both girls and boys, including taking steps to make education free and compulsory, and eliminating gender gaps in education are, therefore, important strategies to end child marriage. Increasing the level of compulsory education is another strategy employed to prolong the period of time when a girl is unavailable for marriage.<sup>337</sup>

A broader interpretation of gender-based violence includes specific types of violence directed against men and boys, and violence to which men and boys are particularly vulnerable, including physical bullying, fighting, assaults and gun crime. In all age groups, for example, most homicide victims are men or boys: the smallest difference between genders occurs in children under the age of five, while the largest difference is found in those aged 15 to 29. Worldwide, there are some 250,000 homicides among youth aged between 10 and 29 each year – 41 per cent of all homicides. For every death, another 20 to 40 young people sustain injuries requiring hospital treatment.<sup>338</sup> Males also account for over 80 per cent of homicide offenders in most countries. In general, the higher the homicide rate, the higher the share of men among suspected offenders. Inversely, the lower the homicide rate, the higher the share of female suspect offenders, although women never constitute the majority of offenders.<sup>339</sup>

Data published by UNICEF on violent discipline indicate that boys and girls are equally likely to receive violent discipline between the ages of 24 and 59 months (75 per cent of

boys and 74 per cent of girls). The gender gap widens with age: 82 per cent of boys aged 5 to 9 receive violent discipline, compared to 76 per cent of girls, and 79 per cent of boys aged 10 to 14, compared to 67 per cent of girls in this age group.<sup>340</sup>

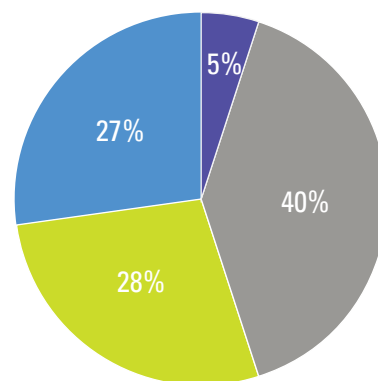
The exposure of boys to sexual abuse is receiving increasing attention. In the Government of Tanzania’s survey of violence against children, one in every seven boys reported at least one experience of sexual violence before the age of 18 (compared to nearly three out of every ten girls).<sup>341</sup> Two-thirds of boys told nobody about the abuse, compared to less than half of all girls, suggesting that perceived gender roles may influence the likelihood of sexual abuse being reported.

Despite the crucial importance of addressing violence from a gender perspective, as Figure 22 demonstrates, only a little over half (55 per cent) of governments responding to

**FIGURE 22**

**GOVERNMENT RESPONSES:  
Initiatives (laws, policies, advocacy) to  
address violence against girls**  
(percentage)

- Yes
- Partial
- No
- Not indicated



the Global Survey indicated that some form of initiative to address violence against girls was in place, be it legal provisions, policy or advocacy.

Many governments that responded to the Global Survey questionnaire indicated that their legislation is gender-neutral and that gender equality is established as a fundamental principle of the national Constitution or through specific legislation, such as Georgia's Gender Equality Law adopted in 2010. Several States have developed a policy response to promote gender equality and equity. Gambia's National Gender Policy 2010-2020, prepared by the Ministry of Women's Affairs, seeks to integrate with the country's emerging development goals such as poverty reduction; sector-wide planning; decentralized service delivery; public-private partnership and civil service reform.<sup>342</sup>

A number of States have also developed legislation and policy specifically to reduce gender inequality and address gender-based violence or specific aspects thereof. Examples include:

- Gender Equity Laws in Azerbaijan and Georgia, as well as Georgia's Gender Equality Action Plan (2011-2013);
- Cambodia's Action Plan for Gender Mainstreaming (2009-2013);
- Vanuatu's National Plan of Action for Women (2007-2011);
- Latvia's national Programme for the Implementation of Gender Equality (2007-2010) and its Programme for Eliminating Domestic Violence (2008-2011);

- Finland's national Action Plan to Reduce Violence Against Women, building on its 2008-2011 Action Plan for Gender Equality.

The UNDP Gender Inequality Index indicates that between 2005 and 2011, gender inequality fell in all but eight countries of the world. Of those where gender inequality increased – Austria, Bulgaria, Haiti, Iraq, Ireland, Mongolia, Panama and Poland – in two countries (Austria and Ireland) the increase was negligible. Those countries with the largest increase in gender inequality, Iraq and Haiti respectively, have endured serious hardships in recent years as a result of war, civil strife or natural disaster. Overall, therefore, the global trend is positive. Nevertheless, gender inequality remains a major concern and greater efforts are needed in this area.

In addition to reducing gender inequality, addressing gender-based violence means working with both boys and girls to shape attitudes on gender and overcome prejudice and preconceptions, as well as supporting victims to report incidents of violence. Current public attitudes toward gender-based violence, however, continue to hamper efforts in this area. Indeed, the Committee on the Rights of the Child has often expressed its concerns about disciplinary attitudes toward girls from the earliest stages of their life and throughout childhood.

The attitudes of women and men towards wife-beating indicate the degree of social acceptance of such practices: UNICEF global databases indicate that almost half of women aged 15 to 49 years in developing countries think that a husband is justified in hitting or beating his wife under certain circumstances. This view is held by 27 per cent of women in

the CEE/CIS region, rising to 59 per cent in Eastern and Southern Africa.<sup>343</sup> This reflects the few options women have, or perceive they have, to change or leave an abusive relationship and their assessment of how best to protect themselves and their children. Many adolescent boys also believe that a husband might be justified in hitting or beating his wife under certain circumstances, with acceptance of this form of violence among 15 to 19 year old boys ranging from 8 per cent in Ukraine to 83 per cent in Tuvalu.<sup>344</sup> In sub-Saharan Africa, adolescent girls are more likely to believe that a husband is justified in beating his wife under certain circumstances than adolescent boys: 57 per cent compared to 43 per cent.<sup>345</sup>

Social norms around gender are not, however, fixed. Men, as well as women, can and do question them. A growing number of NGOs and community-based groups have developed methods to engage men and boys and change social norms of masculinity to encompass non-violent, gender-equal relationships, including more equal sharing of domestic chores and childcare. Increasingly, studies indicate that engaging men in caregiving can have positive health outcomes for children, women and men themselves. Research also suggests that boys who experience a positive caregiving influence from men in the household are more likely to have gender-equitable attitudes, more likely to participate in care work, and less likely to use violence against a female partner in later life.<sup>346</sup>

A growing number of programmes with men and boys worldwide confirm that group education, counselling and health promotion activities by community-based NGOs, in health clinics, in the school setting and via the mass media can influence the attitudes

and behaviour of men and boys. Changes have been documented in a variety of areas including sexual and reproductive health and gender-based violence.<sup>347</sup>

A 2007 WHO review of programmes to promote men's involvement in a range of health issues within a framework of gender equality found nearly 60 evaluated programmes that demonstrated positive changes in men's attitudes and behaviour. Four main methodologies have been used: group education programmes; service-based programmes; community outreach, mobilization and mass media campaigns; and policies on paternity leave to encourage greater participation of fathers in childcare – a measure that underlines the value that society places on the care work of men.<sup>348</sup>

Box 50 outlines an initiative from the Philippines to encourage positive approaches to gender and gender-based violence by men and boys.

### *Data and research for promoting social change*

Global data collected by Child Helpline International indicate that, in 2010, girls were the victims in six out of ten reported physical abuse cases worldwide. Child Helpline International noted that this proportion rises as Human Development Index levels rise. In the Americas and Caribbean, Europe and the Middle East and North Africa, most cases of physical abuse reported to child helplines involved girls. In Africa and Asia Pacific, however, most reported physical abuse cases involved boys.<sup>349</sup> Further research is needed in such areas before any conclusions can be drawn from these findings, however, they do highlight the importance of reliable data on violence – disaggregated by age and sex – and underline how



the failure to capture gender dimensions can reduce the impact of initiatives to address violence against children – girls and boys alike.

With very few exceptions, countries that responded to the Global Survey questionnaire failed to indicate the existence of data of this kind, although there are some notable exceptions, including the 2011 survey of violence against children carried out by the Government of Tanzania, and the 2007 National Study on violence against children and young women in Swaziland.

Many more countries were, however, able to provide information on existing research on

violence against children that incorporates a gender perspective. In Cambodia, for example, recent work in this area is reported to include a socio-economic survey, a follow-up report on domestic violence, a situation analysis of women and children, a qualitative exploration of gender norms, masculinity and violence, and a study on the situation of sexually-exploited boys. Guinea-Bissau reports having carried out studies on child abuse and sexual exploitation of children, violence against women, and violence against children in Koranic schools, while Yemen reports having carried out studies on gender-based violence and the impact of armed conflict on women among others.

#### BOX 50

### **Raising awareness of gender issues and gender-based violence among men and boys in the Philippines<sup>350</sup>**

The Men's Responsibilities in Gender and Development initiative (MR GAD) project in Davao City in the Philippines is a pioneering community-based male participation project to generate discussion of domestic violence at the grassroots level. It aims to encourage men and boys to recognize the value of gender equity and reproductive health and uphold the related laws. MR GAD has succeeded in establishing gender-responsive budgeting, promoting early gender-sensitive socialization of boys, and introducing gender-sensitive reproductive health service delivery for both women and men.

Run by the Health Management and Research Group Foundation since 2002, this project works on three levels. First, it engages local government leaders, mostly men, to provide an enabling environment for gender and reproductive health-related activities and interventions within their area. Second, it provides technical training for community service providers, particularly those who provide the first point of contact with victims and perpetrators. Third, men in local communities in Davao City are trained in gender, reproductive health, interpersonal communication, counselling, cognitive restructuring and anger management to help them address the complexities of confronting male violence and changing behaviour.

Boys receive training on gender and reproductive health at youth camps and conventions that also train MR GAD peer counsellors in leadership and communication skills. The camps and conventions have fostered intercommunity networking to promote the social involvement of young people. In addition, young people have received crucial information on gender, reproductive health, risky lifestyles and sexually transmitted infections, and training sessions have helped them to guide their personal behaviour and influence others to change their perspective.

MR GAD is reported to have generated the critical mass necessary to transform communities and support the next generation to adopt gender-fair, non-violent practices.

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# PART 4



# Conclusions

## CHAPTER 6

### Key findings from the Global Survey on Violence against Children

*“It has been seven years since this has been instigated, how much have we accomplished since then? [...] Speaking on behalf of my fellow delegates, we do not want the mere comfort of hearing that we will be heard and some change will be made. What we want is to see actions. All forms of violence should be eradicated.”*

Declaration of the Young Persons of the Caribbean,  
Caribbean Sub-Regional Meeting, Jamaica, 2012

There has been insufficient progress in addressing violence against children since the UN Study was launched in 2006, and children’s own frustration at the lack of advancement is clear. While there have been some positive developments, the slow pace of progress on many of the challenges identified in the 2006 study is a serious indictment of our commitment to our youngest citizens.

If we are to set aside the empty “promises and negotiations” and commit to the “real action” demanded in the ‘Declaration of the Young Persons of the Caribbean’, then – quite simply – children’s protection from violence must be placed high on the political agenda in every country, and adequate resources – both human and financial – must be assigned to it.

- ◀ Shivasankari, 12, who is children’s representative, gestures as she speaks during the Panchayat Level Convergence Committee (PLCC) being held in the village of Koothapadi, in India.

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This renewed commitment calls for decisive leadership on the part of governments, including the introduction of structural changes in national child protection systems to prevent violence against children from occurring, rather than relying on reactive measures to address the effects of violence once it has taken place. And it calls for greater awareness of the risk factors associated with violence, the ways in which violence affects children at different stages in their development, and how supportive interventions in a child's early years makes sense in both human and economic terms. It also requires us to understand the cumulative exposure of children - especially the most vulnerable and marginalized - to violence in the community, care institutions, the school and the home.

Governments have a leading responsibility in driving this agenda forward, but truly effective initiatives – “real action” – calls for the engagement of all stakeholders, from State institutions to local authorities, civil society, religious leaders and the private sector. And, as the UN Study had highlighted and the Global Survey reaffirms, children and young people themselves are among our closest allies and greatest resources in this endeavour.

The present chapter recalls some of the key areas of concern that have been identified in this wide-ranging report, highlights encouraging developments, and identifies the strategic steps necessary to achieve lasting positive change in children's protection from all forms of violence.

## Areas of concern

The analysis presented in this report addresses many areas where sustained efforts are

crucial in order to accelerate progress in the implementation of the UN Study recommendations. Among these, ten particular challenges stand out.

### *1. Lack of investment in prevention*

The adage that prevention is better than cure may be old, but it remains true. Sadly, despite the clear benefits of violence prevention initiatives from both a human and an economic point of view, investment in prevention remains weak. Few governments assign ongoing funding for violence-related interventions, and most indicate that available human and financial resources are insufficient to support prevention efforts in this area. The prevention of violence against children is rarely a priority on the policy agenda or in discussion and debate in the public sphere. In particular, there is lack of investment in early childhood and good parenting programmes, in social support to families at risk, and in social inclusion initiatives to reduce the risk of children's exposure to incidents of violence and prevent its perpetuation over generations.

### *2. Fragmented or non-existent national strategies*

The UN Study found that strategies to address violence against children were fragmented, and this continues to be an area where much remains to be done. Results from the Global Survey suggest that, while most governments do have some sort of policy in place, less than 20 per cent have a comprehensive agenda to prevent and respond to all forms of violence against children. Several governments acknowledge that existing frameworks are incomplete or in some stage of development. They also acknowledge the lack of sectoral policies to address violence in



distinct settings and, where such policies are in place, they are not pursued in a well-articulated manner. The vast majority of countries lack monitoring mechanisms to assess progress, and evaluations of implementation efforts are rare. As a result, significant gaps persist in the effective protection of children.

### *3. Uncoordinated policy interventions*

Where mechanisms are in place to address violence against children, they are often poorly coordinated, with inadequate or non-existent communication across government departments and between central and local authorities. Only two thirds of government responses report the existence of a lead governmental institution to oversee national action on violence against children. In a number of cases, multiple coordination bodies have been established, but collaboration between them tends to be uneven.

### *4. Unconsolidated and poorly-enforced legislation*

Several countries are working toward a comprehensive legal ban on violence, with national parliaments holding debates to reinforce the national legal system and generate public awareness and social mobilization around this measure. However, significant challenges remain: around the world violence continues to be accepted as a child rearing practice within the home, as a legitimate form of discipline in schools and care institutions, and as a form of judicial sentencing. Furthermore, the gap between law and practice is wide, and enforcement of legislation remains weak, especially where it prohibits practices that are deeply rooted in society.

Almost all States provide for penalties for perpetrators of violence against children. Legal

measures to prevent violence, however, have not received the same attention. While 75 per cent of government responses touched on this topic, only 2 per cent reported the existence of a comprehensive legal framework to prevent incidents of violence.

Access to effective remedies for acts of violence, including compensation, is an inherent dimension of children's legal protection from violence. Only 13 per cent of governments, however, reported having legislation in place to cover all aspects of redress, while just over half have legislation that partially address it.

### *5. Inadequate attention to the gender perspective*

There is an urgent need for greater sensitivity toward the gender dimensions of violence, including recognition that addressing gender-based violence means working with boys and men as well as girls and women. Up to 40 per cent of government responses to the Global Survey provided no information on laws, policies and advocacy on the gender dimension of violence and legal protection afforded to girls. Less than half indicated the enactment of a legal ban on harmful practices, which may include FGM/C, child and forced marriage, honour killings and other practices. Less than 30 per cent of governments indicated 18 as the minimum age for marriage, and it is still not uncommon to find different age thresholds for boys and girls.

### *6. Insufficient focus on the situation of particularly vulnerable children*

In all areas, vulnerable groups of children remain hidden, overlooked or ignored. These include girls, children with disabilities, children growing up in poverty, children living and/or working on the street, indigenous

children and children belonging to minorities. In many cases, social exclusion is associated with the stigmatization of children at risk, including those with disabilities or albinism, or those accused of witchcraft. Vulnerable children largely lack the protection to which they are entitled, and data and research often fail to capture the magnitude of the violence they experience and its impact on the enjoyment of their rights.

### *7. Inadequate recognition of children's cumulative exposure to violence*

Preventive and protective measures generally fail to take into account children's cumulative exposure to violence, that is, the increased likelihood that a child, once exposed to one form of violence, will fall victim to other manifestations of neglect, abuse or exploitation. Likewise, policies tend to overlook the incidence of violence across a child's lifecycle. Every phase of a child's development brings with it both new challenges and new opportunities to prevent and address violence. Early childhood is a particularly important stage in this respect. A greater focus on positive parenting, home visitation programmes and social support to families would bring dividends for children, communities and society as a whole.

### *8. Low levels of investment in child-sensitive mechanisms*

Governments are failing to make adequate investments in child-sensitive counselling, reporting and complaint mechanisms. Although some responses to the Global Survey mention the availability of helplines and specialised police services, in most cases existing mechanisms lack the human and financial resources to address children's exposure to violence effectively.

Counselling is crucial to prevent violence and support child victims. It is particularly effective when it is provided to both the child and her or his family. As children often stress, "don't forget to help the grown-ups if you want to help the child". Ideally, counselling should be offered by qualified professionals, but these are scarce in many parts of the world, particularly professionals trained to offer specialized services for children.

The absence of child-friendly reporting and complaints mechanisms contributes to the impunity of those who perpetrate violence against children. Moreover, professionals working with children may be hesitant to address, report or refer cases of violence to the appropriate institutions, and these institutions may, in turn, be reluctant to act. In this regard, only 25 per cent of governments report having clear and comprehensive provisions on mandatory reporting, while 43 per cent limit mandatory reporting to specific categories of professionals working with children. This situation is exacerbated by the fact that few States have issued concrete guidance for professionals on how to report incidents of violence. Children themselves are often afraid to speak up, fearing harassment or reprisals or believing that they will be ignored. In most cases, however, children are simply unaware of the existence of the mechanisms that may be available to support them, and lack information about where to go and whom to call for advice, assistance and redress.

### *9. Insufficient recovery and reintegration services*

More than half of government replies to the Global Survey confirmed the existence of some form of recovery and reintegration services for child victims, but these services

tend to focus on physical and sexual violence, and far fewer services are available to address other forms of violence. Little information is available on the quality and impact of these services, and governments themselves acknowledged that, where recovery and reintegration services exist, they are limited in their capacity and geographic reach. In many cases, governments rely on over-stretched, underfunded civil-society organizations to provide such services, while many child victims of violence simply do not benefit from recovery and reintegration services of any kind.

### *10. Scarce data and research*

The Global Survey confirms that information on violence against children remains scarce and fragmented, with limited data available on its extent and impact, and on the risk factors and underlying attitudes and social norms that perpetuate such violence. While some governments mention statistical information gathered by certain departments, few regularly collect, compile and disseminate data on children's exposure to violence.

There is a serious lack of comprehensive and disaggregated data systems to inform interventions on violence against children. Population-based surveys are most common, but were, nonetheless, indicated by only 40 per cent of governments. Where information on violence against children exists, it is usually obtained from broad categories, such as domestic violence, or from studies that focus on specific aspects of violence, such as gang crime. There is very limited disaggregation of data on the basis of vital categories, such as gender, age, social origin or disability.

The coordination of data sources represents another significant challenge. Findings indicate that within a single country there may be a range of institutions gathering and handling dispersed information based on different definitions and indicators. Where a central institution is in place, information is often collected from limited sources, or fails to address all types of violence against children or all settings in which it occurs. Moreover, there is little or no coordination between national statistical bodies and the institutions responsible for policies, programmes and allocation of resources to protect children from violence. In short, it is difficult to obtain a holistic view of the incidence and impact of violence on children and to address neglected or emerging issues. This, in turn, seriously hampers prevention efforts and the promotion of lasting changes in attitudes and behaviour that condone and perpetuate violence.

### **Encouraging developments**

Some progress has, of course, been made since the UN Study was presented in 2006. Those States that have taken meaningful steps to prevent violence, protect children and fight impunity must be applauded. Recent years have been marked by a growing commitment to the prevention and elimination of violence at the international, regional and national levels. Our understanding of how and why children are exposed to violence has deepened, and strategic actions are underway in a number of countries to translate this knowledge into effective protection. Significant normative, policy and institutional developments have advanced national implementation of child protection measures, and there has been a revitalization of networks to support advocacy and social mobilization,

together with the development of new partnerships. These measures have made a significant contribution to the institutionalization of the follow-up to the recommendations of the UN Study on the policy agenda (see Box 51).

Analysis of the responses to the Global Survey also suggests that violence against children is gaining visibility on national agendas, even if this is not happening as rapidly as we would wish.

All of these developments represent steps in the right direction. But the pace of progress is simply too slow. The recommendations of children and young people emerging from the 2009-2013 Regional Consultations confirm that not enough has changed. Children are calling for improved legislation, greater awareness of the violence to which they are exposed, improved services, monitoring and reporting mechanisms and allocation of tangible resources to end violence against children. They have expressed their concern that where governments have taken action, the impact is rarely felt by children in provincial towns and villages and in remote communities.

## **Building a world where violence has no place**

Violence is often associated with poor rule of law, weak enforcement, high levels of organized crime and homicide rates, and a culture of impunity. For children, violence goes hand-in-hand with deprivation and high risks of poor health, poor school performance and long-term welfare dependency. Beyond its impact on child victims and their families, violence is associated with far-reaching costs for society, diverting billions of dollars from

social spending, slowing economic development and eroding nations' human and social capital.

The situation calls for an urgent response, but we are still a long way from translating the vision set out in the CRC and the UN Study on Violence against Children into reality and bringing about real and lasting change for each and every child. As the findings of the Global Survey confirm, it is vital to build on the progress already made and to widen ownership of this process of social change. In particular, it is essential to harness the momentum that has gathered around the implementation of the Study recommendations and to ensure that this is maintained in the face of competing priorities.

Looking to the future, the findings of the Global Survey point to eight imperatives.

### *1. All States are urged to develop and implement a national, child-centred, integrated, multidisciplinary and time-bound strategy to prevent and address violence against children.*

Governments must take steps to mainstream the protection of children from violence throughout all relevant departments of central and local authorities and include it as a core component of the national policy agenda. This calls for an effective high-level coordinating mechanism with the authority to promote and oversee implementation of this agenda. It is equally important to clarify the role and responsibilities of departments and institutions dealing with violence against children in order to promote synergies and avoid overlap. Governments must also ensure that

## Positive developments identified in the Global Survey

Responses to the Global Survey indicate that progress in addressing violence against children has been made in a number of important areas. These include the following:

- the growing impact of sustained advocacy and mobilization efforts, illustrated by steady progress in the ratification and implementation of the Optional Protocol on the sale of children, child prostitution and child pornography, and follow-up to the World Congresses Against the Sexual Exploitation of Children and Adolescents;
- an increase in the number of countries with a policy agenda on violence against children, from 47 at the time of the UN Study in 2006 to more than 80 today;
- a growing number of States with national legislation on violence against children consisting of overall legal prohibitions or separate legislation to address distinct manifestations of violence. When the UN Study was finalized, only 16 countries had laws setting out a comprehensive ban on violence against children: today, 35 countries have a comprehensive legal prohibition;
- significant progress in the legal protection of children from sexual exploitation, with over 90 per cent of respondents indicating a legal prohibition on sexual violence against children, including prostitution, a ban on the procurement or supply of children for pornography, and a prohibition on the possession and dissemination, online or offline, of images of child abuse;
- increasing momentum around legislation banning the use of violence as a form of punishment or sentencing. More than 60 per cent of government responses indicated legal prohibitions in place on inhuman sentencing for children, including life imprisonment and capital punishment;
- a growing awareness of the potential of the internet and mobile communication devices to raise awareness and report on violence, and the efforts of certain States to empower children and increase knowledge of the risks and opportunities associated with the online environment;
- the increasing influence of regional institutions and organizations in promoting advocacy and shaping national policies and legislation, and their growing role as bridges between international commitments and national realities;
- growing support for children's participation, including children's involvement in research initiatives on violence against children;
- signs that children's developmental stages – and early childhood in particular – are beginning to be taken into account when addressing violence against children;
- a more sophisticated understanding of how social, cultural, political, economic and environmental factors influence levels of violence against children and how, in turn, this violence is experienced by children; and
- growing visibility of violence against children on the policy agenda and in public debate, and a gradual recognition of the human and social cost of this phenomenon, together with the high social return that investment in prevention can bring.

relevant professionals have adequate training on child-sensitive violence prevention and response mechanisms. The active involvement of all stakeholders, including academia, civil society and child-led organizations is essential for successful implementation, monitoring and evaluation. Finally, initiatives will only succeed if backed by adequate funding, including at the local level.

*2. An explicit legal ban on all forms of violence against children must be enacted as a matter of urgency, backed by effective enforcement.*

The prohibition of all forms of violence against children will capture all manifestations of violence, including those in emerging areas where specific legislation may not yet have been introduced, such as abuse associated with the use of the internet or other information and communication technologies. Only a comprehensive prohibition supported by detailed legal provisions addressing different settings and forms of violence can close loopholes in legislation and prevent situations where children are put at risk. Determined efforts are needed to ensure that legal measures are supported by well-resourced child protection services, well-trained professionals and a wide participatory process of public awareness and social mobilization. The importance of the law as a tool to ensure accountability and fight impunity cannot be underestimated, and governments must invest in law enforcement, family- and child-sensitive judicial institutions, and strong, supportive child protection systems and services. In short, we need laws that are more than mere window-dressing, adopted in response to international pressure or as an empty political gesture, unaccompanied by an

effective implementation plan and adequate resources.

*3. Policy initiatives and legal measures must be accompanied by increased efforts to overcome the social acceptance of violence against children.*

Deep-rooted and lasting change calls for efforts to address attitudes and behaviour condoning violence. Working with all relevant stakeholders, including public officials, communities and families, and religious and local leaders to raise awareness about children's right to protection from violence and to build upon positive social norms can widen social support and enhance protection for all children, including the most vulnerable.

*4. There must be an on-going commitment to develop and strengthen children's participation.*

Child participation is an essential dimension of a robust child protection system. Children are not passive recipients of care and protection, or accidental beneficiaries of policy decisions. They are key actors in the development of child sensitive national strategies to prevent violence and ensure children's protection, recovery and reintegration.

Child participation opens new avenues for the promotion of awareness raising initiatives and peer education toward the elimination of violence. It has a unique potential to enrich the design of policies and laws, and to support effective monitoring of progress and evaluation of impact.

Children and young people are uniquely placed to expose the hidden face of violence and emerging harmful practices. Joining hands with children, nations can gain a



deeper understanding of attitudes and practices condoning violence, as well as the risk factors aggravating its occurrence. Children are also especially well placed to support preventive efforts, assess the effectiveness of policies and actions, and inform the development of child sensitive counselling, complaint and reporting mechanisms to prevent and address incidents of violence.

The participation of socially excluded children in these efforts is particularly important. These are the children who are often ignored by policy making and data collection, and yet are at high risk of abuse and exploitation.

To capitalize on young people's agency and potential, and to prevent their stigmatization and manipulation, it is imperative to empower them with life skills and quality education and to support their active contribution to a violence-free society. With strong political commitment, child participation can be meaningful rather than superficial; relevant rather than symbolic; genuine rather than tokenistic.

#### *5. Preventive and response efforts must invest in the social inclusion of girls and boys who are particularly vulnerable.*

It is essential to enhance the capacity of families to protect and care for their children, and so prevent child abandonment and placement in residential care. All initiatives must support families and be gender-sensitive, informed by children's perspectives and experience, and tailored to children's stages of development. To prevent violence against children in their early years, investment in positive parenting, home visitation and early childhood care and development programmes is essential.

#### *6. Governments must recognise the crucial importance of building strong data systems and sound evidence to prevent and address violence against children.*

Monitoring tools and indicators must be developed to capture the incidence of violence against girls and boys of every age and in every context. There is a pressing need for research on neglected areas, including children's exposure to the cumulative impact of different manifestations of violence across their life cycle. Supported by adequate resources, this will in turn contribute to a better understanding of the hidden face of violence and its root causes, and enhance the impact of efforts to prevent violence in the first place.

#### *7. A stronger focus is needed on the factors that influence levels of violence and the resilience of children, their families and communities.*

Poverty and inequality, weak rule of law, organized crime, political instability, mass population movements, environmental degradation and natural disasters all aggravate the risk of child neglect, maltreatment and abuse. Such phenomena evolve rapidly, with new and often unforeseen implications for young people. To end violence against children, governments and all other relevant stakeholders must track these developments as they emerge and protect children from their detrimental impact.

#### *8. The protection of children from violence should be at the heart of the international development agenda beyond 2015.*

As the international community considers the future global development agenda, violence against children, including the most

vulnerable and marginalized girls and boys, must be made a priority and recognized as a cross-cutting concern. The human dignity of children and their right to protection from violence must be at the heart of this global effort, just as they must be at the heart of national strategies.

### **Moving ahead with children at the heart of our efforts**

The Global Survey confirms that the recommendations made in the UN Study on Violence against Children remain as relevant today as they were in 2006. As this report illustrates, the recommendations set forth in the UN Study are challenges to which countries can – and do – rise. And they also represent an opportunity to reaffirm every State’s

commitment to and accountability for children’s rights and their freedom from violence.

Preventing and ending violence against children requires a global effort on an unprecedented scale – an effort that includes political leaders as well as ordinary citizens, and children as well as adults. The cost of inaction – for every child, and for nations’ social progress – is simply too great to be tolerated.

The Special Representative of the Secretary General on Violence against Children stands ready to join hands with all partners in this endeavour. By advancing the mandate’s agenda, investment in prevention will have a real chance of succeeding, and every girl and boy will have the opportunity of enjoying a childhood free from violence.



The Special Representative of the Secretary-General on Violence against Children is an independent global advocate in favour of the prevention and elimination of all forms of violence against children, mobilizing action and political support to achieve progress the world over. The mandate of the SRSR is anchored in the Convention on the Rights of the Child and other international human rights instruments and framed by the UN Study on Violence against Children.



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