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Violence against children: a global report

Violência contra crianças: informe mundial

Paulo Sérgio Pinheiro ¹

Abstract *In 2003 I was appointed by the UN Secretary-General as his Independent Expert to conduct a study with the support of the Office of the High Commissioner for Human Rights (OHCHR), UNICEF and WHO. The study will provide an in-depth global picture of violence against children and propose clear recommendations for the improvement of legislation, policy and programmes relating to the prevention of and responses to violence against children. The study will document the magnitude, incidence and consequences of various types of violence against children.*

Key words *Human Rights and health, Violence against children, Violence and health*

Resumo *Em 2003 fui indicado pelo Secretário Geral da ONU como um especialista independente para conduzir um estudo de apoio ao gabinete do Alto Comissariado para os Direitos Humanos, OHCHR, UNICEF and WHO. O estudo apresenta um profundo e amplo panorama da violência contra as crianças e propõe recomendações muito contundentes para melhorar a legislação, a política e os programas relacionados à prevenção e às respostas ao problema. O estudo documenta a magnitude, a incidência e as consequências dos vários tipos de violência contra as crianças.*

Palavras-chave *Direitos humanos e saúde, Violência contra as crianças, Violência e saúde*

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Scope of the study

The study will be guided by international human rights treaties, in particular the Convention on the Rights of the Child and the jurisprudence of its Committee, and other human rights treaty bodies. The focus of the study will be on children as victims of violence, although some attention will be paid to children as perpetrators of violence against other children. The role of men and boys as advocates against violence and as agents for change will also be considered.

The concept of violence reflected in the Convention on the Rights of the Child, especially in articles 19, 34 and 37, other human rights treaties and human rights instruments, such as the 1993 Declaration on the Elimination of Violence against Women, will also inform the study. In accordance with article 19 of the Convention and the work of the Committee on the Rights of the Child, violence, for the purposes of the study, will include all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The study will also be underpinned by the general definition of child abuse agreed by the experts participating in the WHO Consultation on Child Abuse Prevention in 1999. That definition reads *child abuse or maltreatment constitutes all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.*

The study will seek to provide an understanding of the nature, extent, causes and consequences of different forms of violence against children, taking into account the various settings in which violence takes place. It will pay special attention to violence against children in the family, adopting a broad and comprehensive approach. Consideration will also be given to other settings, both public and private, where violence against children occurs: schools, including military schools; religious institutions; care and residential institutions; detention facilities and prisons; in sports; on the streets; and in work situations. Violence in the context of the administration of justice will be addressed, with emphasis on corporal and capital punishment as well as maltreatment and torture. The causes and consequences of violence

against children will be addressed, and the systems, structures and social realities that lie behind violence and its linkages to poverty and globalization will be explored. The costs of violence against children to society, including perpetuation of the cycle of violence, will also be considered.

The preparation of the study

In February 2005 I have reported to the sixty-first session of the General Assembly of the United Nations on the preparation of the Secretary-General's study on violence against children. Since the submission of the progress report on the study to the sixty-first session of the Commission on Human Rights, the independent expert has continued to gather information to provide an in-depth global picture of violence against children, documenting its nature, incidence, causes and consequences by considering the various settings in which such violence takes place, prioritizing the collection of information on best practices in prevention and response, including those developed with contributions from children.

A number of processes have been initiated by the independent expert as part of a multifaceted strategy to mobilize global support for the study and for its objective of eliminating violence against children, as well as to collect information, which will be presented in the final report of the study, a comprehensive publication containing the study's findings and a child-friendly version of the study. The processes have included the submission of a questionnaire to Governments and a call for public submissions. The independent expert has encouraged the organization of regional, subregional and national consultations, as well as expert thematic meetings on particular issues and themes relating to violence against children, and undertaken a number of country field visits. He also requested an analysis of the concluding observations of the Committee on the Rights of the Child and of the reports of the special procedures mandate holders of the Commission on Human Rights, in order to determine whether any trends have been discerned by these mechanisms in respect of violence against children. The independent expert continued to chair the expert editorial board, and has encouraged the creation of research and other networks. Throughout his work, the independent expert

has emphasized the importance of child participation and urged that children be involved in all processes related to the study.

Questionnaire to Governments

In March 2004, the independent expert circulated a questionnaire to Governments on the issue of violence against children, encouraging them to provide examples of good practices and innovative approaches and outline obstacles encountered in addressing all forms of violence against children. In a number of countries the preparation of responses to the questionnaire provided the first opportunity for Governments to gain a clear picture of the problem of violence against children, and of the legislation, policies and programmes that have been developed in this area. In many cases, preparation of responses generated national debate about the question of violence against children and inspired action to address the problem. Several States have developed mechanisms to coordinate preparation of responses, which have included the organization of regular intersectoral meetings involving different governmental authorities, including at federal, state, provincial and municipal levels, as well as NGOs, national human rights institutions and other parts of civil society, including children.

As at 16 August 2005, the independent expert had received 117 responses: 28 from the African Group of States, 26 from the Asian Group, 19 from the Eastern European Group, 24 from the Latin American Group, 20 from the Western European and other States Group, and one from the Occupied Palestinian Territory. All responses are posted on the website of the Office of the High Commissioner for Human Rights at <http://www.ohchr.org/english/bodies/crc/study.htm>.

Regional consultations

The independent expert participated in nine regional consultations on the study, which were convened from March to July 2005: Regional Consultation for the Caribbean, held in Trinidad and Tobago from 10 to 11 March 2005; Regional Consultation for South Asia, held in Pakistan from 17 to 20 May 2005; Regional Consultation for West and Central Africa, held in Mali from 23 to 25 May 2005; Regional Consulta-

tion for Latin America, held in Argentina from 30 May to 1 June 2005; Regional Consultation for North America, held in Canada from 2 to 3 June 2005; Regional Consultation for East Asia and the Pacific, held in Thailand from 14 to 16 June 2005; Regional Consultation for the Middle East and North Africa, held in Egypt from 27 to 29 June 2005; Regional Consultation for Europe and Central Asia, held in Slovenia from 5 to 7 July 2005; and Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. The independent expert wishes to acknowledge the significant contribution that UNICEF offices in different parts of the world have made in facilitating the regional consultations and in supporting country-level preparatory and follow-up processes. He wishes to emphasize that the consultations generated key information for the study and also focused increased attention on the problem of violence against children, providing an opportunity to mobilize political will to address it. The consultations also raised the awareness of civil society and other stakeholders, strengthened partnerships and networks concerned with the problem of violence against children, and promoted dialogue among Governments and other participants.

Each of the regional consultations brought together an average of 350 participants, including Government representatives and parliamentarians, representatives of United Nations entities, regional and other intergovernmental organizations, NGOs, national human rights institutions and other parts of civil society, the media, religious organizations, as well as children, and provided a forum at which information on violence against children and steps to prevent and respond to this problem could be gathered. Preparations for each consultation were led by regional steering committees and coordinating groups comprised of Government representatives, United Nations and other international entities, NGOs and other parts of civil society, facilitated by UNICEF, with the support of OHCHR, WHO, and other partners. In consultation with the independent expert, the Child Rights Information Network (CRIN) provided daily summaries of the regional consultations (www.crin.org and www.violences-tudy.org). CRIN also developed interactive pages on its web site for children and young people.

Each regional consultation resulted in an outcome document that described the planning process, highlights of the event, best prac-

tices for preventing and responding to violence, and key recommendations for future action. Participants at several consultations agreed on a consultation declaration, which, while addressing its particular context, emphasized the importance of prevention of violence against children and the need for follow-up mechanisms to the consultations and the study.

At the South Asia regional consultation, the South Asia Forum for Ending Violence Against Children was established to facilitate regular meetings of Governments in the region to follow up on the recommendations related to the study, calling on the support of the South Asia Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South Asia and the South Asia Association for Regional Cooperation (SAARC). At the regional consultation, each Government presented key concerns, such as violence against the girl child, child labour, street children, trafficking, violence in schools and the influence of conflict, and a range of responses were presented. For example, the Government of India reported the establishment of a National Commission for Children, with a focus on child protection, and Pakistan has established national child protection centres for child protection.

The concluding statement of the East Asia and Pacific consultation highlighted the increased vulnerability of children caught in cross-border migration and the importance of building the capacity of key professionals working with children, such as social workers, teachers, legal and medical staff, as well as community groups, including faith-based organizations. The recommendations from the East Asia and Pacific meeting will be taken to the Eighth East Asia and Pacific Ministerial Consultation early in 2007.

At the Middle East and North Africa consultation, an open discussion on the issue of violence against children took place among the children, Government officials, civil society members and other experts participating in the consultation. A declaration was adopted by the delegates which emphasized the need to strengthen institutions, families and communities to prevent violence against children. The declaration called upon participants to commit themselves to including "violence against children" as a permanent item on the agenda of the Arab League, the African Union and the Organization of the Islamic Conference Summits. On the closing day, another child helpline in

the region was launched by the First Lady of Egypt. The helpline was supported by an awareness campaign on violence against children and the toll-free line received 15,000 calls from children in the first 12 days of operation.

Final conclusions relating to nine priority areas concerning violence against children were adopted at the regional consultation for Europe and Central Asia. Discussions during the consultation focused on violence against children in different kinds of residential institutions, in which more than a million children in the region are placed; corporal punishment in the home, which has been explicitly prohibited in the law by only 16 countries of the region; violence in schools, where different forms of humiliating treatment and bullying occur despite legal prohibition; and concerns on abuse and exploitation of children in the community, including lack of safeguards in free-time activities, for example in sport and youth clubs. Follow-up to the consultation at regional level will include negotiations relating to an intergovernmental commitment on violence against children and the strengthening of critical partnerships. For example, the Council of Europe, which co-organized the consultation, is implementing a new programme on violence against children. Participation of children will also be further strengthened through the activities of NGO networks, especially Save the Children, and will seek to include and involve children in policy dialogue more systematically. The consultation was immediately followed by a regional review of commitments made by the countries of Europe and Central Asia at the Second World Congress Against the Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in 2001, thereby emphasizing the linkages of the study with accelerated action against sexual exploitation and trafficking in children.

In the closing session in Johannesburg, South Africa, the convening of an all-Africa consultation was proposed under the auspices of the African Union, which would result in an "Africa Union statement" on violence against children. This statement would unify the outcome of the Eastern and Southern Africa consultative process with the other two regional consultations held in Africa. In the broader forum of the consultation, many other issues were discussed, such as discrimination, HIV/AIDS and traditional practices (such as early marriage, female genital mutilation/cutting), the

challenges of post-conflict, and the importance of harmonizing customary law with civil law. The particular ways that girls are especially targeted and victimized, including the links with domestic violence, were discussed. This theme will be pursued at the forthcoming Second International Policy Conference on the African Child, organized by the African Child Policy Forum in collaboration with the African Union, UNICEF and Plan International, in May 2006. In addition, there was a proposal that the theme for the Day of the African Child in 2006 be "Violence against children".

The Caribbean consultation was facilitated by the Caribbean Community and Common Market (CARICOM). A number of countries in the region have initiated follow-up actions. For example, in Jamaica, the Violence Prevention Alliance, an umbrella organization uniting groups and agencies working on violence prevention, spearheaded by the Ministry of Health, has been established.

The Inter-American Commission on Human Rights co-organized the Latin American consultation, which produced a declaration that was signed by high-level participants. The declaration highlighted the need for action to curb gang violence and the need for sustainable community-based solutions to address violence against children, which respected their rights and allowed them to realize those rights. In advance of this consultation, a virtual forum to solicit opinions from the general public on violence against children was launched by the Economic Commission for Latin America and the Caribbean. The almost 300 responses received were provided to the independent expert and consultation participants.

The participation of children was an important element in each of the regional consultations, with a number including specific events involving children. Children and adolescents participated in preparatory meetings prior to each of the regional consultations, thereby providing them with an opportunity to explore with peers the issues relating to violence and design the nature of their participation in the consultations. Child participation was facilitated by the Save the Children Alliance with support from partners, and children were selected according to a set of specially developed criteria, supported by specific protocols, taking into account their age and maturity.

More than 260 children had direct input to the consultations and the study, with 29 chil-

dren attending the Caribbean Consultation; 25 in South Asia; 25 in West and Central Africa; 22 in North America; 30 in Latin America; 26 in East Asia and the Pacific; 27 in the Middle East and North Africa; 24 in Europe and Central Asia; and 55 in Eastern and Southern Africa. Children participating in the consultations represented networks of children from countries in the region. Children and adolescents adopted their own declaration or outcome document at every regional consultation, identifying as priorities: 1) consultation with children in the formulation of laws and social policy, with universal emphasis on the need to ban corporal punishment; 2) implementation and enforcement of strict laws against violence; 3) augmented allocation of resources for children; 4) strengthened support for children's initiatives; 5) building of awareness among adults and children about children's rights, the impact of violence against children and alternative forms of discipline; and 6) the need to establish ombuds entities for children where such institutions do not exist. The recommendations and presentations by the children and adolescents contributed directly to the working group's discussions at the consultations and are reflected in the final recommendations of the consultations.

Consultations with children prior to the regional consultations were held in 17 countries throughout Latin America, representing more than 2,200 children, in six countries of Eastern and Southern Africa, and in Canada and the United States of America. A series of focus groups with children and young people in North America also highlighted common concerns across regions, calling for a complete ban on corporal punishment, and identified the challenge of discrimination based on sex, race and other grounds, calling for access to quality education and better services to lift children and adolescents out of situations of vulnerability.

The media participated in each regional consultation and also played a role as advocates in promoting the issues. In all regions, the role of the media in breaking the silence surrounding violence against children and influencing social norms and community attitudes was emphasized. The independent expert was grateful for the media attention that he and the study received, and he was glad to be able to address so many press forums. *At the consultation for West and Central Africa journalists proposed the establishment of a network of media profession-*

als, acknowledging the need to make reporting on violence against children more responsible, including being more protective of children, and the potential role of the media in supporting measures to address violence against children. During a presentation by the Department of Child Protection of the Economic Community of West African States (ECOWAS), journalists were sensitized to issues relating to reporting on violence against children and guidelines for journalists were produced. *Delegates reiterated the central role of the media in the recommendations emerging from the consultation, which, inter alia, called for the culture of silence surrounding violence against children to be broken and developing awareness of the issue by involving the whole community, religious and traditional leaders, the media, parents and children.*

Violence against children in the media, including access to pornography and offensive material, particularly on the Internet and in the burgeoning mobile phone industry, was also addressed. In many cases it was clear that children and adolescents were far more advanced than adults in their knowledge of the issues and also in ways to respond. At the consultation for East Asia and the Pacific, an expert thematic meeting was hosted by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) to discuss the influence of media on violence against children and to feed into the proceedings of the consultation. At the consultation for the Middle East and North Africa, private sector partners were invited to facilitate discussions with the consultation delegates on the scope of the problem and also on what could be done.

Analysis of the concluding observations of the Committee on the Rights of the Child

The independent expert continued to maintain close contact with the Committee on the Rights of the Child, the 18-member treaty body monitoring the Convention on the Rights of the Child, which had initiated preparation of the study through a recommendation to the General Assembly. Past and present Committee members participated in the regional consultations and other meetings relating to the study, and in light of the fact that the Committee has considered the issue of violence against children in its review of the reports of the States

parties to the Convention, the independent expert conducted an analysis of the Committee's concluding observations in this regard.

This analysis indicated that key concerns raised by the Committee include the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat violence against children. Children are not provided with adequate mechanisms to file complaints, and in many cases there are obstacles to prosecution for child abuse and neglect. Rehabilitation measures for child victims of ill-treatment and abuse are lacking, as are comprehensive information and data on the different manifestations of violence against children, thereby leading to limited awareness of the ill-treatment and abuse of children. The Committee has expressed concern that corporal punishment is still widely accepted and practised within the family, and that a limited number of countries have prohibited corporal punishment in the home and family, while in some countries legislative provisions provide for such punishment. Violence against women in the family remains widespread and continues to have a negative impact on children, with the Committee expressing concern that domestic violence against women may be linked to child abuse in the family.

The Committee has drawn attention to outdated laws concerning sexual abuse and it has also noted confusing information on the prevalence of abuse and neglect of children, noting that the low number of reported cases may be indicative of an ineffective reporting system, or the result of traditional attitudes, which preclude reporting. The Committee has noted that domestic laws concerning sexual abuse are often outdated and there is sometimes no legislation clearly prohibiting child sexual abuse and sexual exploitation. Legislation that clearly defines consent in sexual matters may also be lacking, and there are insufficient procedures available to prosecute perpetrators so that very few cases of physical and sexual abuse are effectively pursued by the police or brought to court. The social stigmatization of the victims of sexual violence, as well as the lack of social and psychological recovery programmes, and the limited possibilities for victims to be reintegrated into society, have also attracted the Committee's concern.

The Committee has noted that corporal punishment is still widely practised in schools, is frequently not explicitly prohibited by do-

mestic legislation, and is sometimes provided for in legislation which it considers to be in contravention of article 19 of the Convention. The Committee has stated that there is usually a connection between the social and legal acceptability of corporal punishment and high levels of child abuse, and that tolerance of corporal punishment in schools makes it difficult to educate parents about alternative forms of discipline. The Committee has also expressed concern at the use of corporal punishment in public institutions and in alternative care contexts, including in orphanages and rehabilitation centres, and the placement of children in need of alternative care, in particular boys, in institutions for juvenile offenders, as well as the incidence of sexual and other abuse in children's homes. In this context, the Committee has expressed particular concern about domestic legislation that entitles parents to seek institutional care for children perceived to be beyond parental control, and the vulnerability of such children to violence.

The Committee has noted the occurrence of violence against children in the administration of juvenile justice, emphasizing that children are victims of cruel, inhuman or degrading treatment or punishment, committed notably at the hands of the police at police stations, places of detention and prisons. The minimum age of criminal responsibility is often too low. In many countries persons who have committed crimes under the age of 18 can be sentenced to death or life imprisonment or subjected to corporal punishment or punishments, including amputation, flogging or stoning. The period for investigation and pre-trial detention can be prolonged, and persons below the age of 18 may not always be separated from adults. The detention conditions of children in police stations or detention centres are poor, amounting to cruel, inhuman or degrading treatment. Methods used by law enforcement officials may in some cases jeopardize the lives of children. In general, there is a lack of statistical data on the administration of juvenile justice, a limited number and use of specialized juvenile courts and judges, poor quality of supervision, monitoring and training of staff, and absence of effective, child-friendly and independent complaints mechanisms for young detainees. Recovery and social reintegration measures are frequently absent.

The Committee has expressed concern at the growing involvement of children in the sex

industry, including prostitution and pornography, the subject of the Optional Protocol on the sale of children, child prostitution and child pornography to the Convention on the Rights of the Child, which entered into force in 2000, and the large-scale trafficking of children, in particular girls, for the purpose of sexual and other forms of exploitation. The Committee has expressed concern that sexually exploited children are criminalized in some countries, and there is a lack of specific legislation prohibiting trafficking in human beings, including for the purpose of prostitution.

The increasing number of street children, most of them living in extremely difficult conditions, and the vulnerability of these children to violence, torture, sexual abuse, exploitation, murder and abduction have also attracted the Committee's concern. It has noted the lack of a systematic and comprehensive strategy to address the situation and protect these children. Similarly, the Committee has identified the economic exploitation of children as a factor which may increase their vulnerability to violence. It has noted that despite the wide ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and that some countries have adopted stricter laws on child labour, a high percentage of working children are involved in activities that represent a danger to their health and development, with some working in dangerous and/or abusive conditions. The Committee has expressed its concern about the absence of legal safeguards to protect children employed in the informal sector, including in families and small enterprises, rendering them vulnerable to abuse, including sexual abuse.

The persistence of harmful traditional practices, including female genital mutilation, forced and/or early marriages, dowry-related violence, female infanticide and enslavement and food taboos, has been highlighted by the Committee, which is concerned at the lack of interventions to address these issues. It has drawn attention to the impact of differential minimum legal ages for marriage for boys and girls, which it considers discriminatory, facilitating the practice of early marriage. It has also highlighted the problem of honour killings, which affect children directly, as well as indirectly where their mothers and other female relatives are targeted, and has noted that the police are often reluctant to arrest the perpetrators, or, where

they are arrested and charged, they receive lenient or token punishment.

The Committee has pointed to underlying conditions which exacerbate children's vulnerability to violence. These include poverty, inadequate standards, procedures and policies to guarantee and protect the rights of internally displaced, refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services, and the physical and psychological hardship resulting from armed conflicts which affect children. The Committee has also noted the heightened vulnerability of children with HIV/AIDS and children orphaned as a result of the pandemic to violence. It has also drawn attention to the particular risks that children with disabilities, in particular in institutions or residential care, face in respect of violence and the heightened vulnerability of children belonging to minorities and racial groups to discrimination and violence. In this context the Committee notes that legal provisions prohibiting incitement to racial discrimination and racially motivated violence may be lacking and police and prosecutors may fail to investigate acts of racially motivated violence promptly and effectively, and may be reluctant to identify a racial motive having instigated such violence. It has also noted that in some countries there are few indictments and convictions in relation to the number of incidents reported, and that perpetrators sometimes receive light sentences.

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Conclusion

Through the regional, subregional and national consultations, expert meetings, field visits and analysis of the work of human rights mechanisms, in particular the Committee on the Rights of the Child, the independent expert has identified a number of key areas, in particular relating to effective prevention and response to violence against children, that will be the focus of his work in the coming year. These include the continued legality and prevalence of corporal punishment against children in the home, schools, alternative care, institutions and the juvenile justice system; the vulnerability of children in conflict with the law, as well as street children, to violence; and the pervasiveness of harmful traditional practices. He has also become very aware of the underlying conditions, such as community attitudes to violence, discrimination, poverty, the unequal status of women and girls, lack of access to quality education and denial of human rights generally, which exacerbate children's vulnerability to violence. Lack of systematic and quality data and the importance of capacity-building for those working with children have also become clear.

In completing his final report to the Secretary-General, as well as the other related outputs, the independent expert will build on the information emerging from the consultations, field visits, expert meetings and other events. He will give significant weight to the outcome of the analysis of responses to the questionnaire sent to Governments and other submissions, and will focus on the development of comprehensive, multifaceted, interdisciplinary responses to violence against children and strategies to eliminate it.

vancement of Women and the Department of Economic and Social Affairs of the Secretariat; national, regional and international nongovernmental organizations, in particular that provided by the subgroup on children and violence established within the NGO Group for the Convention on the Rights of the Child and the NGO Advisory Panel for the study. Save the Children has continued to support the participation of children in the study.

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